

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1598TH MEETING SESSION

THURSDAY, JULY 25, 2024

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

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire  
JACOB RITTING, Esquire  
DENNIS LIU, Esquire

The transcript constitutes the minutes from the Public Meeting held on July 25, 2024.

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1426 Duke Street  
Alexandria, Virginia 22314  
(202) 467-9200

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## P R O C E E D I N G S

(4:00 p.m.)

## INTRODUCTION

1  
2  
3  
4 CHAIRPERSON HOOD: Good afternoon, ladies and  
5 gentlemen. We are convening and broadcasting this public  
6 meeting by video conferencing. My name is Anthony Hood.  
7 Joining me this evening are -- well, this afternoon, are  
8 Vice Chair Miller, Commissioner Stidham and Commissioner  
9 Imamura. We are also joined by the Office of Zoning staff,  
10 Ms. Sharon Schellin and our Office of Zoning legal division,  
11 Mr. Dennis Liu, Ms., Ms. Hillary Luggett (sic) -- Ms.  
12 Hillary Lovick, and Mr. Jacob Ritting. I ask all others  
13 introduce themselves at the appropriate time if needed.

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

16 Let me back up. We're also -- Mr. Paul Young. I  
17 don't know if I said that, Mr. Paul Young, who handles all  
18 of our virtual operations.

19 Copies of today's meeting agenda are available on  
20 the Office of Zoning's website. Please be advised that this  
21 proceeding is being recorded by a court reporter and is also  
22 webcast live Webex and YouTube Live. The video will be  
23 available on the Office of Zoning's website after the  
24 meeting. Accordingly, all those listening on Webex or by  
25 phone will be muted during the meeting, unless the

1 Commission suggests otherwise.

2 For hearing action items the only documents before  
3 us this evening are the application, the ANC set down  
4 report, and the Office of Planning report. All other  
5 documents in the record will be reviewed at the time of the  
6 hearing.

7 Again, we do not take any public testimony at our  
8 meetings unless the Commission requests otherwise. If you  
9 experience difficulty accessing Webex or with your phone  
10 call-in, then please call our OZ Hotline number at 202-727-  
11 0789 for Webex log-in or call-in instructions.

12 At this time, the Commission will consider any  
13 preliminary matters. Does the Staff have any preliminary  
14 matters?

15 PRELIMINARY MATTERS

16 MS. SCHELLIN: No preliminary matters regarding  
17 items on this agenda. But I do want to just make a, a  
18 general statement to advise the audience that Notice of  
19 Final Rulemaking in order number 22-25 will be published in  
20 the D.C. Register on August 2nd. That is an order that will  
21 change the rules of, of policies and procedures for the BZA  
22 and the Zoning Commission. And so I just want to put that  
23 out there. It will be effective, gives everyone the month  
24 of August to, you know, get used to that and be ready. So  
25 just want to put that out there.

1           CHAIRPERSON HOOD: Thank you, Ms. Schellin. And  
2 is there a cheat sheet for, for those of us who won't be --

3           MS. SCHELLIN: There will be one going up on our  
4 website, yes.

5           CHAIRPERSON HOOD: Okay, great. So I'm hoping  
6 that everyone pays attention to that announcement. I think  
7 it's very critical. And I will be sure to look at that  
8 announcement as well.

9           Anything else, Ms. Schellin? Okay.

10                           CASE NO. 20-08C

11           CHAIRPERSON HOOD: All right. Let's go to the  
12 first -- second. Okay. Let's go to the first agenda we  
13 have under consent calendar modification of consequence,  
14 Zoning Commission Case No. 20-08C, Howard University Campus  
15 Plan Modification of Consequence @ Square 3058.

16           Ms. Schellin.

17           MS. SCHELLIN: Yes, sir. In this case the  
18 applicant is requesting a modification of consequence to  
19 expand the 2020, 2020 to 2030 campus plan boundary to  
20 include property and building at 2711 Georgia Avenue,  
21 Northwest. They want to have a master lease of all the  
22 units in the building as dormitory student housing, which it  
23 can exempt from the IZ requirements under Subtitle C Section  
24 1001.6C.

25           The office spaces -- space in the building, which

1 is located entirely in the MU, MU-4 zone portion of the  
2 property will be leased to the university for use as  
3 administrative offices. So OP's report at Exhibit 5  
4 recommends approval. As of OZLD's writing, they did not  
5 have a report from ANC 1B or 1E.

6 So this is ready for the Commission to set a  
7 schedule for responses from the ANC. Thank you.

8 CHAIRPERSON HOOD: Thank you.

9 Colleagues, any objections to this being a -- as  
10 being proposed to us as a modification of consequence? Any  
11 objections? Okay. Not seeing any, and they will follow the  
12 typical rules of -- if we move forward with IZ. But we can  
13 -- I think we need to discuss that later. I'm not sure.

14 But either way, Ms., Ms. Schellin, could -- and I  
15 need that clarified. Ms. Schellin, can you schedule that  
16 for -- do the scheduling, please? Ms. Schellin, can --

17 MS. SCHELLIN: Yes. I, I heard you. I'm sorry.  
18 I was just checking. I wanted to doublecheck and make sure  
19 no reports had snuck in last minute. So our next meeting is  
20 not until September and of course the ANCs do not meet in  
21 August. So let's shoot for the last meeting in September?  
22 Then we'll give the ANC until the 23rd of September to  
23 provide their report. We'll let the applicant work with the  
24 ANC to let them know to get their report in by 3 p.m. on the  
25 23rd of September and we'll put this on for the 26th.

1           CHAIRPERSON HOOD: Okay. And I've been, I've been  
2 paying that -- but we don't necessarily -- again, the IZ, we  
3 don't have to decide on that now. We can decide on that at  
4 final, so thank you to our --

5           VICE CHAIR MILLER: Mr. Chairman.

6           CHAIRPERSON HOOD: Yes.

7           VICE CHAIR MILLER: I'm wondering. There was one  
8 question I -- I, I -- I don't have any problem with being  
9 considered as a modification of consequence, and I look  
10 forward to whatever future submissions we get and our future  
11 decision meeting on it.

12           But I just want to maybe get clarification from  
13 Howard University applicant as to what -- whether or not the  
14 building, which has been -- as I understand it, has been  
15 constructed already and has the set aside of IZ units,  
16 because it was not going to be part of the -- it wasn't part  
17 of the university's campus plan due to our previous  
18 extraction of it from the campus plan, whether or not there  
19 are -- whether or not's been -- it's been occupied by  
20 tenants, whether there are -- there had been or are  
21 currently IZ tenants occupying those 12 of the 93 IZ, 12 of  
22 the 93 units that have been built, and what's -- if, if so,  
23 what's happened to those tenants.

24           Or if, if it's not been occupied yet and it's just  
25 built and this will put it back in the campus plan, just a,

1 a statement clarifying what, what the status is of tenants  
2 who've been in the building, whether or not they've, they've  
3 been in the building and what would happen to those if they  
4 had been, who were -- who, who thought that there were going  
5 to be perpetual, I guess, IZ units in this building, 12 of  
6 them.

7           So if -- can just get clarification on what,  
8 what's happened in terms of occupancy in the building.

9           CHAIRPERSON HOOD: Okay. Can -- you want to do  
10 that now?

11           VICE CHAIR MILLER: I don't need to do it now, no.  
12 I think they can submit a submission if -- unless you think  
13 it's more appropriate that we have that now.

14           CHAIRPERSON HOOD: I would like to really know now  
15 -- I'll be -- forgot by --

16           VICE CHAIR MILLER: If somebody can answer that  
17 now.

18           CHAIRPERSON HOOD: Yeah. Can we bring, bring them  
19 up, Ms. Schellin, if we have them, right quick? We don't  
20 typically do this, but it'd be good to get that off the  
21 plate.

22           MS. SCHELLIN: Sure, unless the OP person is --  
23 but let's see -- we could get the applicant's attorney. Let  
24 me see who that was. Cynthia Giordano, I think.

25           CHAIRPERSON HOOD: Okay. If they're not here,



1 then we can, we can just get it submission.

2 VICE CHAIR MILLER: That's fine.

3 MS. SCHELLIN: I don't see her, so if we could  
4 just have Ms. Giordano respond by August 31st, and then  
5 allow OP until September 16th, which gives them 10 days  
6 prior to the meeting to provide a supplemental response if  
7 they want to, that would be good.

8 CHAIRPERSON HOOD: That's fine. That sounds good.  
9 Any other questions or anything on that? Okay.

10 VICE CHAIR MILLER: I thank you for --

11 CHAIRPERSON HOOD: Sure.

12 VICE CHAIR MILLER: -- requesting that.

13 CASE NO. 03-05A

14 CHAIRPERSON HOOD: All right. Let's keep moving.  
15 Let's go to final action Zoning Commission Case No. 03-05A,  
16 NRP Properties, LLC, PUD Modification of Significance @  
17 Square 770.

18 Ms. Schellin.

19 MS. SCHELLIN: So since the hearing, let's see,  
20 yeah, so since the hearing on this one we had some post-  
21 hearing submissions by the applicant at Exhibits 28 through  
22 28-E, 35, and 35-A, 29, 30, 34, and, and that included their  
23 proffers and conditions also. And then we had ANC 8F filed  
24 some supplemental reports at 31, and today at 36 we had an  
25 OP supplemental report at Exhibit 32.

1           And I believe that may be it, but just to make  
2 sure let me just check one other -- want to check one other  
3 exhibit. I thought that was everything, but I just want to  
4 make sure that -- 34, 35. Yep, that's it. 36 was the ANC  
5 report.

6           So this is ready for the Commission to consider  
7 whether it wants to move forward or not with final action.  
8 But that's where we are at this stage for this case.

9           CHAIRPERSON HOOD: Okay. Thank you. And I'm  
10 going to -- our counsel kind of laid a lot of the issues  
11 out, as they always do, and I'm going to kind of go through  
12 them so to refresh our memory, even though it's lot of  
13 reading, but I'm going to do it.

14           So as, as we've had the hearing I think July the  
15 1st, we heard testimony from the applicant on the following  
16 and the following, following occurred. The applicant agreed  
17 to DDOT's conditions and OP suggested design flexibility to  
18 conditions. The Commission asked about the applicant's  
19 commitment regarding three-bedroom units, the amount of open  
20 space within the project, and the size of the playroom.

21           ANC 8F testified about several serious  
22 transportation-related concerns. The project lacked onsite  
23 parking, the project did not offer a pickup or drop-off  
24 zone, a loading zone, or a curb cut combined with the  
25 project's location next to a new hotel and complicated

1 intersection conditions. These were all explained to us by  
2 the, the ANC, would already, in their words, would already  
3 make a bad situation even worse.

4           And some of the reasons they gave us were the bike  
5 lanes would need to be removed to accommodate the project  
6 given serious safety issues. The proposed loading zone  
7 would require consistent enforcement, which was not -- has  
8 not been happening at the site because of proximity to the  
9 stadium and the priority given to staffing limits. And in  
10 its report, the ANC suggested the following conditions, and  
11 they have conditions which I won't read.

12           And there were some things that we asked for.  
13 Commission asked the applicant to come up with a way to  
14 address the ANC's comments. I think we were all persuaded  
15 when they dealt with the transportation and the vehicle --  
16 how vehicles, and they were going to progress around the,  
17 the site. And then we also asked DDOT to respond to the  
18 ANC's comments. The Commission allowed time for the  
19 applicant to submit proffers and conditions for review and  
20 approval before the final action.

21           So one of the things that -- okay. Let me go  
22 down. I'm going to through the list of some of the ANC  
23 concerns. And the ANC also responded. I was -- maybe  
24 others can help me kind of understand what the ANC was, was  
25 saying. I think they -- I think it's still conditional

1 report even if -- the way I read it, it's still conditional  
2 support, even if everything is not -- there's some hard,  
3 fast things on there, but even if everything else is not  
4 agreed to. But some things I think we really need to now  
5 drill down on and I'd like to hear from others, especially  
6 with the progression of the bike lanes. I have some  
7 reservation there.

8           So, anyway, let me just read what, what was said.  
9 ANC 8F asked the developer to seek private use of the  
10 loading zone from DDOT such that use of the zone is specific  
11 to this property. That's the -- what, what do my colleagues  
12 think? It's not -- I don't think the, the applicant agreed  
13 to making it exclusively to the project, but I think that  
14 the zone, the loading zone, DDOT, such as the use that zone  
15 is specific to their property. I don't think they made it  
16 -- they're going to make it specific to their property.

17           What do others feel about that? Is that a hard,  
18 fast, is that a, a hard, fast rule to say no on, or, or what  
19 do you all think?

20           And let me start with Commissioner Imamura first.

21           COMMISSIONER IMAMURA: Well, thank you, Mr.  
22 Chairman. So first, I just want to thank the applicant for  
23 raising these issues with us. It encouraged us to take  
24 another look at this in terms of just public safety, bike  
25 safety, pedestrian safety, as well as vehicular safety. I

1 also want to thank the applicant too for making the design  
2 adjustments that they did as best they could to resolve some  
3 of these or mitigate some of these issues.

4           They moved the entrance area, so that, I think  
5 that was at least a good first step. I think what -- based  
6 off of what's in the record, it sounds as if the applicant  
7 and ANC are in -- I think share the same goals, however a  
8 lot of this relies on DDOT. And while I appreciate the ANC  
9 believing that we have perhaps greater authority than we do  
10 to compel DDOT, particularly on public space issues, we do  
11 not have that authority and that happens after, whether or  
12 not we -- after whether we take action.

13           And for that particular issue that you're asking  
14 about, Mr. Chairman, about private use of the public space  
15 there, or rather maybe (inaudible) I don't think -- that's  
16 not a hard no from me to put a stop to this project and the  
17 benefits that it will bring to the community and the  
18 surrounding neighborhood.

19           So I think the additional bike lane safety  
20 mitigations, including sort of the dashed green conflicting  
21 -- or dashed green conflict striping as well as the plexi  
22 posts and the caution signage that DDOT has generally agreed  
23 to I think is adequate and sufficient, as are the proffers  
24 and conditions for this particular project.

25           So that's kind of where I, I stand on this. I

1 think in, in essence I think all of the efforts to meet some  
2 of the issues that the ANC brought up by the applicant,  
3 their efforts I think I'm, I'm satisfied with. And I don't  
4 think that -- you know, I'm not certain or convinced that in  
5 this, in this particular project that there's a design  
6 solution that, that exists to resolve this issue.

7           So if there was, I'm confident that the applicant  
8 would have brought forward a solution that was probably  
9 amenable to everybody. But I don't think that exists  
10 because of the site constraints that exist there.

11           CHAIRPERSON HOOD: Okay. Well, thank you.

12           Commissioner Stidham, what do you think about the  
13 exclusive use of the -- the exclusive use -- this project?

14           COMMISSIONER STIDHAM: I, I don't think that we  
15 can get there. I, I think that that is something that  
16 happens after us. I think the other things that have been  
17 put in place to provide safety and to ensure that it doesn't  
18 aid to the (inaudible) portion of this neighborhood have  
19 been offered up and hopefully will be finalized while DDOT  
20 finishes their work.

21           CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

22           VICE CHAIR MILLER: Thank you, Mr. Chairman. I  
23 concur with my colleagues that -- and I'm pleased that the,  
24 the applicant has tried to -- and DDOT have tried to address  
25 the ANC 8F's very legitimate and persuasive concerns about

1 the safety issues here regarding the loading zone and the  
2 bike lanes.

3 I, I think the applicant has, has agreed to ask  
4 for exclusive use of, of that loading and pickup zone by the  
5 applicant's property, but we know from the DDOT report that  
6 they don't generally do that, and this is subject -- this is  
7 public space and it's subject to DDOT's public space  
8 division. So that is unlikely to -- exclusive use is  
9 unlikely to happen.

10 But I think that the, the relocation of the  
11 entrance should help with that whole pickup and drop-off  
12 loading, as well as the, the bike safety. And, and on the  
13 bike safety, I think the, the additional measures that have  
14 been suggested and agreed upon are sufficient to mitigate  
15 potential adverse impacts, hopefully.

16 And that's where I am, Mr. Chairman. Thank you.

17 CHAIRPERSON HOOD: Okay. So we believe -- and  
18 thinking even beyond this, even beyond this, I think that  
19 the applicant will continue to work with DDOT because -- to,  
20 to come up with a resolution, whether it's in, in our  
21 jurisdiction. It's not in our jurisdiction.

22 I think even beyond that, I think the applicant  
23 and DDOT, it's incumbent upon their skillset to make sure  
24 that that is, is working as smoothly as possible with less  
25 impacts, not just on the residents that live around there,

1 but on the residents who travel through there as well.

2           So I will leave that. I think they will come up  
3 with a better -- a solution that will mitigate the impacts  
4 despite whatever we do here. I believe that.

5           All right. I'm going to go down again. ANC 8F  
6 asked that when leasing of the property begins, the  
7 developer include a link on their website that points  
8 potential new residents of all income-based programs that  
9 will be accepted by the property leasing office. I believe  
10 that the applicant has already responded. They agreed.

11           Any, any other issues on that? Okay. Let's keep  
12 moving.

13           ANC 8F asked the developer to ensure that the  
14 installation of a yield to pedestrians sign is clear along  
15 the bike lane in front of the building. The applicant is  
16 proposing changes to the signage to accomplish this. The  
17 signs are in public space and therefore subject to DDOT  
18 approval. Again, it kind of leads to the first example that  
19 we mentioned earlier. Lot of stuff is dealt with DDOT.

20           DDOT has in its report agreed to the proposed  
21 signage in principal, but said that exact signage was not  
22 its standards and it would work with the applicant as  
23 permitting to come to an agreement on alternatives. And I  
24 believe that again -- and I know the ANC can follow that  
25 process and work as well with DDOT and the applicant to come



1 to, to some resolutions which meets DDOTs standards.

2 Any comments on that?

3 Okay. ANC 8F asked the final zoning order include  
4 the tenure of which the property is completely affordable.  
5 The applicant responded that it can proffer a 40-year  
6 affordability term for a non-IZ unit affordable units, and  
7 that's -- and that all will be rental units.

8 Any objections or any concerns with that? I think  
9 that's a, a -- that's a fair deal there.

10 All right. Here is where I have a little concern.  
11 ANC 8F asked that DDOT not protect the bike lanes, not  
12 protect the bike lanes that is currently installed along  
13 Tingey Street, Southeast, and rather remove this lane as it  
14 currently produces transportation hazards caused by  
15 vehicular traffic and delivery congestion caused by the, the  
16 Thompson Hotel. Our ANC foresees further congestion of this  
17 travel lane as use increases due to this income reserved  
18 property and future retail development of the neighboring  
19 building 170.

20 So in this, the applicant did not do this, but  
21 instead proposed something else. Are we satisfied with  
22 what's being proposed? DDOT indicated in the report that it  
23 submitted a compromise plan. And let me -- only thing I was  
24 just curious is if the ANC had saw the compromise plan and  
25 what they thought about it. I still don't understand their

1 letter.

2 Ms. Schellin, I'm going to ask that if, if  
3 Chairman Danes (phonetic) -- I think it's Edwards. Chairman  
4 Edwards is here, if he could come up and explain to me how  
5 they felt about that.

6 But let me hear from others first. Maybe, maybe,  
7 maybe I don't have the votes. I don't know. Anybody have  
8 anything they want to respond on that?

9 Okay. Is, is everybody satisfied with what's  
10 being, been presented, what's being proposed? Okay.

11 Vice Chair, are you satisfied what's being  
12 proposed with that change?

13 MS. SCHELLIN: Chairman Hood?

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: May I interrupt you for one moment  
16 and give you a call for one second? I need to ask a very  
17 important question.

18 CHAIRPERSON HOOD: Sure.

19 MS. SCHELLIN: Off, off record for you, just a  
20 staff question, please.

21 CHAIRPERSON HOOD: Okay, sure.

22 (Pause in the proceedings.)

23 MS. SCHELLIN: We're good.

24 CHAIRPERSON HOOD: You didn't need to talk to me?

25 MS. SCHELLIN: No, I didn't. We're good.

1           CHAIRPERSON HOOD: Okay. All right. Okay. Let's  
2 go back to -- okay, so again, this -- I'm just curious,  
3 because I didn't get -- understand the letter, unless you  
4 all can find out, Ms. Schellin. Is, is Chairman Edwards  
5 available?

6           MS. SCHELLIN: I believe he was going to be on.  
7 Hold on for one moment. Let me see.

8           CHAIRPERSON HOOD: Maybe I read the letter too  
9 many times. I just don't understand it.

10          MS. SCHELLIN: Sorry. What was his first name?

11          CHAIRPERSON HOOD: Edwards. Let me see. Let me  
12 get the report.

13          MS. SCHELLIN: Looking. I don't see his last name  
14 on here -- there's --

15          MS. LOVICK: His name is Edward Daniels.

16          MS. SCHELLIN: It's Edward Daniels, isn't it?

17          MS. LOVICK: Yes. That's his name.

18          CHAIRPERSON HOOD: Oh. Okay. I got it. I see  
19 it. Edward. Okay.

20          MS. SCHELLIN: Okay. That's what I thought,  
21 Edward Daniels. I don't see him.

22          CHAIRPERSON HOOD: Okay. That's okay. All right.  
23 Well --

24          MS. SCHELLIN: We did let him know that public  
25 testimony is not taken unless you call him forward, so --

1 which typically doesn't happen, and of course you were  
2 calling him.

3 CHAIRPERSON HOOD: That's okay. That's okay. Let  
4 me, let me -- before I -- I'm going, I'm going to put that  
5 one in the parking lot. I'm going to come back to that.  
6 Let me continue on with the -- and I think that was it.

7 All right. Anybody else have anything else on  
8 this? And give me a minute. Let me, let me go back to  
9 this, this last one. Give me one moment, please.

10 (Pause in the proceedings.)

11 CHAIRPERSON HOOD: You know what? I'm not going  
12 to try to figure it out. Ms. Schellin, can the applicant --  
13 bring the applicant up for me, please, and I want them to  
14 explain to me what they've changed differently there. So I  
15 looked at the diagram. I looked at the wording. I just  
16 need to know what they changed.

17 MS. SCHELLIN: Okay --

18 CHAIRPERSON HOOD: So I want to see if it makes  
19 sense.

20 MS. SCHELLIN: -- their attorney.

21 CHAIRPERSON HOOD: If it makes sense.

22 MS. SCHELLIN: Okay. This is -- Mr. Ritting, do  
23 you know which attorney represented the applicant?

24 MR. RITTING: Mr. DeBear.

25 MS. SCHELLIN: Okay. So Eric DeBear, Mr. Young.

1 CHAIRPERSON HOOD: How you doing, Mr. DeBear?

2 Thank you --

3 MR. DEBEAR: Hi, Commissioners, how are you? Not  
4 expecting to be on today, but happy to participate and chip  
5 in.

6 CHAIRPERSON HOOD: Yeah. I just want you to  
7 explain to me what's different now, besides blinking, I  
8 guess, dash marks on the, on the roads? What's, what's  
9 different?

10 MR. DEBEAR: What's different in the public space?

11 CHAIRPERSON HOOD: What's, what's different in, in  
12 the bike lanes?

13 MR. DEBEAR: The, the, the differences are first  
14 changing the residential entrance. Obviously you talked  
15 about that. That was the major difference. Next is the  
16 signage, and then the markings on the street. The applicant  
17 also agreed to ask DDOT to place cameras in public space to  
18 assist in monitoring enforcement. And then the applicant  
19 asked DDOT to reserve the loading and, and -- pickup, drop-  
20 off spaces for use by the project.

21 DDOT indicated that those latter two would not be  
22 acceptable to DDOT, but the applicant certainly made the ask  
23 and is happy to keep, you know, pushing through the public  
24 space process. But beyond that, those are the changes.

25 CHAIRPERSON HOOD: Okay. Thank you. Any

1 questions for Mr. DeBear? Thank you all very much. I will  
2 tell you you -- we can take him down. Thank you, Mr.  
3 DeBear.

4 I will tell you that I cannot support this unless  
5 I have a better understanding. I will not be voting in  
6 favor. I don't think I have the votes. I would like for  
7 them to go back and come up with something better. And I  
8 know we don't have anything to do with public space, but I  
9 think the applicant needs to work a little more in detail  
10 about this, because I think, I think what we're doing is  
11 setting up a problem. We've been down -- there's already a  
12 problem already there, and I think the ANC's comments to us  
13 about that was very persuasive.

14 So, anyway, anything else on this? I, I will be  
15 voting not in support of this for that very reason, unless  
16 we want them -- unless you all would agree with me to just  
17 send it back and let them work at it a little bit more and  
18 see what we come with besides things just blinking on, on  
19 the road and, and come up with a better solution. Any,  
20 anybody agree with me? If not, we'll keep it moving.

21 VICE CHAIR MILLER: Well, I, I understand where  
22 you're coming from, Mr. Chairman, and I, I think the, the  
23 mitigation measures that have been proposed, the safety  
24 measures that have been proposed, are good as far as they  
25 go. It's certain in everybody's interest, DDOT, the

1 applicant, the ANC, for this to be a safe operation, that  
2 you can safely bike there, that you can safely pick up and  
3 drop off, and, and that there, there aren't conflicts  
4 between pedestrians and vehicles and there aren't conflicts  
5 between bicycles and vehicles.

6 I, I think it's something that the ANC, as you  
7 said, that it's something that you -- as something that  
8 you've said, Mr. Chairman, that the DDOT and the ANC and the  
9 applicant need to continue working on it and monitoring to  
10 make sure that if additional measures are needed or removal  
11 or changing the bike lane to some other location might be  
12 necessary in the future if, if there are accidents or  
13 dangers happening.

14 So I think I understand where everyone's coming  
15 from, but I think what we have here is -- is a supportable,  
16 reasonable compromise safety plan. And if it doesn't, if it  
17 doesn't -- if it's not safe, it shouldn't -- it should be  
18 changed and as, as we go forward, as -- as all  
19 transportation issues should be continually looked at as, as  
20 you see how they operate in real time.

21 So I don't know if that's helpful, but I'm willing  
22 to -- I agree that it -- the ANC's public safety concerns on  
23 this and the other issues were important to raise and were  
24 persuasive, and I think there's a, there's a reasonable  
25 solution that's been proposed thus far, and, and I think it

1 may need to be worked on in the future.

2 CHAIRPERSON HOOD: Okay. Thank you. Anybody  
3 else? All right.

4 COMMISSIONER IMAMURA: I've got just, just one  
5 thing to add, Mr. Chairman. I'm not sure that -- I think  
6 Vice Chair Miller summarized it quite well, but I would add  
7 one more comment to that and it just builds off of his  
8 comment about real time.

9 So we know that built work that users, whether  
10 it's vehicular or pedestrian, bicyclists, those occupants in  
11 the building, that design work is not always used as the way  
12 it was intended, and that in -- should there be any  
13 conflicts or issues, circulation issues, they're often  
14 resolved in real time by those users, those separate user  
15 groups.

16 What I mean by that is with every new development,  
17 there comes new traffic patterns that people become  
18 accustomed to and learn to get used to, and it takes time.  
19 And so I feel comfortable that, first, you know, it's, it's  
20 good that the ANC brought this public safety issue to us and  
21 their concern. And I think it was well-noted.

22 But I also think as Vice Chair Miller pointed out,  
23 that every effort has been made to mitigate these issues.  
24 And further refinement will actually happen in real time of  
25 all the users of this particular space. So whether it's



1 bicyclists, vehicular traffic, occupants, over time this  
2 will sort of be resolved. They'll -- it will resolve  
3 itself.

4           So that's all I wanted to add. Thank you, Mr.  
5 Chairman.

6           CHAIRPERSON HOOD: Thank you. And I really don't  
7 want to, and I'm -- I really don't want to vote against  
8 this, but I'm, I'm reading the ANC letter again, and I hear  
9 Mr. DeBear say public space, I guess inferring to me that  
10 that's public space, not you all. But I want you to know  
11 that we have to approve it first before it even get to  
12 public space.

13           But it says, ANC 8F asked that the DDOT not  
14 protect the bike lane that is currently installed along  
15 Tingey Street and rather remove this lane and it's --  
16 currently produces transportation hazards caused by  
17 vehicular traffic and delivery congestion caused by the  
18 Thomas (sic) Hotel. Our ANC foresees further congestion of  
19 this travel lane and use increases due to this income  
20 reserve property and future retail development of the  
21 neighboring building 170.

22           So what I was really trying to ascertain was  
23 whether or not the ANC thought that with the striping and  
24 everything that was some kind of mitigation method for  
25 improvement, and I did -- I'm not getting that out of this

1 letter.

2           So -- but I do agree, Commissioner Imamura. I do  
3 appreciate what you're saying. I do agree exactly what you  
4 said, so -- because I don't want to vote against this, but  
5 I, I think I'm going to -- since I don't have any support to  
6 flesh it out a little more, let's -- I'll just go ahead and,  
7 and approve it.

8           And I want -- I would hope DDOT would consider  
9 this, because I can tell you the city's rising up about a  
10 lot of stuff, and DDOT, you all are award winning  
11 transportation department, and there are a lot of things  
12 where we need to do the -- where we need to coexist. And  
13 DDOT, you are the experts. And a lot of people in the city  
14 -- and I'm not even talking about this project now. I'm  
15 hearing a lot of it. Lot of people in this city is  
16 depending on DDOT.

17           So, yes, I'm lecturing you and I'm talking to you,  
18 DDOT, to make these kind of things work for the betterment  
19 of this city. So I'll leave it at that.

20           Anything else? All right.

21           COMMISSIONER IMAMURA: One other -- yeah. I'll  
22 add one more point, Mr. Chairman, that -- to your point  
23 about DDOT being an award winning agency. They also are  
24 charged with Vision Zero, so they know how important this  
25 issue is.

1 CHAIRPERSON HOOD: Okay. Thank you.

2 All right. Somebody like to make a motion? Now,  
3 I'm not going to do that.

4 COMMISSIONER STIDHAM: I can make a motion, make a  
5 motion to approve Zoning Case No. 20-08 -- oops, sorry,  
6 wrong one, wrong one. Let's do the right one. A motion to  
7 approve Zoning Case No. 03-05A NRP Properties, LLC - PUD  
8 Modification of Significance @ Square 770.

9 VICE CHAIR MILLER: Second.

10 CHAIRPERSON HOOD: It's been moved and properly  
11 second. Any further discussion?

12 Not hearing any, Ms. Schellin, would you do a roll  
13 call vote, please?

14 MS. SCHELLIN: Commissioner Stidham?

15 COMMISSIONER STIDHAM: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Commissioner Hood?

19 CHAIRPERSON HOOD: Yes.

20 MS. SCHELLIN: Commissioner Imamura?

21 COMMISSIONER IMAMURA: Yes.

22 MS. SCHELLIN: The vote is four to zero to one to  
23 approve final action in Zoning Commission Case No. 03-05A,  
24 the minus one being the third mayoral appointee seat, which  
25 is currently vacant. Thank you.

1           CHAIRPERSON HOOD: Okay. Thank you. All right.  
2 Thanks, everybody, for, for -- on that one.

3                           CASE NO. 24-08

4           Let's go to hearing action Zoning Commission Case  
5 No. 24-08, FC Lumber Shed, LLC - TA to Subtitle K, Section  
6 230.4 to eliminate the term limitation on office use of the  
7 second floor of Building 173 in The Yards.

8           Mr. Beamon.

9           MR. BEAMON: I'm having a little difficulty -- oh,  
10 a little difficulty in my camera. Maybe it'll -- I'll start  
11 again. My apologies for the camera not working. But good  
12 afternoon, Chair Hood and Zoning Commissioners, Shepard  
13 Beamon with the D.C. Office of Planning. This is Zoning  
14 Case 24-08.

15           The Office of Planning recommends the Zoning  
16 Commission set down this proposed text amendment for public  
17 hearing by the applicant, FC Lumber Shed, LLC, to amend  
18 Subtitle K, Section 230.4 to eliminate the 20-year term  
19 limitation for 1700 square -- sorry, 17,000 square feet of  
20 office use on the second floor of Building 173, also known  
21 as the Lumber Shed building, at 301 Water Street, Southeast.  
22 Next slide, please.

23           The original approval for the Lumber Shed building  
24 was retail on both the first and second floors, per Zoning  
25 Case 03-06, however, in September 2011 the current 20-year

1 term limit for office use was established as part of the  
2 Zoning Case 11-05, a text amendment governing permitted uses  
3 within the SEFC (phonetic) W0 zoning -- zone, now, the SEFC-  
4 4 zone. The applicant is requesting the proposed text  
5 amendment to remove the 20-year office use term limit to  
6 allow the continuation of the office use, but would not  
7 preclude the space from being used for retail use in the  
8 future. Next, next slide, please.

9           The requested text amendment would not be  
10 inconsistent with the comprehensive -- comprehensive plan  
11 maps with other adopted public policies and active programs  
12 related to the subject text. The future land use map  
13 indicates that the site is appropriate for a mix of high-  
14 density residential and commercial uses, while the general  
15 policy map shows the site as appropriate for a regional  
16 center, which would support a variety of uses, including  
17 office use.

18           The site is also within the Anacostia waterfront  
19 initiative framework plan, which encourages retail or  
20 cultural pavilion use of the ground floor space for building  
21 173 and new office spaces in the near Southeast area. The  
22 office use is also consistent with the approved uses of the  
23 building under the Southeast Federal Center master plan as  
24 amended in 2016.

25           When evaluated through a racial equity lens, the

1 proposal would not be inconsistent with the comprehensive  
2 plan and would uphold relevant policies, including,  
3 including policies related to land use, historic  
4 preservation, economic development, and the lower Anacostia  
5 waterfront near Southwest area. The site is located on the  
6 edge of a central employment area, which should, should  
7 include the greatest concentration of high-density mixed  
8 use, including commercial retail and office uses, which the  
9 request supports.

10           The proposed amendment would, would continue to  
11 facilitate employment opportunities and preserve a historic  
12 contributing building in the Navy Yard area. The amendment  
13 should not result in a change in the physical environment  
14 and should not result in indirect or direct displacement of  
15 residents, employees or culture.

16           The applicant has stated that they have begun  
17 outreach with ANC 8F and do not anticipate any issues or  
18 concerns associated with the office operations.

19           And with that, I will conclude OP's testimony and  
20 I'm happy to take any questions. Thank you.

21           CHAIRPERSON HOOD: Thank you, Mr. Beamon, for your  
22 report. Let's see if we have any questions or comments.

23           Commissioner Stidham, you'd like to start us off?

24           MR. BEAMON: There's the video.

25           COMMISSIONER STIDHAM: It helps if I take myself

1 off mute. Apologies. So it seems very straightforward. It  
2 doesn't appear that there are at least any known concerns  
3 right now. The one question I did have related to your,  
4 your report was that the -- just aggregated race and  
5 ethnicity data is missing, so could -- if you would just  
6 explain why that is. I, I assume it's related to how  
7 focused this particular case is, but if you could just  
8 elaborate, that would be helpful.

9 MR. BEAMON: Sure. We can definitely provide that  
10 information to you in our report for the public hearing.  
11 Just for set down, it -- with -- considering the nature of  
12 this text amendment we didn't feel that that information was  
13 necessarily relevant to this particular text amendment,  
14 however, if, if the, the Zoning Commission does determine or  
15 feel that this is important information to include, we  
16 definitely can provide that information, again before the  
17 public hearing.

18 COMMISSIONER STIDHAM: I think it would be helpful  
19 just to be sure that it's included and, yeah, we're clear,  
20 even though this is a very focused case.

21 Other than that, I'm, I'm good, Chairman, and  
22 prepared to support.

23 CHAIRPERSON HOOD: Okay. Thank you.

24 Commissioner Imamura, any questions or comments?

25 COMMISSIONER IMAMURA: No questions. Thank you,

1 Mr. Beamon, for your report. I was confident that your  
2 camera would resolve itself, just like the previous case  
3 where I commented, transportation always resolves itself;  
4 traffic resolves itself. So thank you very much for the  
5 work that you've done on this report to set down.

6 CHAIRPERSON HOOD: We're going to name that area  
7 down there the Imamura traffic area, so we'll, we'll see how  
8 that goes in years.

9 Okay. Vice Chair Miller.

10 VICE CHAIR MILLER: Thank you, Mr. Chairman. I  
11 support to set down. I thank Mr. Beamon for presenting the  
12 set down report today.

13 CHAIRPERSON HOOD: I too don't have any questions,  
14 so we will -- you said we are going to set this down. Go  
15 back to Commissioner Stidham. Would you like to make a  
16 motion to set down, please?

17 COMMISSIONER IMAMURA: Commissioner Stidham --

18 CHAIRPERSON HOOD: But you're, you're on mute.  
19 You're on mute.

20 COMMISSIONER STIDHAM: Just talking away. I'm  
21 sorry. I would -- and I started off by saying, well, I'll  
22 get this one right this time. So I'd like to make a motion  
23 to set down Zoning Case No. 24-08, FC Lumber Shed, LLC - TA  
24 to Subtitle K, Section 230.4 to eliminate the term  
25 limitation to the office use of the second floor Building



1 173 in The Yards.

2 CHAIRPERSON HOOD: Okay. Is -- second.

3 COMMISSIONER IMAMURA: Second.

4 CHAIRPERSON HOOD: It's been moved and properly  
5 second. Any further discussion?

6 Not hearing any, Ms. Schellin, would you do a roll  
7 call vote, please?

8 MS. SCHELLIN: Which one of you second? I heard  
9 both of you at the same time.

10 CHAIRPERSON HOOD: Commissioner Imamura second.

11 MS. SCHELLIN: Okay. So Commissioner Stidham?

12 COMMISSIONER STIDHAM: Yes.

13 MS. SCHELLIN: Commissioner Imamura?

14 COMMISSIONER IMAMURA: Yes.

15 MS. SCHELLIN: Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 MS. SCHELLIN: Commissioner Miller?

18 VICE CHAIR MILLER: Yes.

19 MS. SCHELLIN: The vote is four to zero to one to  
20 set down Zoning Commission Case No. 24-08 as a rulemaking  
21 case, the minus one of course being the third mayoral  
22 appointee seat, which is vacant. Thank you.

23 CASE NO. 24-09

24 CHAIRPERSON HOOD: Okay. Thank you. Let's keep  
25 moving. Let's go to Zoning Commission Case No. 24-09,

1 Wesley Theological Seminary of the United Methodist Church  
2 to TA to Subtitle C 1006.6(c) and Subtitle X 101, allow  
3 approval of a new dormitory on the Wesley campus to house  
4 Wesley and American students.

5 Who is that? Ms. Brown-Roberts.

6 MS. BROWN-ROBERTS: Okay. Good, good evening, Mr.  
7 Chairman and members of the Commission. I'm Maxine Brown-  
8 Roberts. I'm from the Office of Planning on Zoning  
9 Commission Case 24-09, text amendment to the zoning  
10 regulation submitted by Wesley Theological Seminary.

11 Wesley originally submitted a campus plan  
12 application which included a new dormitory that would house  
13 Wesley and American University students. The housing of AU  
14 students is to help provide Wesley with a steady revenue  
15 source to allow them to meet their education mission at this  
16 location.

17 After the public hearing, the Commission deferred  
18 taking action on the campus plan to allow Wesley time to  
19 address the issue of housing AU students on the Wesley  
20 campus. Wesley then proposed using the planned unit  
21 development process's zoning vehicle to address the use.  
22 The campus plan was withdrawn and a new campus plan along  
23 with a PUD was submitted.

24 While in the public hearing on the PUD, Zoning  
25 Commission indicated that they could not support the PUD as

1 Wesley had not demonstrated compliance with the  
2 comprehensive plan's IZ requirements and how they could be  
3 implemented. The Commission then suggested that Wesley may  
4 want to explore a text amendment to address their needs.

5 To this end, Wesley proposes an amendment to the  
6 regulations, which currently exempts universities housing  
7 their own students within the campus from the IZ  
8 regulations. Next slide.

9 The Welsey -- Wesley proposes to continue the  
10 exemption while also housing students from AU.

11 Second, the campus plan regulation allows only 10  
12 percent of the campus gross floor area gross square footage  
13 for the commercial use. Wesley's considering -- I'm sorry.  
14 Wesley is considering the dorm as a commercial use and is  
15 requesting that University not be subject to that  
16 limitation. Both amendments are specifically tailored for  
17 Wesley, would only be applicable to the Wesley campus, and  
18 would be effective on meeting the standards of approval of  
19 the campus plan and further processing review. Next slide.

20 The FLUM and the general policy map recommends  
21 institutional uses on the site. As outlined in the OP  
22 report, the proposal would not be inconsistent with that  
23 recommendation.

24 Regarding racial equity, the text amendment would  
25 provide housing to Wesley and AU students and the immediate

1 families, as well as employment opportunities to District  
2 resident, although not necessarily those currently residing  
3 in Rock Creek West. To the extent that current and  
4 projected Wesley and AU students and their immediate  
5 families are or would reside in the District, proposed  
6 expansion of student housing could potentially help to free  
7 up other rental housing for non-student population.

8           In general, the proposed text amendment when  
9 viewed through a racial equity lens may not have a  
10 significant impact as the proposed plan would not result in  
11 physical displacement of -- of residents, however, the most  
12 positive impact may be the continuation of the seminary as a  
13 viable institution and the increased dormitory or  
14 residential use on the site.

15           The text amendment would not further every related  
16 policy and objective of the city wide And Rock Creek West  
17 area elements, but on balance they are not inconsistent with  
18 the policies and goals of a comprehensive plan, particularly  
19 when read as a whole and in conjunction with the proposed  
20 campus plan. The Office of Planning therefore recommends  
21 that the Zoning Commission set down the proposed text  
22 amendment for public hearing.

23           I'd also like to note that in the OP report we  
24 inadvertently stated that the property is within NC-3D. It  
25 is within NC-3E and adjacent to NC-3D.

1           Thank you, Mr. Chairman, and I'm available for  
2 questions.

3           CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts.  
4 Let's see if we have any questions. Vice Chair Miller?

5           VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
6 thank you, Ms. Brown-Roberts for your work on this case and  
7 this, and this set down report. I guess -- I'm, I'm not  
8 sure I really have any questions at, at this point. I'm,  
9 I'm supportive of set down of this case.

10           This is the third, at least the third iteration  
11 of, of a proposal to try to accommodate the building of that  
12 dorm on the, on the Wesley campus. We've had umpteen hours  
13 of hearings on the previous iteration of a PUD and campus  
14 plan combination and there was unreadiness amongst my fellow  
15 commissioners and in the community, some in the community,  
16 not all, some in the community about proceeding in this  
17 fashion because of the implications for the inclusionary  
18 zoning program and commercial use, restricting commercial  
19 uses on, on educational campuses.

20           I think this -- the text amendment with the campus  
21 plan PUD process on -- being held in abeyance at this time,  
22 well, considering the text amendment, I think at least  
23 having a hearing on it is, is an appropriate way forward.  
24 It's -- if the -- it's a cleaner way. It's, it's being  
25 upfront about, about inclusionary zoning not applying to

1 this site specific case. Maybe I'll get into this more if  
2 we get into deliberations. I didn't really have any  
3 questions of, of the Office of Planning. So maybe I'll,  
4 I'll hold my comments at this point, Mr. Chairman.

5           But I, I would just note that the -- we, we have a  
6 -- we have the, we have the Office of Planning  
7 recommendation. We have the immediately abutting ANC 3D's  
8 support for this set down. We don't have anything from -- I  
9 don't think in the record from 3E at this point. We do have  
10 one of the opposition parties' comments in the record,  
11 although our regulations say that we should only consider  
12 the ANC, affected ANC's recommendations and the OP's at this  
13 point when we're making a decision upon scheduling it for a  
14 hearing.

15           So 3D is supportive of scheduling it for a  
16 hearing. We haven't heard from 3E. OP is recommending  
17 scheduling it for a hearing. I think we wanted to try to  
18 find a way forward to meet the goals of the university, of,  
19 of Wesley Seminary and try to deal with the IZ and  
20 commercial use issues straightforwardly and upfront, and I  
21 think this is, this is, this is a potential path forward to  
22 try to accomplish the goals to keep, to keep Wesley where it  
23 can stay and thrive in, in place.

24           So I have, I have no questions at this time for  
25 Ms. Brown-Roberts. I might as we go -- as we discuss this

1 further. But I'm supportive of set down. Thank you. Thank  
2 you, Ms. Brown-Roberts and thank you, Mr. Chairman.

3 CHAIRPERSON HOOD: Thank you.

4 Commissioner Imamura, any questions or comments?

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

6 No questions for Ms. Brown-Roberts, other than, you know,  
7 thank you for your report. I by and large agree with Vice  
8 Chair Miller and think that this is a potential way forward  
9 that might remove the contentious issues that we had been  
10 discussing previous to (inaudible). So, but nothing  
11 further. Thank you, Mr. Chairman.

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

14 COMMISSIONER STIDHAM: No, just thank you for your  
15 report, appreciate it.

16 CHAIRPERSON HOOD: I too want to thank you, Ms.  
17 Brown-Roberts. I don't have any questions for you. So with  
18 that, thank you for your report.

19 MS. BROWN-ROBERTS: Okay.

20 CHAIRPERSON HOOD: Would somebody like to make a  
21 motion? Vice Chair Miller, I'll come to you.

22 VICE CHAIR MILLER: Okay. Thank you, Mr.  
23 Chairman. I would move that the Zoning Commission set down  
24 for a public hearing Case No. 24-09, Wesley Theological  
25 Seminary of the United Methodist Church text amendment to

1 Subtitle C Section 1006.6(c) and Subtitle X Section 101 to,  
2 to allow approval of a new dormitory on the Wesley Campus to  
3 house Wesley and American students, faculty, and family, and  
4 ask for a second.

5 COMMISSIONER IMAMURA: Second.

6 CHAIRPERSON HOOD: It's been moved and properly  
7 second. Any further discussion? Not hearing any, Ms.  
8 Schellin, would you do a roll call vote, please?

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Imamura?

12 COMMISSIONER IMAMURA: Yes.

13 MS. SCHELLIN: Commissioner Hood?

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Commissioner Stidham?

16 COMMISSIONER STIDHAM: Yes.

17 MS. SCHELLIN: The vote is four to zero to one,  
18 excuse me, to set down Zoning Commission Case No. 24-09 as a  
19 rulemaking case, the minus one being the third mayoral  
20 appointee seat, which is vacant. Thank you.

21 CASE NO. 24-10

22 CHAIRPERSON HOOD: Okay. Thank you. I think our  
23 last case for this evening is Zoning Commission Case No. 24-  
24 10, Office of Planning text and map amendments to create new  
25 Pennsylvania Avenue East neighborhood mixed use zones NMU-



1 5A/PAE.

2 Ms. Myers.

3 MS. MYERS: Hello, Commissioners, Crystal Myers of  
4 the Office of Planning. The Office of Planning recommends  
5 setting down Zoning Commission Case 24-10 for public  
6 hearing. This is a petition for a zoning text and related  
7 map amendment for the Pennsylvania Avenue East neighborhood  
8 mixed-use zone, also known as the NMU-5A/PAE zone. Next  
9 slide, please.

10 The zone is proposed for properties generally  
11 fronting on Pennsylvania Avenue, Southeast, between Fairlawn  
12 Avenue, Southeast, and 27th Street, Southeast. These  
13 properties are currently zoned MU-4. Next slide, please.

14 The proposed text and map amendment would not be  
15 inconsistent with either the generalized policy map or the  
16 future land use map designations. The generalized policy  
17 map recommends main street mixed-use corridor. The future  
18 land use map recommends moderate density commercial land  
19 uses in this area. This future land use map recommendation  
20 changed in the 2021 comprehensive plan update from the  
21 previous low-density commercial recommendation. This was a  
22 change requested by the Ward 7 economic development council  
23 to encourage more development to the area.

24 The proposed text and map amendment would allow  
25 the additional density and height needed to encourage this

1 moderate density development. Next slide, please.

2           During the 2021 comprehensive plan update  
3 community members and other stakeholders requested for a  
4 small area plan to be done for the area. The Pennsylvania  
5 Avenue East plan was completed in 2022 and approved in  
6 February 7th, 2023.

7           In its implementation section the plan recommends  
8 for a new zone to be created for the eastern end of the  
9 corridor. The proposed text and map amendment for the new  
10 zone are the next step towards implementing the  
11 comprehensive plan and the Pennsylvania Avenue East small  
12 area plan's vision for the eastern end of Pennsylvania  
13 Avenue East corridor. Next slide, please.

14           The new zone is based on the MU-5A zone and would  
15 allow moderate density mixed-use developments with generally  
16 ground floor retail and residential uses above. OP is  
17 currently considering a, a .5 FAR density bonus for a  
18 grocery store in this new zone. This bonus density could  
19 help implement the small area plan's strong recommendation  
20 for a grocery store in the area.

21           The new zone also proposes IZ plus, a requirement  
22 for ground floor commercial uses and mixed-use buildings, a  
23 step-back requirement to protect adjacent low-density  
24 residential properties and the R&R (inaudible) zones as on  
25 guidelines that improve pedestrian experience in the

1 Southeast. Next slide, please.

2           The Pennsylvania Avenue Southeast corridor is  
3 within the far Northeast and Southeast planning area. In  
4 this planning area over 90 percent of the residents are  
5 Black and the median income is roughly half of the  
6 District's median income. The planning area has experienced  
7 many years of disinvestment, poverty, and unemployment. It  
8 has also not received the same level of investment as other  
9 parts of the District.

10           The additional density proposed in the new zone  
11 could bring more residents to the area, which should help  
12 support existing local businesses and attract more services  
13 to the area. Displacement pressures on existing businesses  
14 may occur from the proposed text and map amendment. This  
15 could be mitigated through your recommendations in the small  
16 area plan that are not within the purview of zoning.

17           In addition, the new zone would require providing  
18 ground floor retail space, which could accommodate existing  
19 businesses and provide opportunities for larger or better  
20 space. Next slide, please.

21           OP conducted community outreach for the  
22 Pennsylvania Avenue East small area plan between April 2021  
23 and July 2022. The outreach centered on engaging with the  
24 residents, advisory neighborhood commissioners or  
25 commissions, local businesses, and community organizations

1 through various online and in-person activities.

2 In May of this year, OP initiated outreach efforts  
3 to discuss the new zone with the community. This outreach  
4 included attending and presenting to ANC 7B and to a local  
5 community group.

6 So far, feedback has been supportive for mixed use  
7 development with new housing and retail opportunities.  
8 There was also a strong interest in seeing pedestrian  
9 improvements along Pennsylvania Avenue, Southeast, which the  
10 zoning can in ways facilitates, but not -- cannot mandate  
11 that. Some residents and business owners have expressed a  
12 desire for the -- this process to move forward expeditiously  
13 to facilitate the new desired improvements to the corridor.

14 And with that I will include our testimony, but of  
15 course I'm here for questions. Thank you.

16 CHAIRPERSON HOOD: Thank you, Ms. Myers. I'm, I'm  
17 glad to see this. I'm hoping we don't have a lot -- I hope  
18 we don't have any opposition because I think this is long  
19 overdue and I'm glad to see this coming forward. So I --  
20 those are my comments. I don't have anything to say, but I  
21 will be voting to set this down, believe me.

22 Let me see if others have anything. Commissioner  
23 Imamura?

24 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

25 Ms. Myers, thank you for your work on the report

1 in this effort. Just a couple questions for you. Like  
2 Chairman Hood, I'm pleased to see this come forward. I  
3 think there's a lot of potential here. (Inaudible) I'm glad  
4 that as you mentioned this is the next step really after the  
5 approval of the Pennsylvania Avenue small (inaudible) area  
6 plan. So this is sort of that logical next step for some of  
7 the new development standards that have been established.

8           You mentioned design guidelines. Has that already  
9 been established as well too? Correct?

10           MS. MYERS: Yeah. The small area plan has the  
11 design guidelines in it, and so we tried to incorporate some  
12 of those guidelines into the new zone.

13           COMMISSIONER IMAMURA: Okay. I did have -- thank  
14 you. Had some additional questions about what you thought  
15 this might do to change sort of the -- some of the  
16 demographic data for this particular area, but you addressed  
17 that. The question that I do have -- oh, well, and you also  
18 mentioned too that this would also bring in more residents  
19 and possibly more business owners to activate the public  
20 realm and maybe bring more public realm improvements.

21           Also appreciate your general comments about just  
22 public outreach. I'm curious if there was a major theme  
23 that evolved from the public outreach that you did or if  
24 there were any concerns at all, and if so, what were they?

25           MS. MYERS: Generally support. The concern I

1 heard was about displacement, but we had explained that the  
2 majority of the area that would be rezoned is commercial  
3 area. There is no -- there are no residents there. There's  
4 one building that is a residential building, but it is an  
5 all-affordable building so it would be I believe unlikely,  
6 if not impossible, because of -- Department of Housing and  
7 Community Affairs manages that.

8           So that was the, that was the concern we had heard  
9 was the potential for, you know, it was residents living  
10 there, would they, would they be unable to continue living  
11 there, and we expressed that this -- that one building is  
12 the only residential building and it's a affordable building  
13 so it's required to meet the HCA requirements.

14           COMMISSIONER IMAMURA: Great. Thank you. So  
15 sounds like it's just a common concern. And the only other  
16 comment that I have -- no other questions, Ms. Myers, thank  
17 you very much, is -- I note there's no real control over  
18 this, but it is a mouthful, NMU-5A/PAE zone, so just in  
19 regular planning parlance it's just a colloquialism and  
20 whatever you want to call it -- a lexicon, it's a, it's a  
21 mouthful.

22           So thank you, Ms. Myers.

23           Mr. Chairman, I have nothing further.

24           CHAIRPERSON HOOD: Okay. Thank you.

25           Commissioner Stidham, any questions or comments?

1           COMMISSIONER STIDHAM: No. I appreciate those of  
2 commissioner Imamura and thank you for your report. I'm,  
3 I'm prepared to support set down.

4           CHAIRPERSON HOOD: And Vice Chair Miller.

5           VICE CHAIR MILLER: Thank you, Mr. Chairman. I  
6 agree with your comments and those of my colleagues about  
7 the importance of this case and that the -- with -- and Ms.  
8 Myers, thank you for, for all your work on, on the -- on  
9 this case and the, and the report.

10           I agree with your comment that the -- in the  
11 report and here today that the, the current zoning doesn't  
12 provide the level of density or additional guidelines that  
13 are -- that would be established here to support the housing  
14 and retail that's envisioned by the comprehensive plan  
15 general policies and the land use map and land use map  
16 change from low to moderate density, moderate density.

17           And so I think that it does -- the zoning is not  
18 -- is more consistent with the comprehensive plan and small  
19 area plan than the existing MU-4 zoning. I don't think I  
20 saw anything in the record, maybe I missed it, from the  
21 affected ANC or the Ward 7 Economic Development Council,  
22 although we generally don't consider other comments. But  
23 since they've been heavily involved in this -- you've -- and  
24 you've talked to them and you referred to their support, the  
25 Ward 7 Economic Development Council, at least.

1           Did they, they, they've seen this proposed zone  
2 and they are supportive of it, both -- or do, do you have  
3 any information on that from the Ward 7 Economic Development  
4 Council or the affected ANCs here?

5           MS. MYERS: So we have been to the ANC 7B's, their  
6 full meeting, as well as they have a subcommittee meeting  
7 and, and we presented and discussed the, the, the new zone  
8 with them. And they were the ones that pretty much were,  
9 like, get to it, which is why we moved forward a little --  
10 to this point a little faster than we were expecting, but we  
11 just got a lot of encouragement to move forward.

12           We've also notified through e-mails every,  
13 everyone that we have on the contact list for the small area  
14 plan. And I'm just trying to remember if the Ward 7  
15 Economic Council is on that. I just can't recall off top of  
16 my head. But all of the contacts that we have from the  
17 neighborhood planning team related to this, we, we e-mailed  
18 and notified. Haven't really heard much outside of being at  
19 the meetings, the ANC meeting and the -- community meeting  
20 -- about last month as well.

21           So we obviously heard feedback during the  
22 meetings, but through the e-mail communications I think one  
23 property owner reached out, but otherwise haven't really  
24 heard much. I haven't seen anything in the record either  
25 from the community expressing either way. So the feedback



1 we've gotten has been more in person.

2 VICE CHAIR MILLER: Well, I appreciate you  
3 bringing it forward as quickly as you could in response to  
4 the community's request and I would encourage you just to  
5 continue, continue with your community engagement. And  
6 we'll -- if we schedule this expeditiously, we'll, we'll be  
7 hearing from, from the -- from those folks at the hearing,  
8 hopefully not too -- in the not too distant future. So  
9 thank you very much.

10 CHAIRPERSON HOOD: Okay. Thank you again, Ms.  
11 Myers, for your report. We greatly appreciate it.

12 All right. Commissioner Imamura, if you'd like to  
13 make a motion.

14 COMMISSIONER IMAMURA: Yes. I move that the  
15 Zoning Commission set down Case No. 24-10, Office of  
16 Planning - text and map amendment to create new Pennsylvania  
17 Avenue East neighborhood mixed use zone NMU-5A/PAE. Ask for  
18 a second.

19 COMMISSIONER STIDHAM: Second.

20 CHAIRPERSON HOOD: Been moved and properly second.  
21 Any further discussion? Not hearing any, Ms. Schellin,  
22 would you do a roll call vote, please?

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Commissioner Stidham?

1 COMMISSIONER STIDHAM: Yes.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner Miller?

5 VICE CHAIR MILLER: Yes.

6 MS. SCHELLIN: The vote is four to zero to one to  
7 set down Zoning Commission Case No. 24-10 as a rulemaking  
8 case, the minus one being the third mayoral appointee seat,  
9 which is vacant. Thank you.

10 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have  
11 anything else before us?

12 MS. SCHELLIN: No, sir.

13 CHAIRPERSON HOOD: Okay. I would say -- well, let  
14 me just say to those who won't be joining us on Monday I  
15 hope you have a great month off in August. We're looking  
16 forward to it. I remember when the Commission, we used to  
17 meet in August, but I'm looking forward to a month off in  
18 August. So hope everybody have a safe, enjoyable time off  
19 away from zoning, to some degree away from zoning.

20 The Zoning Commission will meet again for the last  
21 time until our, our month break, as we just mentioned. It  
22 will be -- well, Zoning Commission Case No. 24-03. This is  
23 I think July the 29th on these same platforms.

24 With that, I want to thank everyone for their time  
25 and attention to this proceeding this evening. And with

1 that, have a great evening. This meeting is adjourned.

2 Good night.

3 (Whereupon, the meeting was adjourned at 5:13

4 p.m., Eastern Daylight Time.)

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This is to certify that the foregoing transcript

In the matter of: Public Meeting No. 1598

Before: D.C. Zoning Commission

Date: 07-25-2024

Place: Teleconference

was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and  
accurate record of the proceedings.



Gary Euell