

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1592nd MEETING SESSION

Thursday, April 25, 2024

The Public Meeting of the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH S. IMAMURA, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

ELLA ACKERMAN, Zoning Specialist
MICHAEL SAKINEJAD, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire
DENNIS LIU, Esquire

This transcript serves as the minutes from the Public Meeting held on April 25, 2024.

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P R O C E E D I N G S

(4:00 p.m.)

1
2
3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public
5 meeting by video conferencing. My name is Anthony Hood.
6 Joining me this evening are Vice Chair Miller, Commissioner
7 Stidham and Commissioner Imamura. We are also joined by
8 Office of Zoning Staff, Ms. Ella Ackerman. And also Mr.
9 Mike Sakinejad will be handling all of our virtual
10 operations as well.

11 I will ask all others to introduce themselves at
12 the appropriate time.

13 Copies of today's meeting agenda are available on
14 the Office of Zoning's website.

15 Please be advised that this proceeding is being
16 recorded by a court reporter, and is also webcast live,
17 Webex and YouTube Live. The video will be available on the
18 Office of Zoning's website after the meeting.

19 Accordingly, all of those listening by Webex or by
20 phone will be muted during the meeting, unless the
21 Commission suggests otherwise.

22 When hearing action items, the only documents
23 before us this evening are the application, the ANC setdown
24 report, and the Office of Planning report. All other
25 documents in the record will be reviewed at the time of the

1 hearing. Again, we do not take any public testimony at our
2 meetings, unless the Commission requests someone to speak.

3 If you experience difficulty accessing Webex or
4 with your telephone call-in, then please call our OZ hotline
5 number at 202-727-0789 for Webex login or call-in
6 instructions.

7 Also, I omitted we are joined by our Office of
8 Zoning legal staff, Mr. Jacob Ritting and Mr. Dennis Liu.
9 So forgive me for omitting that. I was trying to remember
10 names.

11 Okay, does the Staff have any preliminary matters?

12 MS. ACKERMAN: I just wanted to remind you guys
13 that Zoning Case 11-03M was moved to our next public
14 meeting, for May 9. Just as a reminder.

15 CHAIRPERSON HOOD: Oh, it was? Okay, thank you.

16 MS. ACKERMAN: Yeah. And then I'm ready for 23-19
17 whenever you guys are.

18 CHAIRPERSON HOOD: Glad that was moved, because I
19 was ready to start with that one. Okay. Give me one
20 second.

21 Case No. 23-19

22 CHAIRPERSON HOOD: Okay, Final Action, Zoning
23 Commission Case Number 23-19, Elm Gardens Owner, LLC, and
24 The NHP Foundation, Consolidated PUD and Related Map
25 Amendment at Square 3351.

1 Ms. Ackerman.

2 MS. ACKERMAN: Yes. Since the hearing, we have
3 post-hearing submissions from the applicant at Exhibits 115
4 and 116, and a post-hearing submission from the Eastmont
5 Cooperative Party. This case is ready for the Commission to
6 take final action.

7 Thank you.

8 CHAIRPERSON HOOD: Okay, thank you, Ms. Ackerman.
9 And, Commissioners, as you know, the Commission -- I think
10 we did a thorough job addressing the contested issues and
11 proposed action, even throughout the hearing. I guess that
12 unless somebody wants to reiterate that, they can go ahead
13 and do that. But I think we have -- I know I have -- I feel
14 like we have exhausted everything, and I think we've come to
15 a place, probably the best place we could. And I think that
16 has been mentioned in our proposed action.

17 Does anybody have any additional comments on this?

18 (No response.)

19 CHAIRPERSON HOOD: Not seeing or hearing -- I'm
20 not going to call on anybody right now. I'm not seeing or
21 hearing any.

22 COMMISSIONER IMAMURA: No, Mr. Chairman. I would
23 agree with your assessment. I would just add that, you
24 know, this has been around for a while. And the previous
25 application was only for a map amendment, and that it was

1 for the RA-3 zone. But the applicant responded to the
2 opposition and reduced the height by two floors and brought
3 it down to the RA-2 zone, which is more consistent with
4 moderate density residential -- the FLUM there.

5 So I think, you know, this is squarely consistent
6 with the FLUM. I think this is a fair outcome. And, as you
7 said, I think we've addressed these issues exhaustively
8 during the hearing. So while it might not be the outcome
9 that everybody wished for, I think it's a fair outcome.

10 That's all I have to share, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay, thank you. Any
12 additional comments?

13 VICE CHAIR MILLER: I think that Commissioner
14 Imamura's reiteration of our previous comments at the
15 proposed action, I think it was a pretty thorough analysis
16 and we were pleased that the change had been made in
17 response to community concerns and our own concerns about
18 the previous RA-3 zone. And this is an all-affordable
19 project, 80 units. The existing tenants will have a right
20 to -- they have relocation assistance, a right to return,
21 and the ANC 4B in which it's located supports the
22 application. And I think it's ready for final action.

23 And hopefully, all of these affordable neighbors
24 will be able to get along as they move forward, living
25 together as they have been in the past, into the future.

1 So I agree, it is consistent -- not inconsistent
2 with the Comprehensive Plan and ready for our final action
3 tonight.

4 Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you. Any additional
6 comments?

7 (No response.)

8 CHAIRPERSON HOOD: So with that, I would move that
9 we approve for final action Zoning Commission Case Number
10 23-19 as captioned and noted and ask for a second.

11 VICE CHAIR MILLER: Second.

12 CHAIRPERSON HOOD: It has been moved and properly
13 seconded. Any further discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman,
16 could you do a roll call vote, please.

17 MS. ACKERMAN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. ACKERMAN: Commissioner Miller?

20 VICE CHAIR MILLER: Yes.

21 MS. ACKERMAN: Commissioner Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. ACKERMAN: And is Commissioner Stidham here?

24 COMMISSIONER STIDHAM: Yes.

25 MS. ACKERMAN: I don't see you. For some reason,

1 it's not showing up, just a little video on top.

2 COMMISSIONER STIDHAM: Is it not showing up at
3 all?

4 MS. ACKERMAN: No, no, it was just the way it was
5 laid out.

6 COMMISSIONER STIDHAM: Okay.

7 MS. ACKERMAN: Case Number 23-19 has been approved
8 for final action, four to zero to one, the minus one being
9 the third mayoral appointee being vacant.

10 CHAIRPERSON HOOD: Okay, thank you.

11 Commissioner Stidham, don't move, because I can
12 see you. So don't move.

13 (Laughter.)

14 CHAIRPERSON HOOD: Okay, let's go to the next
15 case.

16 Case No. 23-11

17 CHAIRPERSON HOOD: Zoning Commission Case Number
18 23-11, 7709 Georgia Avenue, Northwest, LLC, Map Amendment at
19 Square 2961.

20 I am going to go to Commissioner Stidham first,
21 and then, Ms. Ackerman, I'll come to you.

22 COMMISSIONER STIDHAM: Thank you, Chair Hood. I
23 was not present for the hearing, and I did not vote on the
24 proposed action because I had not reviewed the record. And
25 that would be the same for voting on a final action. So I

1 will not be participating in the final action vote.

2 CHAIRPERSON HOOD: Oh, okay. All right.

3 Ms. Ackerman, if you could tee this up for us,
4 please.

5 MS. ACKERMAN: Since the hearing, we have post-
6 hearing submissions from the applicant at Exhibits 50 and
7 54, and a post-hearing submission from ANC 4A at Exhibit 51.
8 The Office of Planning submitted a report at Exhibit 57 and
9 DDOT submitted a report at Exhibit 60.

10 This case is ready for the Commission to take
11 final action. Thank you.

12 CHAIRPERSON HOOD: Thank you, Ms. Ackerman.

13 Again, colleagues, I will just reiterate this map
14 amendment would not be inconsistent with the certain comp
15 plan policies, but the Commission, we found that those
16 inconsistencies to be outweighed by many comp plan policies
17 that would advance by the increased density of the MU-10 --
18 that the MU-10 zone would allow. We also made sure that IZ
19 Plus would apply to this map amendment. And one of the
20 things I know we asked for was DDOT's corrected report. And
21 I want to thank Commissioner -- I forget her last name right
22 off, but it will come to me in a minute -- but the
23 commissioner from 4A for bringing that -- I believe bringing
24 that to our attention.

25 So with that, let me open it up for any other

1 questions or comments.

2 Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
4 agree with your assessment. You know, there's a couple
5 points I'd like to make.

6 One is about the 200-foot notice rule. And we've
7 discussed this on the dais during the hearing. And that
8 that rule, in our view, only applies to properties that are
9 in D.C. And I know that was a source of dissatisfaction
10 with ANC 4-A, in terms of the notice of the public hearing.
11 However, the hearing was well attended.

12 And I would also like to add that, you know, we
13 did acknowledge the comparison between MU-8 and MU-10, and
14 both zones are consistent with the property's medium density
15 commercial FLUM designation. So I certainly -- and I think
16 maybe Vice Chair Miller might have also shared this question
17 with the applicant, if they sort of did a cross-comparison
18 there.

19 And I think the conclusion here is that the
20 increased density on Georgia Avenue will also allow for more
21 neighborhood-serving retail opportunities. So that is also
22 important to note.

23 You know, I think there was also a comment in the
24 record, or perhaps at the hearing, about the data that OP
25 used. And they did correct that. So that's also in the

1 record there. They based that correction off of DMPED's
2 2025 dashboard.

3 And then one other thing I would like to add, Mr.
4 Chairman. It's about misinformation. It is real easy to
5 come before the Commission and espouse people's, perhaps,
6 opinion. But here, somebody had mentioned that this is a
7 legal spot zone, and it is not spot zoned. So I want to
8 make very certain that we did discuss that and want to make
9 certain, make the record clear, that this is not spot zoned.
10 And I think it is well within the comp plan consistency and
11 certainly, again, as I've said before, MU-8 and MU-10 are
12 well within the property's designation here. So I'm
13 prepared to vote in support and yield back, Mr. Chairman.

14 CHAIRPERSON HOOD: Thank you.

15 Vice Chair Miller?

16 VICE CHAIR MILLER: Yeah, I'm not sure what's
17 happened to my video. Can you hear me?

18 CHAIRPERSON HOOD: Yeah, we can hear you.

19 VICE CHAIR MILLER: You can't see me, though,
20 right?

21 CHAIRPERSON HOOD: No, I can't see you.

22 VICE CHAIR MILLER: I can't see me, either. So
23 we're in the same boat. I can't figure that out right now.

24 So at least you can hear me. I'm here,
25 participating.

1 Yeah, I agree with everything that you, Mr.
2 Chairman, and Commissioner Imamura have said on this case
3 this evening and reaffirming our comments at proposed
4 action. Particularly, that the proposed MU-10 zone is not
5 inconsistent with the future land use map, medium density
6 designation, which was a change made in the most recent land
7 use map considerations by the Council a couple years ago.

8 We had looked at and considered whether MU-8 might
9 be more appropriate, and it was -- the information we got
10 indicated that both were not inconsistent with the comp
11 plan.

12 As Commissioner Imamura reiterated, this will
13 facilitate even more housing, especially affordable housing,
14 consistent with policies in the comp plan. It will
15 facilitate more neighborhood retail-serving uses. It will
16 facilitate -- it will require, actually, a plaza, open space
17 at the MU-10 zone, and will require open space at the ground
18 level. So there are a lot of benefits to the proposed map
19 amendment. And it had the support of the ANC in which it's
20 located, 4-B, although the opposition was from the ANC
21 across the street, I believe. Somebody can correct me if
22 that's wrong. But I think this is a case where that was the
23 case.

24 So I am prepared to move forward with final action
25 this evening, Mr. Chairman.

1 CHAIRPERSON HOOD: Okay, thank you. And I do want
2 to mention -- thank you both.

3 I do want to mention that the commissioner's name
4 in 4-A, I want to make sure I give the commissioners credit,
5 was Commissioner Paula Edwards. I just couldn't think of
6 her name at the time.

7 Okay, so with that, unless somebody else has
8 additional comments, would someone like to make a motion?

9 COMMISSIONER IMAMURA: I'll make the motion, Mr.
10 Chairman.

11 CHAIRPERSON HOOD: Thank you.

12 COMMISSIONER IMAMURA: Sure. Sorry, let me find
13 -- back to my notes here -- thank you for your patience.

14 I move that the Zoning Commission take final
15 action on Zoning Case Number -- sorry, where am I -- thought
16 I had it. I started too soon. Give me one minute.

17 CHAIRPERSON HOOD: 23-11.

18 COMMISSIONER IMAMURA: Thank you, sir. All right,
19 let me try that over again, because I just found it in my
20 notes. Sorry.

21 I move that the Zoning Commission take final
22 action on Zoning Commission Case 23-11, 7709 Georgia Avenue,
23 Northwest, LLC, map amendment at Square 2961. Ask for a
24 second.

25 CHAIRPERSON HOOD: I'll second it. It's been

1 moved and properly seconded.

2 Any further discussion?

3 (No response.)

4 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman,
5 could you do a roll call vote, please?

6 MS. ACKERMAN: Commissioner Imamura?

7 COMMISSIONER IMAMURA: Yes.

8 MS. ACKERMAN: Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. ACKERMAN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. ACKERMAN: Zoning Case 23-11 has been approved
13 for final action, three to zero to two, the minus two being
14 the third mayoral appointee being vacant, and Commissioner
15 Stidham not voting.

16 CHAIRPERSON HOOD: All right, thank you.

17 Vice Chair Miller, is Archie around? Maybe he can
18 assist you with your camera. Just a suggestion.

19 VICE CHAIR MILLER: Unfortunately, he's gone to an
20 art class. He was here. But I had the video on when he was
21 here.

22 So, anyway --

23 CHAIRPERSON HOOD: All right, I'm just messing
24 with you.

25 All right, let's go to time extensions.

1 Case No. 21-20B

2 CHAIRPERSON HOOD: Zoning Commission Case Number
3 21-20B, Steuart Investment Company, Two-Year Design Review
4 Time Extension at Square 662.

5 Ms. Ackerman.

6 MS. ACKERMAN: One moment. The applicant -- this
7 is 21-20B, right? Yeah, okay.

8 The applicant is requesting a two-year time
9 extension for Zoning Case 21-20, Square 662, Lot 16, due to
10 unanticipated delays in the review process.

11 The order approved the development of a 13-story
12 mixed-use building with approximately 434 residential units
13 and for ground floor retail use. The project was approved
14 by Zoning Order 21-20, which remains valid until April 8,
15 2024, which has passed. The ORP report is at Exhibit 4,
16 which they do recommend approval. ANC-60 submitted a report
17 at Exhibit 5, and they are in support of the application as
18 well.

19 This is ready for the Commission to make a
20 determination.

21 CHAIRPERSON HOOD: Thank you. Again, I think the
22 applicant's justification as noted has already been served
23 on all parties. There have been no substantial changes.
24 And additional time in working with the District's
25 Department of Transportation with some infrastructure

1 improvements, as well. And I think this is also their
2 first, or maybe the second time asking for an extension, and
3 I so designated to April 8, 2026, to file for their building
4 permit application.

5 Any further comments? Commissioner Imamura?

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
7 am in agreement with you and just want to underscore that
8 this is a significant project for the Buzzard Point
9 neighborhood. So, you know, there is going to be tremendous
10 value on the outcome of this once completed. So I think I
11 am prepared to vote in support and yield back.

12 CHAIRPERSON HOOD: Okay. And Commissioner
13 Stidham, any comments, questions?

14 COMMISSIONER STIDHAM: No, nothing really to add.
15 But I am prepared to also support the extension.

16 CHAIRPERSON HOOD: Okay, thank you. And Vice
17 Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
19 agree with each of your comments and believe there is good
20 cause for the time extension and am prepared to support it
21 tonight.

22 CHAIRPERSON HOOD: Commissioner Stidham, could you
23 make a motion on this one, please?

24 COMMISSIONER STIDHAM: Yes, absolutely. So I move
25 for a time extension for Zoning Case Number 21-20B, Steuart

1 Investment Company, two-year design review time extension at
2 Suare 662.

3 CHAIRPERSON HOOD: Can I get a second?

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: Okay, it has been moved and
6 properly seconded.

7 Any further discussion?

8 (No response.)

9 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman,
10 could you do a roll call vote, please?

11 MS. ACKERMAN: Commissioner Stidham?

12 COMMISSIONER STIDHAM: Yes.

13 MS. ACKERMAN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. ACKERMAN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. ACKERMAN: Commissioner Miller?

18 VICE CHAIR MILLER: Yes.

19 MS. ACKERMAN: Case Number 21-20B has been
20 approved for final action four to zero to one, the minus one
21 being the third mayoral appointee vacant.

22 CHAIRPERSON HOOD: Okay, let's move right along.

23 Case No. 05-28AG

24 CHAIRPERSON HOOD: Our next case is Zoning
25 Commission Case Number 05-28AG, Parkside Residential, LLC,

1 one-year PUD time extension at Square 5056.

2 Ms. Ackerman.

3 MS. ACKERMAN: The applicant is requesting a one-
4 year PUD time extension for 05-28Q, Parcel 9-B, in order to
5 begin construction of a mixed-use multifamily residential
6 building, until -- they would like this extension until
7 March 23, 2025.

8 Since the hearing, the following exhibits have
9 been submitted. The OP report is at Exhibit 6, and a
10 corrected OP report at Exhibit 6A. OP does recommend
11 approval.

12 This is ready for the Commission to make a
13 determination.

14 CHAIRPERSON HOOD: Okay, thank you.

15 Vice Chair Miller, at the top, where your camera
16 is, is there a little thing that you can move back and
17 forth?

18 VICE CHAIR MILLER: Yes.

19 CHAIRPERSON HOOD: Take your hand and move it one
20 way or the other way and then turn your camera on.

21 VICE CHAIR MILLER: What was your instruction?

22 CHAIRPERSON HOOD: At the top of your -- because I
23 see you going dark and light. So I think you have one of
24 those buttons that goes in front of the camera on your
25 laptop. If you move it to the side, that's to cover anybody

1 from seeing you. So you're doing a good job of that. But
2 if you move it to the side, then I think we'll be able to
3 see you.

4 VICE CHAIR MILLER: I don't think I'm going to be
5 able to do that, Mr. Chairman, right now. I'll keep trying,
6 though. You never know.

7 CHAIRPERSON HOOD: Let me leave that alone. I
8 don't want you to go off and then don't come back on.

9 VICE CHAIR MILLER: I know. That would be the
10 easiest, but that would be delay, and I don't want to delay
11 anything.

12 CHAIRPERSON HOOD: No, no, no, that's okay.

13 Again, thank you, Ms. Ackerman.

14 Again, as noted in the previous case, it's been
15 served on all the parties. None of the material facts --
16 and the -- the applicant has substantial steps under way, as
17 noted, and the construction is near completion, with those
18 buildings delivering this year, such as the site -- and as
19 Commissioner Imamura mentioned in the other case, this is
20 also a big project. And that is some of the justification.
21 And they have only asked for one year -- I think it's one
22 year -- yeah, one year, to March -- is it one year or two
23 years? March 23, 2026, to begin --

24 MS. ACKERMAN: It's a one year.

25 CHAIRPERSON HOOD: It's a one-year request. Okay.

1 Does anybody have additional questions or comments?

2 Mr. Ritting, do you have anything?

3 MR. RITTING: No, I just was going to point out
4 that that '26 reference is a typo. I apologize.

5 CHAIRPERSON HOOD: Okay, all right. All right, no
6 problem. So it must be '25, then. I know it's a one year.

7 MS. ACKERMAN: Yes, March 23, 2025.

8 CHAIRPERSON HOOD: Okay, great.

9 Okay, any questions? Any further questions or
10 comments, Commissioner Imamura?

11 COMMISSIONER IMAMURA: Sure. Thank you, Mr.
12 Chairman.

13 I just want to comment I think this is really
14 responsible of the applicant to apply for this time
15 extension out of an abundance of caution. And so it just
16 demonstrates that they're on top of this, that it hasn't
17 expired yet. But again, as you stated, this is a
18 substantial project in the neighborhood and very important
19 to the city. And so I appreciate the applicant's diligence
20 here. This is really a staging and phasing issue that I'm
21 certain that they'll overcome.

22 But again, I appreciate their forthrightness in
23 coming forward before this becomes an issue. And I'm
24 prepared to vote in support.

25 CHAIRPERSON HOOD: Good, thank you.

1 Commissioner Stidham, any comments?

2 COMMISSIONER STIDHAM: Nothing to add. And I am
3 also prepared to support it.

4 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

5 VICE CHAIR MILLER: Thank you, Mr. Chairman.

6 I again concur with each of your comments and am
7 prepared to support the time extension.

8 CHAIRPERSON HOOD: Okay. Vice Chair Miller, could
9 you make the motion?

10 VICE CHAIR MILLER: Sure, as long as my audio is
11 working.

12 I would move that the Zong Commission take action
13 on Zoning Commission Case Number 05-28AG, Parkside
14 Residential, LLC, one-year PUD time extension at Square
15 5056, and ask for a second.

16 COMMISSIONER IMAMURA: Second.

17 CHAIRPERSON HOOD: It has been moved and properly
18 seconded. Any further discussion?

19 (No response.)

20 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman,
21 could you do a roll call vote, please.

22 MS. ACKERMAN: Commissioner Miller?

23 VICE CHAIR MILLER: Yes.

24 MS. ACKERMAN: Commissioner Imamura?

25 COMMISSIONER IMAMURA: Yes.

1 MS. ACKERMAN: Commissioner Hood?

2 CHAIRPERSON HOOD: Yes.

3 MS. ACKERMAN: And Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MS. ACKERMAN: Case Number 05-28AG has been
6 approved for final action, four to zero to one, the minus
7 one being a certain mayoral appointee being vacant.

8 CHAIRPERSON HOOD: Okay. Let's go to hearing
9 action.

10 Case No. 24-03

11 CHAIRPERSON HOOD: Zoning Commission Case Number
12 24-03, Good Hope Road, LLC, map amendment at Square 5765.

13 And I want Ms. Brown-Roberts to let me know why
14 this is not the Marion Barry Road, LLC, map amendment at
15 Square 5765. So if you can let me know that as well.

16 So with that, Ms. Brown-Roberts. Thank you.

17 MS. BROWN-ROBERTS: Good evening, Mr. Chairman,
18 and members of the Commission. I am Maxine Brown-Roberts
19 from the Office of Planning on Zoning Commission Case 24-03.

20 Mr. Chairman, this is not an application from the
21 Office of Planning, so that I would have to ask -- get that
22 information from the applicant.

23 CHAIRPERSON HOOD: Okay, they have it here. They
24 have it here. Okay. Maybe it was when -- the street
25 renaming. Okay. I'm fine with it.

1 MS. BROWN-ROBERTS: It was, yes.

2 CHAIRPERSON HOOD: I was getting ready to have a
3 problem. Okay, we're good. Thank you, Ms. Brown-Roberts.

4 MS. BROWN-ROBERTS: Okay, yes. Thank you.

5 Can I have the next slide, please?

6 (Slide.)

7 MS. BROWN-ROBERTS: So the Good Hope Road, LLC,
8 filed a petition to rezone the property at 1603 Marion Barry
9 Avenue, which is formerly Good Hope Road, from the MU-4 zone
10 to the MU-7 zone. The map amendment is intended to
11 implement the changes recommended by the Comprehensive Plan.

12 Next slide.

13 (Slide.)

14 MS. BROWN-ROBERTS: The property is currently
15 underdeveloped, with a vacant building that formerly housed
16 a laundromat, and a parking lot. The property is also
17 within the Anacostia Historic District.

18 Next slide.

19 (Slide.)

20 MS. BROWN-ROBERTS: The Future Land Use Map
21 designated the property for moderate density commercial, and
22 the Generalized Police Map designates the property as being
23 along a main street mixed-use corridor. The proposed MU-7
24 zone is not inconsistent with these designations.

25 As we have outlined in the Zoning Commission -- as

1 outlined to the Zoning Commission before, there's a conflict
2 between the zoning and the comp plan description in that
3 zoning regulation describes the MU-7 zone as medium density
4 and the comp plan describes MU-5 and MU-7 zones as being
5 within the moderate density commercial category.

6 The FAR, height and lot occupancy of the MU-7
7 zones are representative of the moderate density commercial
8 designation and is appropriate for this site. The
9 properties to the east, west, and north along Marion Barry
10 Avenue are also recommended for moderate density commercial,
11 while the properties to the south are recommended for
12 moderate density residential. The surrounding properties
13 are also in the Anacostia Historic District.

14 Any development of the site will be subject to
15 HPRB review for height, density, and compatibility with the
16 adjacent uses, and the developments would be tailored to be
17 compatible and respectful of the lower density dwellings.
18 Therefore, the MU-7A on the property would be compatible
19 with the development pattern and vision for this portion of
20 Marion Barry Avenue and would not be inconsistent with the
21 FLUM.

22 Marion Barry Avenue is also a pedestrian-oriented
23 roadway, with a mix of one- and two-story buildings with
24 ground floor retail, service, and office uses.
25 Redevelopment of the property would respond to the emerging

1 mixed-use character of development along Marion Barry Avenue
2 and the MU-7 zone would allow a development that would be
3 similar in scale and density along the corridor. Rezoning
4 the property would therefore not be inconsistent with the
5 main street mixed-use corridor and the intent of the policy
6 map.

7 The proposed map amendment will also implement
8 many of the Comprehensive Plan policies and the Far
9 Southeast-Southwest Planning Area policies for mixed-use
10 along the corridor and the historic district.

11 Next slide.

12 (Slide.)

13 MS. BROWN-ROBERTS: When evaluated through a
14 racial equity lens, the proposed map amendment is not
15 inconsistent with the Comprehensive Plan NC-8A, and the
16 larger Far Southeast-Southwest Planning Area already have a
17 significant amount of the city's affordable housing. And
18 the planning area exceeds its 2025 goal of affordable units
19 by 218 percent.

20 Therefore, in this case, the office of planning is
21 recommending that the map amendment not be subject to IC
22 Plus, due to the large amount of existing affordable housing
23 already in existence. The focus could therefore be on
24 providing for moderate income and larger family units, as
25 well as retail and service uses to serve residents and the

1 wider community.

2 The applicant has outlined that they have had
3 outreach to the community and the ANC on several occasions
4 and will continue to do so if the proposal is set down. The
5 Office of Planning therefore recommends that the proposed
6 map amendment be set down for public hearing and that it
7 would not be appropriate for IC Plus.

8 Thank you, Mr. Chairman. And I'm available for
9 questions.

10 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts
11 for your report.

12 I don't have any questions. I am sure there are
13 some that will be asked, but I don't necessarily have any
14 questions in this case. I will be voting to support this
15 and set it down and go from there.

16 So let me hear from others. Commissioner Imamura?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

18 Likewise, I'm interested -- I am prepared to vote
19 in support and interested to hear more at setdown. Ms.
20 Brown-Roberts, do we know of any opposition to this map
21 amendment at all?

22 MS. BROWN-ROBERTS: I haven't heard of any. I did
23 check the record and I did speak to some -- an ANC
24 commissioner, but that was in relation to the HPRB process,
25 not in relation to the map amendment process.

1 COMMISSIONER IMAMURA: Okay. I would be
2 interested at setdown for the applicant to demonstrate -- I
3 know they're recommending going from MU-4 to MU-7A along
4 this main street corridor. I would be interested to hear
5 from the applicant on what other zones they might have
6 considered and might have compared. And that seems to be
7 pretty consistent with things that I've asked for both in
8 previous cases and I think maybe hope that Vice Chair Miller
9 supports me on that as well, as he has in the past.

10 And I guess, lastly, Ms. Brown-Roberts, do we know
11 how this map amendment -- or I would like to find out at
12 setdown or at our hearing how this map amendment might
13 change or advance the demographics from the disaggregated
14 race data. So that's something that I'd be interested in
15 hearing more about.

16 MS. BROWN-ROBERTS: Okay.

17 COMMISSIONER IMAMURA: All right, thank you, Mr.
18 Chairman.

19 CHAIRPERSON HOOD: Thank you. Commissioner
20 Stidham, any comments or questions on this?

21 COMMISSIONER STIDHAM: No, sir. But I am prepared
22 to set this down as well.

23 CHAIRPERSON HOOD: Okay, thank you. And Vice
24 Chair Miller?

25 VICE CHAIR MILLER: Thank you, Mr. Chairman. And

1 yes, Commissioner Imamura, I concur with your preliminary
2 assessment of this application and your questions that
3 you've asked of Office of Planning, and am prepared to set
4 this down for a public hearing. Thank you.

5 CHAIRPERSON HOOD: Okay, would somebody like to
6 make a motion on this, please, set down?

7 COMMISSIONER IMAMURA: Motion -- oh, I'll defer to
8 Commissioner Stidham. It looked like she was ready --

9 COMMISSIONER STIDHAM: I thought you beat me to
10 it.

11 I would like to make a motion to set down Zoning
12 Case Number -- oh, I had scrolled down. Let me scroll back.

13 Okay, trying this again. I make a motion to set
14 down for hearing action Zoning Case Number 24-03, Good Hope
15 Road, LLC, map amendment at Square 5765.

16 CHAIRPERSON HOOD: I'll second it.

17 It has been moved and properly seconded. Any
18 further discussion?

19 (No response.)

20 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman,
21 could you do a roll call vote?

22 MS. ACKERMAN: Commissioner Stidham?

23 COMMISSIONER STIDHAM: Yes.

24 MS. ACKERMAN: Commissioner Hood. Commissioner
25 Hood?

1 CHAIRPERSON HOOD: Yeah, I'm sorry. It takes me a
2 minute sometimes to find my mute button.

3 MS. ACKERMAN: It's okay. Commissioner Miller?

4 VICE CHAIR MILLER: Yes.

5 MS. ACKERMAN: Commissioner Imamura?

6 COMMISSIONER IMAMURA: Yes.

7 MS. ACKERMAN: Case Number 24-03 has been
8 approved, four to zero to one, to set down as a contested
9 case, the minus one being the third mayoral appointee being
10 vacant.

11 CHAIRPERSON HOOD: Thank you. Commissioner
12 Stidham, the reason I laughed, because that's the case I was
13 on, too, looking at, and I probably would have went right
14 along with you.

15 But I do want to talk about that once we call this
16 case. We almost set that down, and I'm not there yet.

17 Case No. 22-05

18 CHAIRPERSON HOOD: On the Correspondence, we have
19 Zoning Commission Case Number 22-05, Office of the Attorney
20 General, Memo from OAG Request to Schedule Case for Hearing
21 Immediately.

22 Who do I turn that to? Ms. Ackerman.

23 MS. ACKERMAN: At Exhibit 7, we received a request
24 from the Office of the Attorney General that the Commission
25 move forward with this case considering -- sorry, move

1 forward with considering setdown for the case, instead of
2 waiting for the Office of Planning to file a setdown report.

3 This is ready for the Commission to rule on the
4 request.

5 CHAIRPERSON HOOD: I will tell you, I am very
6 interested in some of the stuff, but I don't want the Office
7 of Planning to give me a report; I want the Office of
8 Attorney General to give me a report. Because in 22-05, and
9 let me just tell them this, because I know some of them
10 might be new in their positions and some may even be new to
11 the city. Twenty years of gentrification -- my father, who
12 has been deceased for 30 years, talked about gentrification.
13 So let's make sure we start making things accurate and
14 correct.

15 Twenty years of gentrification, things -- people
16 have been moving out of the city and coming back and going
17 back and forth. This is not a new action.

18 But what is something that I want to touch on, and
19 then I'll hear from my other colleagues, is this perception
20 about we're taking public -- and this may not necessarily be
21 the case, because they allude to 22-25 -- this perception
22 about we're taking out public input, I want to deal with
23 that. This perception about tenants getting notice, I want
24 to deal with that. Because I remember dealing with this
25 some years ago, and we ended up where we are now, and that's

1 what everybody was happy with at that time. So I need to
2 know what's changed.

3 And I'm asking Office of Attorney General. While
4 I want to make sure we stop gentrification, for sure. But
5 we've got to make sure what we do is in place, number one,
6 make sure OZ has the staff. I would like to hear OP's
7 comments. But right now, I need to understand, for example
8 -- here's my example. And if I'm missing something, my
9 colleagues or somebody could help me with this.

10 But when I look at what Office of Attorney
11 General, I think what they have presented here is something
12 that I would think needs further discovery. But renters
13 getting notice, I believe, is fine. But the problem is the
14 -- when there's a -- you have the renter, and you have the
15 landlord. The way I see it is whoever owns the property is
16 whoever owns the property is the one who is responsible.
17 When renters have a problem, they go to the owner. And the
18 renter -- the renter cannot tell the owner what to do with
19 their property, last I checked.

20 So maybe I'm missing something, OAG. So if you
21 all could help me understand that better than what you
22 presented today, I'm going to actually -- I want to hear
23 from my other colleagues, too. But I wanted to just dispel
24 with that. And I also want to dispel with this public
25 participation, which is 22-25. I know this is 22-05, and I

1 know this is a correspondence item.

2 But I need to fully understand how the perception
3 is that the Zoning Commission has taken out public input and
4 how -- and if it is, we need to rectify that. Because no
5 way -- that seems to be a misperception. But it's not a
6 misperception by everyone. Because some people are fine
7 with what we've done.

8 So it's not everybody. But the more we can kind
9 of bring closer together some of the uncertainty, I think it
10 will have a better process.

11 So again, OAG, if you're listening, and I am going
12 to ask Ms. Ackerman to work with Ms. Schellin and others,
13 that's what I need. I need more information from OAG before
14 I just set down a hearing and then I have it run amok and
15 everything's going haywire. I need some more detailed
16 information, not just a lot of words, but I need some facts.

17 What does the legislative history say? Why was it
18 like this? Because it was like this before I got here. So
19 the people who came on before me and others must have had
20 the wisdom and come to that conclusion of where we are now.
21 So if that doesn't make sense -- if it doesn't make sense,
22 then let Ms. Ackerman know and I can explain it more, or
23 I'll have Ms. Schellin, and we'll work something out and
24 send you something in writing. But send that to me.

25 I don't know. You know, that's just where I am.

1 But let me hear from others.

2 Commissioner Imamura, do you have any questions or
3 comments on this?

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
5 By and large, I agree with most of your comments that it
6 would be helpful to hear some additional -- or receive some
7 additional information from OAG. But more importantly, I
8 feel it's important to also consider OP's evaluation or
9 assessment of this as well.

10 That's kind of where I stand. I would like to
11 have more information in order to make a more informed
12 decision. So I yield back.

13 CHAIRPERSON HOOD: Okay, thank you. I would
14 agree.

15 But what I wanted, Commissioner Imamura, I wanted
16 OAG to give it to me first, and then I wanted to pass it on
17 to OP, and I want OZ to weigh in on that, too. Because some
18 of that, to me, may be a staff issue, if we get to that
19 point. But we can discuss more on that later.

20 Commissioner Stidham, any comments on that?

21 COMMISSIONER STIDHAM: Just to agree that I think
22 more information is needed from OAG and others before we can
23 really weigh in on any of this.

24 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

25 VICE CHAIR MILLER: Thank you, Mr. Chairman. I

1 agree that we need -- we would benefit from more -- and the
2 public would benefit from more information being provided by
3 both the Office of Attorney General, and by our own Office
4 of Zoning, and the Office of Planning on this proposed
5 amendment, which we kind of considered as part of the, as
6 you mentioned, Mr. Chairman, the text amendments in Case
7 Number 22-25 -- is that the right number? -- two weeks ago.

8 There are some technical issues with expanding
9 notice to tenants of properties. But I am sympathetic to
10 doing whatever we can to make sure that the tenants of
11 properties know about amendments, zoning amendments, that
12 will affect their property that they live in.

13 So I would like to hear, as you've stated, more
14 from OAG. But also I'd like to have a setdown report one
15 way or the other from Office of Planning in the public
16 record that we can consider, as well as comments from our
17 own Office of Zoning on what we can do to expand public
18 notice to tenants, give more protections to tenants in cases
19 that may affect them.

20 Tangentially related to that, Mr. Chairman, is
21 another issue which I'm concerned about, which you touched
22 on in your comments, about the perception -- and which
23 Commissioner Imamura did too in previous comments --
24 perception that we're taking actions to, in recent weeks, to
25 somehow diminish or reduce public participation, public

1 notice of zoning cases. I saw what we did two weeks ago in
2 terms of the most of those text amendments about our
3 procedures as codifying the practices that have been the
4 Zoning Commission's practices for decades, probably even
5 preceding your long tenure on the Zoning Commission, Mr.
6 Chairman.

7 But, regardless of the fact that what we were
8 doing was codifying existing practices and just putting them
9 in writing, I guess seeing them in writing gave the
10 perception that we were reducing public notice of zoning
11 cases. So in that regard, I am interested in, not tonight,
12 but at some point at a future -- a not-too-distant future, a
13 future meeting having a discussion about, again, about the
14 notice that we provide to ANCs of zoning cases that are
15 filed. And I'm not talking about notice to tenants, I'm now
16 talking about a larger issue that's tangentially related to
17 this, that's referred to in OAG's petition, the issue of
18 notice to effective advisory neighborhood commissions of
19 Zoning Commission cases that are filed prior to setdown.
20 Because once they're filed, ANC, unlike almost any other
21 party other than OP, are permitted to weigh in at a setdown
22 hearing in a limited way. For example, whether it should be
23 a contested or a rulemaking proceeding.

24 So this is going to come up directly at a hearing
25 that we're scheduled to have next week. And we can deal

1 with it then in that case. But I would like us to perhaps
2 reconsider codifying an expanded notice requirement to
3 affected ANC of cases that are filed by either Office of
4 Planning or Office of Zoning prior to setdown, so that the
5 ANC can weigh in and we get the benefit of their -- whatever
6 recommendation they may have on a setdown.

7 There is plenty of public participation that
8 happens thereafter. And these cases are widely known, as
9 you've noted, Mr. Chairman, in the community, way before we
10 even find out about them in a setdown hearing.

11 But I think when a case is filed by Office of
12 Planning or by our Office of Zoning, a zoning case, I think
13 we should reconsider whether we should give actual notice to
14 the effective ANC at that time, at that earlier time. It
15 would delay, maybe, the setdown from occurring and the
16 public hearing from happening, but I think that might be a
17 benefit and we should reconsider that at a future hearing.
18 And it will -- the issue will come up again, as it has in
19 other cases, I believe, at a case we're scheduled to have a
20 hearing on next week. So I just want to put that on the
21 record.

22 This Commission wants to hear from the public,
23 wants to hear from ANCs, wants to hear from tenants. We
24 want participation. I think we strive to maximize
25 participation. I think one case where we had 30 hours of

1 public hearings indicates that we're willing to stay here as
2 long as it takes to hear what the public has to say in these
3 cases and give them their due participation. So I just
4 wanted to say that for the record, Mr. Chairman.

5 On this case, specifically, I do want to hear more
6 information from OAG and OZ and OP. but I would not -- I am
7 also sympathetic to setting this down at least for a public
8 hearing at some point, and disposing of it one way or
9 another, rather than having it languish as a pending case.

10 I think that's all I have to say, Mr. Chairman.
11 It's hard to talk when I can't see myself, when you can't
12 see me, as I'm used to seeing myself. But I hope that was
13 clear enough, what I presented. So thank you very much.

14 CHAIRPERSON HOOD: Okay, thank you. I think a lot
15 of this case, even though it has a new case number, has been
16 around for a while. A lot of the things that we did in 22
17 25 didn't just show up. It was here for years, just never
18 got to the Commission for us to decide. And now with the
19 changeover, we had a changeover in legal advice, and now
20 we're doing that. So there's a whole history to this.

21 But my thing is the perception by some, not all,
22 is that we're taking out public participation. And I'm
23 still concerned about the renters-landlords issue, or
24 renters-owners. I believe everybody should be notified, and
25 I believe that's why we have the placards and that's why we

1 have other ways of notification. But I am very concerned
2 about what's being dispelled out there by other government
3 organizations when that's not actually the case.

4 And one of the things, the way I see this
5 proceeding is, if we go into some of this, there will be
6 stuff that's not -- we get a lot of stuff that's not
7 germane. So you mentioned, Vice Chair, about we want to
8 hear from the public. Yes, we want to hear -- when I was in
9 the public and coming in front of the board, the Zoning
10 Commission and the Board of Zoning Adjustment some years
11 ago, I wanted to be heard, too. And I realize with
12 residents -- but I had to stay on topic. Because the chair
13 at that time made sure I stayed on topic. Because they told
14 me when I got off topic who else I needed to go see, who
15 else I needed to go see.

16 So, you know, there's a lot of nuances to this.
17 But out of this conversation, I believe there's some good
18 that can come out of this and we just have to figure it out
19 and work our way through it, not just set down a hearing and
20 go, hey, wow, we need to have a structured hearing, I need
21 the information from OAG because when I read what OAG has
22 presented, I think we can get some good things out of it.
23 But it's just how we do it, and we've got to do it right.

24 And I understand, believe me, public participation
25 will not be taken out of any process that Anthony Hood and

1 I'm sure my other colleagues are involved with.

2 I saw Ms. Steingasser, you turned on your -- and
3 I'm not sure necessarily the way to go forward. I'll leave
4 that up to our legal folks. And right now, I've asked OAG
5 for something. Hopefully, we can have it by our next
6 meeting, or they can communicate with staff about how they
7 can get that to us.

8 Ms. Steingasser, did you have something?

9 MS. STEINGASSER: No, sir, I didn't. I thought
10 you were calling OP to attendance. But no.

11 CHAIRPERSON HOOD: Okay, no, no, not right now.
12 But as you heard, Ms. Steingasser, my colleagues, at some
13 point in this whole discussion we're having, we definitely
14 want to hear from OP and OZ as well, depending upon what we
15 get back from OAG.

16 All right. Anybody have any other questions or
17 comments?

18 (No response.)

19 CHAIRPERSON HOOD: And again, I just want to make
20 sure we clarify and get that misnomer out of there and that
21 misinformation. And I want us to do whatever we can do to
22 try to relieve some of that that's going on in some parts of
23 the city.

24 All right, Ms. Ackerman, do we have anything else
25 before us?

1 MS. ACKERMAN: No, we don't.

2 CHAIRPERSON HOOD: Okay. I think the Vice Chair
3 has alluded to this quite a bit. We obviously -- we have a
4 case Monday, April the 29th. This is Office of Planning
5 Zoning Commission Case Number 23-25. And we will be meeting
6 on these same platforms at 4:00 p.m.

7 So with that, I hope everyone has a great weekend,
8 and I will see everyone on Monday. This meeting is
9 adjourned.

10 VICE CHAIR MILLER: Thank you, Mr. Chairman.

11 (Whereupon, the meeting was adjourned at 4:52
12 p.m.)

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REPORTER CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: Thursday, April 25, 2024

Place: Teleconference

was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
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Gary Euell