

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

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LEAN DEVELOPMENT, LLC : Case No.

ZONING MAP AMENDMENT : 18-07

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Thursday,

November 8, 2018

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 18-07 by the

District of Columbia Zoning Commission convened at 6:30

p.m. in the Jerrily R. Kress Memorial Hearing Room at 441

4th Street, N.W., Washington, D.C., 20001, Anthony J.

Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson

ROBERT MILLER, Vice Chairperson

PETER G. MAY, Commissioner (NPS)

PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

STEPHEN VARGA, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN
JOEL LAWSON

The transcript constitutes the minutes from
the Public Hearing held on November 8, 2018.

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

(6:35 p.m.)

1
2
3 CHAIRMAN HOOD: Good evening, everyone. We're
4 ready to get started. This is a public meeting of the Zoning
5 Commission for the District of Columbia. Today's date is
6 November the 8th, 2018.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioner Shapiro and Commissioner May. We
9 are also joined by the Office of Zoning staff Ms. Sharon
10 Schellin, as well as the Office of Planning staff Mr. Lawson
11 and Mr. Cochran.

12 This proceeding is being recorded by a court
13 reporter. It's also webcast live. Accordingly, we must ask
14 for you to refrain from any disruptive noises or actions in
15 the hearing room, including the display of any signs or
16 objects.

17 Notice of today's hearing was published in the
18 D.C. Register and copies of that announcement are available
19 to my left on the wall near the door.

20 The hearing will be conducted in accordance with
21 provisions of 11Z DCMR Chapter 5 as follows: preliminary
22 matters, presentation by the petitioner, and then we'll have
23 report of the Office of Planning, report of other government
24 agencies, report of the ANC, organizations and persons in
25 support, organizations and persons in opposition,

1 organizations and persons who are undeclared.

2 The following time constraints will be maintained
3 in this meeting. The petitioner has up to 60 minutes. We
4 would ask that we probably work around 15 minutes, because
5 we are not talking about anything specific. We're talking
6 about a rezoning, not a particular case. Organizations 5
7 minutes, individuals 3 minutes.

8 All persons wishing to testify before the
9 commission in this evening's hearing are asked to register
10 at the witness kiosk to my left and fill out two witness
11 cards. If you need some help with that, you can see Ms.
12 Schellin to my left.

13 Upon coming forward to speak to the commission,
14 please give both cards to the reporter sitting to my right
15 before taking a seat at the table.

16 When presenting information to the commission,
17 please turn on and speak into the microphone, first stating
18 your name and home address. When you are finished speaking,
19 please turn your microphone off so that your microphone is
20 no longer picking up sound or background noise.

21 The staff will be available throughout the hearing
22 to discuss procedural questions. Please turn off all
23 electronic devices at this time so not to disrupt these
24 proceedings.

25 At this time, the commission will consider any

1 preliminary matters. Does the staff have any preliminary
2 matters?

3 MS. SCHELLIN: I just want to advise the
4 commission that the ANC 6C did submit a report and Exhibit
5 54 just in case you did not see that.

6 I believe that you have, but just in case one of
7 you missed it, it is that Exhibit 54. Other than that, staff
8 has nothing further.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: Oh, other than the proffered
11 experts, I'm sorry.

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: There were, let me find my page
14 right here. I know Mr. Varga has been accepted with the BZA,
15 but I don't think he's been accepted by the commission as an
16 expert yet.

17 And also Mr. Gharai, he's been here before from
18 SGA Architects, although we're not talking about a project.
19 It's up to the commission --

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: -- to decide whether you want to
22 accept him as an expert in this case --

23 CHAIRMAN HOOD: Okay.

24 MS. SCHELLIN: -- but you do have Mr. Varga.

25 CHAIRMAN HOOD: Okay. Again this evening, I want

1 to make sure everyone knows, we're not here to talk about any
2 specific project. We're here to talk about the rezoning and
3 any amendments.

4 So let me just make sure that we understand that,
5 because if we start getting into the projects, I'm going to
6 do like I always do. I'm going to try to stay back to
7 talking about the rezoning or what's before us.

8 Okay. I don't think we have any issues with Mr.
9 Ghara?

10 MR. GHARAI: Gharai.

11 CHAIRMAN HOOD: Gharai, because we've previously
12 accepted him. Let's take up Mr. Varga. I know the BZA has
13 accepted him as an expert. What is he an expert in? Come
14 forward. I don't even know, what --

15 MS. SCHELLIN: Planning.

16 CHAIRMAN HOOD: Planning, oh, okay.

17 MS. SCHELLIN: Zoning and land use.

18 CHAIRMAN HOOD: Zoning and land use, okay. Zoning
19 and land use.

20 MR. VARGA: Good evening, Chairman Hood. Yes,
21 thank you.

22 CHAIRMAN HOOD: Mr. Varga. Okay, so Mr. Varga.
23 Colleagues, any objections? Any questions, comments? Not
24 seeing any objections, okay. All right. All right, anything
25 else, Ms. Schellin?

1 MS. SCHELLIN: No, sir.

2 CHAIRMAN HOOD: So you are now on our list. Okay.

3 Ms. Mazo, if you want to come forward, you can go ahead and
4 begin with your presentation.

5 We don't need but about 15 minutes, and I would
6 like for you to hit highlights on the rezoning.

7 MS. MAZO: Good evening, members of the
8 commission, I'm Samantha Mazo. I'm with the Law Firm of
9 Cozen O'Connor, and I'm here on behalf of the applicant in
10 this case.

11 Yes, we're very happy to be here. We're very
12 happy to be talking about the proposed rezoning here as a
13 rulemaking map amendment.

14 Just as a general matter, we are in Square 750.
15 We're looking at the rezoning of four different lots in that
16 square. Approximately 50 percent of the lots would be
17 rezoned to the MU-4 zone and that's at the northern portion
18 near the corner of the intersection of K Street and 2nd.

19 And the southern portion of those lots, we're
20 proposing to be rezoned to the MU-5A zone. With me tonight
21 are Sassan Gharai of SGA Architects, also here on behalf of
22 the applicant.

23 And then Mr. Varga, whom you've already spoken
24 with, he is the land planning director at Cozen O'Connor.
25 With that, I will very briefly turn it over to Mr. Gharai

1 just to discuss the surrounding neighborhood and the
2 property.

3 One very brief comment before we start is in
4 response to community outreach, I'd discuss this at the end,
5 but I don't want to wait. We have done community outreach
6 on this project.

7 Mr. Gharai and the applicant, on behalf of the
8 applicant, they started meeting with the ANC back in March
9 to propose the project.

10 We came back to them in May, again to discuss the
11 map amendment. We went back to the ANC, both the BZE and the
12 full ANC just recently in October.

13 At that time, we were directed by the ANC to
14 conduct a series of discussions with the community, those
15 meetings, in order to discuss and work towards an agreement.

16 Those efforts have gone on in good faith. There
17 have been two meetings with the community, and we know that
18 people have, you know, different takes on what happens in
19 community outreach, but really from our position, we believe
20 that the community outreach efforts have been strong and they
21 will be ongoing.

22 The property owners, who are nonprofits, they own
23 other lots on the square, and they have been longtime owners,
24 and they are involved in the community and will continue to
25 be. Just very briefly --

1 MR. GHARAI: So I'm going to talk about this image
2 here. To the north of us, there's a --

3 CHAIRMAN HOOD: Could you identify yourself first?

4 MR. GHARAI: Oh, sorry. My name is Sassan Gharai.
5 I am an architect with SGA Companies. This image is a shot
6 basically of our property.

7 On the left-hand side of the image, there is a 14-
8 story building that is being finished up at the moment that's
9 to our north on K Street.

10 On 2nd Street looking into our site, you can
11 barely see behind the trees these two-story townhouses. And
12 then also on 2nd Street, there's a berm.

13 Now, I just want to point out that the berm is on
14 public property and as a part of any project, that berm would
15 basically stay and we've, you know, that's something that
16 we've discussed with the community.

17 Also I don't know that you can really see it on
18 this image, but there are the vestigial remains of the alley,
19 which originally went through this property.

20 CHAIRMAN HOOD: Let me ask you this.

21 MR. GHARAI: Go ahead.

22 CHAIRMAN HOOD: I'm probably the only one that
23 needs you to do this, but --

24 MR. GHARAI: Yes?

25 CHAIRMAN HOOD: -- do you have a pointer? Can you

1 use your pointer to show us what you're talking about when
2 you're talking about it?

3 MR. GHARAI: Yes, I can do that.

4 CHAIRMAN HOOD: Am I the only one that needed
5 that?

6 PARTICIPANT: That's fine.

7 CHAIRMAN HOOD: Okay.

8 MR. GHARAI: It's fine.

9 CHAIRMAN HOOD: I know I'm not --

10 MR. GHARAI: Can he see my pointer?

11 CHAIRMAN HOOD: Yes.

12 MR. GHARAI: You can? Oh.

13 CHAIRMAN HOOD: I can't see --

14 MS. SCHELLIN: Or they can use the thing on the,
15 the new gadget on the table there where they can actually --

16 MR. GHARAI: This? No.

17 MS. SCHELLIN: No. This, right here. Do you see
18 the screen?

19 MS. MAZO: The other screen?

20 MS. SCHELLIN: Yes.

21 MR. GHARAI: Oh.

22 CHAIRMAN HOOD: And actually, it'll outline
23 everything for us.

24 MS. SCHELLIN: Yes, you can actually tap it.

25 CHAIRMAN HOOD: Somebody's already tapped it, but

1 yes, we have a circle, a red circle. Yes, there you go.

2 MR. GHARAI: So this, what I just circled, is the
3 14-story building. I'm about to circle the berm, which runs
4 on our property on two sides.

5 Our property goes through from, and I keep saying
6 our property. I've worked on this for a long time. The
7 property abuts Parker Street to the north, to the south,
8 sorry and K Street to the north.

9 The berm runs two sides of our property, and
10 that's, just so you understand, that's on public space. So
11 we're not really going to touch that. And there's a 14-foot
12 height difference between the sidewalk and the top of the
13 hill.

14 Let's go to the next image. This is a head-on
15 shot of the townhouse, and although this sort of ventures
16 into being somewhat project specific, we are keeping as part
17 of whatever we're doing, we're going to keep the townhouses.
18 And down here, you can see the vestigial remains of, well if
19 you go back, the vestigial remains of an alley.

20 One of the issues that the, you know, sort of a
21 traffic issue that the neighbors have had is that this alley
22 got blocked off and so they have this very narrow ten-foot
23 wide alley that stops at a dead end. And we were exploring
24 like bringing the alley through the property.

25 Let's move onto the next image. This image shows,

1 okay, on this image, this is where our property is going to
2 go. The property is currently zoned PDR-1 and MU-5A and with
3 the change in the zoning, we're staying within those limits.

4 And you can kind of see how what we'd essentially
5 be doing is there'd sort of be a bridge between this very
6 tall 14-story building and what's essentially going to be,
7 once we fit in the zoning envelope, we're going to be about
8 50 feet high if you measure the building from Parker Street.

9 So it's, you know, we're going to be a little
10 below, this building over here is called the Pullman, that's
11 at 75-feet height and then there's this really big building
12 that's 14 stories.

13 This is looking across the street. This property
14 a little further down is going to be developed as Burnham
15 Place, which is a major project.

16 But also from sort of the land planning and policy
17 standpoint, we've got essentially what's a very large
18 industrial sort of transit facility with Union Station and
19 the train tracks.

20 And by putting in, filling in this little gap,
21 this little hole in the zoning wall here, we're kind of
22 taking, go ahead, we're kind of stepping back the
23 development.

24 MS. MAZO: Maybe we'll have Steve kind of discuss
25 the historical.

1 MR. GHARAI: Yes.

2 MS. MAZO: Also, just very briefly, the clock is
3 just now restarting, thank you, and we appreciate that.

4 MR. VARGA: Again, thank you. Stephen Varga,
5 Director of Planning Services, Cozen O'Connor. And the
6 history of the --

7 (Off mic comments.)

8 MR. VARGA: Yes. No, it's okay. Thank you. The
9 history of the site has very unique zoning history.

10 The entirety of Square 750 as early as 1936 was
11 zoned commercial. Sometime between 1958 and afterward, the
12 entirety of the square was rezoned to CM, which is a PDR
13 equivalent.

14 In 1996, the Union Station rezoning rezoned the
15 entirety of Square 750 to the C-2B, which is now equivalent
16 to the MU-5A, except for the majority of, well, the entirety
17 of our property, as well as a smaller portion as well, which
18 retained that original industrial zoning.

19 And the reason for that was because the property
20 owner at that time had a specific project in mind, which they
21 intended to build, an office building.

22 And they essentially appealed to the Zoning
23 Commission to keep that property zoned as it was not to
24 interfere with the amount of work that they had already put
25 into that specific project.

1 And as you can see here in the order, it cites
2 those exact lots, which correspond to what remained of the
3 PDR zoning in Square 750.

4 And briefly, just a comparison of the existing and
5 proposed uses. There's actually a very drastic difference
6 between what is currently allowed in the, what's currently
7 zoned for the PDR in that you cannot have residential uses
8 as a matter of right as a primary use, as opposed to the
9 Mixed-Use classification, which we're seeking, which
10 obviously does permit residential uses.

11 In terms of the comparison in height and density,
12 the differences are not nearly as severe. In fact, there is
13 a lot of corresponding elements in terms of height and
14 density of what's allowed in PDR versus the MU zoning that
15 we're seeking.

16 Next, we're talking about the Comprehensive Future
17 Land Use Map here. And you can see indicated on the map is
18 Mixed-Use Moderate Density Residential and Low Density
19 Commercial.

20 And the current zoning of the PDR is expressly
21 inconsistent with the FLUM. There's no residential
22 permitted. However, on the other hand, as I mentioned,
23 Mixed-Use would provide that residential, which is in line
24 with the recommendations of the Comprehensive Plan.

25 Further, as OP notes in their report, this case

1 is, you know, particularly so when reading the balance of the
2 Comprehensive Plan in conjunction with the guidance given in
3 the NoMA Small Area Plan, which we'll get into momentarily.

4 Additionally, the site here on the Generalized
5 Policy Map is a neighborhood conservation area. And before
6 I go into this, I just want to clarify that the purpose of
7 the Generalized Policy Map as denoted in Section 223.1
8 states, "The GPM highlights areas where more detailed
9 policies are necessary both within the Comprehensive Plan and
10 in follow-up plans to manage this change."

11 And so here I just want to emphasize, we do have
12 a follow-up plan. In 2009, we have the NoMA Small Area Plan,
13 which again I'll get into in a moment, but again, I just
14 wanted to set the framework for the Generalized Policy Map
15 interpretation.

16 Again, you know, OP brings up the point that the
17 rezoning would correspond to the intentions of the
18 designation far better than the current zoning would, and we
19 wholeheartedly agree with that.

20 And now, just to take a moment to go through the
21 various elements of the Generalized Policy Map as it's
22 described in the Comp Plan point by point.

23 Here you can see primarily residential in
24 character. Again, current PDR zoning doesn't allow
25 residential whereas the MU zoning we're proposing would.

1 Next, maintenance of existing land uses. Again,
2 there's been significant development both to the north and
3 the south along 2nd Street and more expected in the immediate
4 area, particularly to the west.

5 The "anticipated" there that's mentioned has been
6 going on, so from when this was written to the current day
7 and onward, we see that development that was anticipated sure
8 enough has come along.

9 And the site area as well here in terms of major
10 changes, the site area is part of the area being called out
11 in the NoMA Small Area Plan and will provide for development
12 of the scale of what's already allowed in the Square 750, the
13 majority of it.

14 The request is not inconsistent with the
15 Generalized Policy Map in that, again, looking broadly, the
16 rezoning would complement what has been constructed recently
17 in the area, as well as what is permitted as a matter of
18 right on the remainder of Square 750.

19 Here I can run through the city-wide elements very
20 quickly. I can emphasize any one of them if you'd like.
21 Land use, housing, transportation, economic development,
22 environmental.

23 These are all policies which any development on
24 a mixed-use site in that square that it would not be
25 inconsistent with any of those city-wide elements.

1 In terms of the area elements, this area is
2 specifically in the Capitol Hill, although it borders on the
3 Central Washington element.

4 The Capitol Hill Element really emphasized
5 transition between the downtown, which is obviously of a
6 higher density than Capitol Hill out to the east.

7 And what a development here of the capacity that
8 we're hoping for is a transition from the higher densities
9 of the downtown scaling to the MU-4, MU-5A that we're
10 requesting down to the lower densities out to the east in
11 Capitol Hill.

12 The Central Washington Area element speaks very
13 specifically to this area. So again, even though it's in the
14 Capitol Hill Area element, the east NoMA area of the Central
15 Washington Area element speaks specifically to this area.

16 And you can see some of the policies here, which
17 really finely point out those specific policies about how a
18 development here in line with what we're asking for would
19 meet that.

20 And, again, just to back up, I want to show that
21 red dot to the right shows our site area in relation to the
22 downtown area, as well as the Capitol Hill area.

23 Again, I just want to take another moment to
24 emphasize that obviously the Comprehensive Plan has some
25 direction with regard to the use of industrial land.

1 And so here, LU-3.13 talks about how the site
2 area, the retention of PDR land under certain circumstances.
3 And just to reiterate that this particular site area has none
4 of that.

5 It's not well buffered from residential uses.
6 It's not characterized by existing concentrations of PDR and
7 industrial uses.

8 Additionally, on the other hand though, there are
9 recommendations in the Comp Plan that do speak to the
10 rezoning of industrial areas. And here we have a clear case
11 where the site area does correspond to those recommendations
12 as shown in the slide.

13 Now, on to the NoMA Small Area Plan. Again, I
14 mentioned that back in 2009, they looked at this specific
15 area called Transition Area A of the east NoMA neighborhood,
16 and the recommendations in the next slide, Moderate to Medium
17 Densities are specifically noted under the desired land use
18 mix, as well as a mix of uses for the area.

19 Again, the request is consistent with the NoMA
20 SAP, so in terms of looking at the totality of the
21 Comprehensive Plan elements and also the Small Area Plan,
22 when you put it all together, a rezoning to the mixed use
23 meets those recommendations.

24 And, again, just to reiterate that a rezoning to
25 the MU-4 and MU-5A would fall squarely with what's already

1 been approved back in 1996 for the entirety of the square but
2 for our area, and it would coordinate with the remaining 88
3 percent of the square.

4 Again, the rezoning allows for better scale for
5 the MU portion. It would be consistent with matter of right
6 potential, again in the remainder of Square 750 and in line
7 with the recent development that we've seen up and down 2nd
8 Street in this particular area of the east NoMA neighborhood.

9 MS. MAZO: Just very briefly, again, on community
10 outreach. We first started meeting, or the applicant first
11 started meeting with the PZE back in March.

12 They presented actually a much larger project that
13 would have been a PUD. It's been reduced now to this current
14 project with, I'm sorry, with the current map amendment.

15 They presented the map amendment to the
16 subcommittee on June 6th, planned an agenda item voted on by
17 the full ANC. Again in June, presented the map amendment
18 again to the subcommittee. That subcommittee did vote to
19 recommend opposition to the full ANC.

20 We engaged in outreach, obtained letters of
21 support, presented to the full ANC on October 10th. At that
22 meeting as identified in the ANC letter that is now in the
23 record, the ANC did vote to support the application by a
24 margin of three to two but then did direct the applicant to
25 continue and to have discussions with the neighbors in order

1 to come to an agreement.

2 And the ANC's letter of support was predicated on
3 the fact that there would be an agreement. To that end, the
4 applicant certainly worked very diligently to outreach to the
5 neighbors.

6 And we presented an agreement to the neighbors.
7 We circulated it to them. Unfortunately, we were not able
8 to get any of those terms actually memorialized, but those
9 efforts were certainly made, you know, accordingly as
10 discussed at the ANC.

11 The ANC's report is now not in support in light
12 of the fact that we weren't able to reach those agreements.
13 The applicant has also cleaned up the site and added
14 additional lighting to the alley.

15 ANC recommendations, the Office of Planning
16 recommends approval, DDOT has no objection, and I think that
17 that's also important, and then also the Capitol Hill
18 Restoration Society supports the petition.

19 Just very briefly, as discussed here, the
20 application is not inconsistent with the Comp Plan or the
21 NoMA Small Area Plan. We'll bring the site area into
22 conformance with the FLUM.

23 It activates the use of the site area and
24 potential to bring new market and affordable housing to
25 centrally located location, promotes public safety, adds

1 vitality to the streetscape which is currently vacant, will
2 not result in an overcrowding of land or undue concentration
3 of population.

4 DDOT concluded that the rezoning was not likely
5 to increase the peak-hour trips. They had no objection. And
6 the land use was to be consistent with permissible uses in
7 the surrounding MU-5A zone lots.

8 And then finally, the request will promote an
9 efficient use of the land, strengthening the NoMA
10 neighborhood by housing and local retail. And with that,
11 we'll end our formal presentation. We're happy to take
12 questions.

13 CHAIRMAN HOOD: Okay. Thank you very much for
14 your presentation. You mentioned that the applicant has
15 started keeping the lot clean. I'm just curious, did he
16 start just before he came down here or did he start
17 previously?

18 Because I hear them always cleaning the lot up,
19 but they don't start until they know they have to come down
20 here to see us.

21 MS. MAZO: Well, to that end, I certainly know
22 that the applicant did take efforts to clean up the lot
23 recently. I believe it was at the direction of the
24 community, but I can't speak to that.

25 CHAIRMAN HOOD: Okay. All right. Let me see if

1 others have any questions, any questions or comments.
2 Commissioner May?

3 COMMISSIONER MAY: Just one question. The
4 property, the northern section of the property or most of it
5 where the berm exists, you stated that the, or somebody
6 stated that the berm would remain and that's in public space.

7 And I also thought I heard that the building
8 height would be measured from the street. Is that right?

9 MR. GHARAI: Correct. From Parker Street.

10 COMMISSIONER MAY: So that berm --

11 MR. GHARAI: From Parker Street.

12 COMMISSIONER MAY: From Parker Street?

13 MR. GHARAI: Yes, so if you, I don't know if we
14 have a good image of this, but the 2nd Street slopes down
15 from Parker Street, and Parker Street is about 16 feet higher
16 than K Street, 14 to 16 feet higher than K Street.

17 So we'd be measuring our building, which will be
18 a 50-foot high building from Parker Street.

19 COMMISSIONER MAY: So it's going to be 16 feet
20 taller than it would be if it were measured from K Street?

21 MR. GHARAI: That is correct, yes. But what would
22 stick up on the, what you'd see above the berm would be
23 another approximately 50 feet.

24 And the other thing is that on the Parker Street
25 side we're at MU-5A, but on the K Street side, you know,

1 we're not asking for MU-5A, we're asking for MU-4.

2 COMMISSIONER MAY: No, I understand that.

3 MR. GHARAI: So what that does though is it gives
4 you a building that has a relatively even roof line that sort
5 of goes across the site.

6 COMMISSIONER MAY: Okay. I mean, I saw an image
7 of what might be possible as a matter of right. Was that
8 something that you all produced?

9 MR. GHARAI: Yes, we did.

10 COMMISSIONER MAY: Can you bring that up?

11 MS. MAZO: Yes, no problem. It'll probably make
12 your head spin to get there, but sorry --

13 COMMISSIONER MAY: It's okay.

14 MS. MAZO: -- it's at the end. Hold on.

15 MR. GHARAI: No, that's not it. That's the 1996
16 design that never got built, which is frighteningly similar.
17 So basically this image shows the envelope of what can be
18 built.

19 And the reason we left out the space in between
20 the two buildings is that, you know, as you know, when you
21 have any zone, you've got to have some level of open space.

22 So we're assuming that the lot occupancy is pushed
23 up against the two sides of the townhouses, and you're left
24 with this sort of this shape, the MU-5 section, which allows
25 you to go taller. And then the MU-4 section, which comes

1 down lower.

2 And, you know, one of the ideas that we had so
3 that, you know, the community would feel better about this
4 whole thing would be to sort of go in and say, well, on the
5 MU-5 section, we'll build it so that it's at the same height
6 as the MU-4 section.

7 And I don't know if we do that via covenant,
8 whether we do that with the ANC, but that's something that
9 my client would be willing to do.

10 COMMISSIONER MAY: Okay. So I don't want to get
11 into the particulars of what you're planning.

12 MR. GHARAI: Yes.

13 COMMISSIONER MAY: I'm just trying to understand
14 what can happen on a site. If you were to have what looks
15 like essentially two separate buildings as shown here, would
16 you still be able to take the building height measurement off
17 of Parker?

18 MR. GHARAI: Okay, so one of the things that we're
19 doing, that we would do is we would connect the two buildings
20 with a bridge that sticks off the ground, so it would count
21 as one building.

22 COMMISSIONER MAY: Okay.

23 MR. GHARAI: That's how --

24 COMMISSIONER MAY: So there has to be a meaningful
25 connection between the two sections?

1 MR. GHARAI: Right.

2 COMMISSIONER MAY: But that's not shown here?

3 MR. GHARAI: No, it isn't, because what we were
4 showing --

5 COMMISSIONER MAY: That's okay. I just want to,
6 I'm trying to understand what's here, not necessarily all of
7 the thinking that is going into a project that we are not
8 evaluating here. Okay. I think I understand what's going
9 on.

10 It looks like the berm in this illustration also
11 exists on the Parker side of the street. Is that right?

12 MR. GHARAI: So what happens on the Parker side
13 of the street is if you're standing on Parker Street looking
14 north down 2nd Street, there's a, the first townhouse on
15 Parker Street, you come in at grade and you've got like a
16 steep slope taking you up Parker Street.

17 You know the intersection of Parker and 2nd Street
18 where that comes down is a steep slope that kind of matches
19 the berm that's there. But once you get onto Parker Street,
20 you're at the level of the top of the berm, if that makes
21 sense.

22 COMMISSIONER MAY: Okay. And the building height
23 measurement would be taken at the midpoint of that slope?

24 MR. GHARAI: Say that one more time.

25 COMMISSIONER MAY: The building height measuring

1 point would be at the midpoint of that slope, something like
2 that?

3 MR. GHARAI: No, it would be at the midpoint of
4 where our facade, at the middle of our facade on the sidewalk
5 in front of it on Parker Street.

6 COMMISSIONER MAY: Yes, I think that's what I was
7 trying to say.

8 MR. GHARAI: Okay. So we're, yes.

9 COMMISSIONER MAY: Yes, it's the middle of the
10 facade on the Parker Street side?

11 MR. GHARAI: Correct.

12 COMMISSIONER MAY: Yes. Okay. Which looks to be
13 a few feet lower than the height of the berm, at least the
14 way this is rendered.

15 MR. GHARAI: Yes, I wouldn't put too much stock
16 in that.

17 COMMISSIONER MAY: Okay.

18 MR. GHARAI: I think that we really put this --

19 COMMISSIONER MAY: Well, you just said that it
20 slopes up pretty strongly on Parker.

21 MR. GHARAI: It does, it does, yes.

22 COMMISSIONER MAY: So if at one end it's low and
23 then the other end it's high, I mean.

24 MR. GHARAI: But then it flattens out.

25 COMMISSIONER MAY: Sure.

1 MR. GHARAI: So once you've walked down Parker
2 Street, it kind of flattens out. So just to give you an
3 idea. So this is the best way for me, the way I understood
4 it and the way it's easier for me to understand is that the
5 first floor of the townhouses, which is the top of the berm,
6 you'd need to go up one six-inch step to get into the house.

7 COMMISSIONER MAY: Right.

8 MR. GHARAI: And so that's, the bottom of that
9 six-inch step in front of the curb where that is, that's our
10 measuring point on Parker Street.

11 But that gives you an idea of where the first
12 floor of the townhouses sit in relation to the berm. They
13 essentially sit on top of it.

14 COMMISSIONER MAY: Okay. So the slope over the
15 length of the property along Parker Street, it slopes up and
16 flattens out, and the midpoint is at the top of that slope?

17 MR. GHARAI: Correct.

18 COMMISSIONER MAY: Okay. All right. Thanks.

19 CHAIRMAN HOOD: Any other questions or comments
20 up here? Vice Chair Miller?

21 VICE CHAIR MILLER: Thank you, Mr. Chairman and
22 thank you for your presentation. I'll ask the Office of
23 Planning this question as well.

24 So there are five-and-a-half lots in the square
25 that are currently PDR, and you've got four of them in your

1 site area?

2 MR. GHARAI: Yes.

3 VICE CHAIR MILLER: So that's going to leave one-
4 and-a-half with the existing PDR. I guess I'm curious as to
5 why the petition doesn't include those one-and-a-half lots
6 leaving that donut kind of a PDR in this residential square,
7 even though they're residential buildings I guess right now.
8 Did you try to make it part of your site area?

9 MR. GHARAI: We did.

10 VICE CHAIR MILLER: Yes?

11 MR. GHARAI: But we have, I think our client and
12 I as an architect have a particular aversion to changing
13 other people's zoning without their permission. But our
14 client did try to purchase those two lots as well to have
15 them be part of the site, and they weren't successful in
16 that.

17 But the current owners also weren't interested in,
18 you know, being part of this process. So rather than, you
19 know, force something on them, we left it alone.

20 VICE CHAIR MILLER: Okay. Well, maybe Office of
21 Planning in its presentation or in the Q&A can address just
22 from a zoning consistency case, this is a Zoning Comp Plan
23 consistency case with a Zoning Map amendment, why we would
24 leave one-and-a-half squares adjacent to this site with the
25 PDR.

1 I guess I should have asked that at set-down, so
2 that maybe we could have advertised it that way and conferred
3 with the owner, but Office of Planning can address that when
4 you make your presentation.

5 Do you want to address it now or do want to
6 address it as part of your presentation? Whatever you want
7 to do.

8 MR. COCHRAN: It's actually, just for the record,
9 it's actually three record lots with two houses on it.
10 What's you're looking at it here is tax lots. It gets pretty
11 confusing.

12 But it's not owned by the applicant. The owners
13 did not petition for it to become part of a new zone so, no,
14 it's not optimal, but it's the hand we're dealt with, because
15 this is the petitioner, and it would leave two small record
16 lots in the PDR zone and make the others much more consistent
17 with the rest of the zone.

18 VICE CHAIR MILLER: Thank you.

19 CHAIRMAN HOOD: Any other questions or comments?
20 Let me just ask, and I'm sure I'm going to hear from those
21 who are going to be testifying.

22 Most of my experience has been, at least in a
23 certain ward in this city, people usually try to get rid of
24 PDR. Why am I seeing something different here? Help me
25 understand.

1 Because PDR has different uses that are most
2 undesirable and I'm sure probably wouldn't happen here. But
3 help me understand what some of the concerns are.

4 I've read the letters in opposition, but help me
5 understand as you see it what the concerns are.

6 MS. MAZO: Oh, I think I understand, so --

7 CHAIRMAN HOOD: If not, I can rephrase it.

8 MS. MAZO: No, I think my understanding is this
9 application is trying to bring the project into more
10 conformance with the Zoning, with the Comprehensive Plan.

11 And you often hear people who want to get rid of
12 the PDR zone and in this instance, we believe, and from what
13 we've heard in our conversations with the community, much of
14 their concern has to do with congestion in the alley and
15 concerns that redevelopment of this site would exacerbate
16 that.

17 You know, to that end, we would point the
18 commission to the DDOT report, which has done an evaluation
19 and comparison between the trips generated by an industrial
20 use here versus the trips generated by the mixed-use here and
21 determined that mixed-used as proposed would actually produce
22 fewer number of peak-hour trips. So there's that.

23 The other thing that DDOT would potentially be
24 encouraging about would be an extension of the alley out to
25 2nd Street. There has been quite a bit of concern about and

1 asking if it would be possible to get a curb cut from our
2 site from 2nd Street.

3 We had informed the applicant that we'd be happy
4 to, you know, move mountains with DDOT to go the PSC to make
5 that claim. The DDOT report expressly says that they would
6 not support a solo curb cut here, but that they would
7 potentially support some sort of extension of the paper alley
8 out to 2nd Street.

9 And that's certainly something the applicant would
10 be happy to work with DDOT on. So there are those questions.

11 We've heard that people are concerned that having
12 additional residents here as opposed to an office use could
13 just add to the overall density and that some would prefer
14 an office, some would, you know, potentially prefer no
15 changes.

16 One thing that has been consistent and is
17 certainly something that is being reflected by the applicant
18 even in that drawing is an interest in retaining portions of
19 those townhouse facades.

20 And that's something that's even expressly
21 requested in the NoMA Small Area Plan, and that's something
22 that the applicant has really from almost the very beginning,
23 certainly since I became involved, has you know, been happy
24 to do, agreed to do.

25 So that's our understanding of the concerns. I'm

1 sure the neighbors here will provide more information, but
2 from my experience that's what I have heard.

3 CHAIRMAN HOOD: I'm going to ask, what are the,
4 I see in the report, in the DDOT report where it says the
5 rear alley should be extended through the site or widened
6 near its terminus at the property in line and order to
7 facilitate efficient circulation and trash pickup as you
8 alluded to.

9 What is that? Is that going to happen if it's
10 approved?

11 MS. MAZO: My, and Sassan can speak for the --

12 MR. GHARAI: Yes.

13 MS. MAZO: Okay, yes.

14 MR. GHARAI: The short answer's yes.

15 CHAIRMAN HOOD: That took a long time to get to
16 a yes, I'm just curious, because that is some of the concerns
17 that I look at when it comes to a rezoning of any project.

18 MR. GHARAI: I think --

19 CHAIRMAN HOOD: Any project or anything that may
20 go there.

21 MR. GHARAI: I think the issue was really, it took
22 us, when we first heard this that we could even do this,
23 because the report didn't come out that long ago, we kind of
24 scrambled.

25 And, again, I don't want to get into a specific

1 design, but I wanted to see if we could add the alley into
2 the design of our building and make it work, and we can.

3 And, I mean, we literally figured this out just
4 a few days ago. I mean, we kind of thought we could do it,
5 but we really can do it. And I think what it does is it will
6 alleviate a lot of the issues that the neighbors will have
7 in terms of congestion, in terms of traffic.

8 And, you know, the irony of this project is that
9 you're right, everywhere else everyone wants to turn PDR-1
10 to residential, but here we've got the opposite problem.

11 And I think part of it is that I think the
12 neighbors feel that if this doesn't get approved, nothing
13 will get built. And they also, the other thing that I think
14 for you to bear in mind is that our client is actually, it's
15 an advocacy group.

16 It's called the Council for American-Islamic
17 Relations. And, you know, they're really no different than
18 ACLU in some ways, that they use the laws to stand up for
19 minority rights.

20 And so the point of that is that, you know, our
21 client is not a for-profit developer and having good
22 community relations and acting ethically and all of those
23 things are important to our client. So I hope that answers
24 your question completely.

25 CHAIRMAN HOOD: Okay, thank you. Commissioner

1 Shapiro?

2 MS. MAZO: And just very briefly, we don't want
3 to speak for the neighbors. We know that you will hear from
4 them.

5 CHAIRMAN HOOD: Yes, I just wanted to get your
6 point of view. I'm going to definitely ask the neighbors the
7 same thing. Thank you.

8 COMMISSIONER SHAPIRO: I appreciate that Mr. Chair
9 and, yes, I expect they'll hear from the neighbors and hear
10 their voice directly. Though, I just, the discussion around
11 the alley feels like a discussion around the project and not
12 a discussion around the rezoning.

13 So is there any, I mean, in your expert opinions,
14 opinion, opinions, is there any relevance around the alley
15 and the rezoning? I know we're going to hear from the
16 neighbors around, and it's going to be hard not to have this
17 bleed into a discussion around potential project, but the
18 alley isn't a zoning issue, is it?

19 MS. MAZO: It's not expressly a zoning issue,
20 Commissioner Shapiro. However, there is just generally
21 always a requirement that rezonings be consistent with the
22 Zoning Act itself with the D.C. Code.

23 And there is reference in the D.C. Code regarding
24 the ability to have sufficient, sufficient land uses, as well
25 as not expressly sufficient circulation, but that what's

1 being proposed can be accommodated on the surrounding road
2 network.

3 And so that's why on a rezoning, they refer the
4 recommendation or they refer the application to DDOT. And
5 that's why in this instance, DDOT has provided a report.

6 COMMISSIONER SHAPIRO: Okay. So it is fair game,
7 and it's coming through the --

8 MS. MAZO: I would say it's, I mean, it's part of
9 the Zoning Act, but yet, it's a different analysis than what
10 would be done for say a PUD or a design review, in which
11 there are different standards that have to be satisfied.

12 Here it's just really the general Zoning Act
13 standards of the ability of the surrounding streetscape to
14 be able to accommodate the project.

15 COMMISSIONER SHAPIRO: Thank you. Thank you, Mr.
16 Chair.

17 CHAIRMAN HOOD: And for me, I think it's very
18 germane when I change any type of zoning, because even if it
19 stayed to be, what is, even if it stayed PDR, which I know
20 some PDR zones get trash transfer stations and things like,
21 which are definitely undesirable I'm sure for this
22 neighborhood.

23 But, you know, some of those uses are permitted
24 in PDR. So I'll just give you that. So I think it equates.
25 I appreciate you asking, but I think it's very germane in a

1 rezoning from my standpoint. Okay. Any other questions up
2 here. All right. Let's go to the Office of Planning.

3 MR. COCHRAN: Thank you, Mr. Chair. Despite
4 having spent hours and hours on this testimony, I don't want
5 to waste your time tonight.

6 There's very little that we would say that has not
7 already been said tonight. I don't know whether it's because
8 Mr. Varga used to work for the Office of Planning or not.

9 But let me just focus in on a couple of things.
10 The existing PDR zoning is clearly not consistent with the
11 Comprehensive Plan. We know that.

12 The question is, to get it to be consistent with
13 the Comprehensive Plan, what's the appropriate intensity for
14 the new zoning that would permit residential on the site and
15 perhaps commercial also?

16 And if you look at our set-down report and look
17 at our final report, you'll see that overall, OP believes
18 that both the MU-4 and the MU-5A zones are among the zones
19 that would be not inconsistent with the Comprehensive Plan.

20 And of particular note is the NoMA Plan. Now, the
21 NoMA Small Area Plan was written after the Comprehensive
22 Plan. Land use maps were developed back in 2006.

23 The NoMA plan clearly shows this is the transition
24 area. You've got a 14-story building to the north. You've
25 got a 10-story building to the south.

1 You've got at least 10- to 13-story buildings to
2 the west if you're looking across the tracks. This area was
3 seen as something that would be lower in intensity, lower in
4 height than the surrounding areas, so that they could
5 transition into the area to the east, which some would call
6 Capitol Hill North, others would call it any number of
7 neighborhood names.

8 That's why we don't think that this zoning would
9 be, well, that's why we think that the zoning proposed would
10 be not inconsistent with the Comprehensive Plan in a
11 nutshell. I'm happy to answer any questions.

12 CHAIRMAN HOOD: Mr. Cochran, let me just ask, did
13 you go out to the community, I guess the ANC meeting and did
14 you go out?

15 MR. COCHRAN: No, sir.

16 CHAIRMAN HOOD: I guess, I was just wondering if
17 that was explained that zoning cannot be inconsistent with
18 the Comprehensive Plan, but I guess maybe I can ask the
19 neighbors about that. Okay. Commissioner Shapiro?

20 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Mr.
21 Cochran, in your conversations were there any other
22 residential zones that were considered for this site?

23 MR. COCHRAN: Because this is what the applicant
24 brought to OP, we did not consider other zones. That's not
25 to say that other zones would be not inconsistent with the

1 Comprehensive Plan.

2 COMMISSIONER SHAPIRO: Okay. Thank you. Thank
3 you, Mr. Chair.

4 CHAIRMAN HOOD: Any other questions of Office of
5 Planning? All right. Any other questions?

6 Let's got to the reports of other government
7 agencies. We've spoke enough I believe about the DDOT
8 report. Let's see, do we have a representative for ANC 6C?

9 All right. You have testimony you want to put
10 out? You want to come forward? You can identify yourself,
11 you may begin.

12 ANC COMMISSIONER EDELMAN: Thank you. Heather
13 Edelman, Commissioner for ANC 6C06. You have a letter from
14 the ANC. As it states, the commission voted 3-2 to support
15 the amendment on the condition that there were some community
16 meetings and an agreement.

17 No agreement was reached, so the ANC is opposing
18 the petitioner's request. We agree that industrial use is
19 inconsistent with the current state of the block, which I
20 think the main point is it's an intact block of row houses.

21 And so the concern is about the increased density,
22 increase in density created by anything beyond what it's
23 currently, how it's currently being used.

24 As people have mentioned, the main concern is, one
25 of the big concerns is about the alley, but also all the

1 streets in the area. You know, K Street is very congested,
2 2nd Street is one lane in each direction.

3 We're not talking about a project, but if you add
4 a drop off and pickup zone anywhere, you know, on 2nd between
5 Parker and K right next to the intersection, you know, just
6 becomes very, it's a very congested area already.

7 And so it just becomes dangerous for pedestrians,
8 bicyclists, the neighbors, drivers, everybody. And so the
9 interest of the neighbors is that there be a, you know, that
10 the issue about a neighborhood conservation area be
11 considered.

12 And that I think their hope would be that their
13 row houses could be maintained, and the block could be, you
14 know, remain as it is.

15 CHAIRMAN HOOD: All right. Commissioner Elderman,
16 let me ask a question. Were you given authority to come down
17 and testify either the chair or the vice chair?

18 And we noticed that it wasn't in your letter
19 authorizing you to come down and speak for the ANC.

20 ANC COMMISSIONER EDELMAN: So --

21 CHAIRMAN HOOD: Can you verbally tell me that so
22 it'll be on the record that you were given authority?

23 ANC COMMISSIONER EDELMAN: I have the authority
24 to do this, yes --

25 CHAIRMAN HOOD: That's what I like, somebody who

1 has the authority.

2 ANC COMMISSIONER EDELMAN: -- from Commissioner
3 Eckenweiler.

4 CHAIRMAN HOOD: Typically, I have to have that in
5 writing, but tonight I'm just going to, because I believe you
6 would not have come down and knowing --

7 ANC COMMISSIONER EDELMAN: No, I have other
8 things.

9 CHAIRMAN HOOD: -- Vice Chair Eckenweiler, I'm
10 sure and Ms. Wirt, I'm sure they would not, that was just
11 left out of the letter. Okay. All right. Any questions,
12 commissioners?

13 Other than the agreement, did you all have a
14 specific standard proposal of maybe another zoning other than
15 MU-4 or 5? Something else that says you've heard that maybe
16 some other things, but the Office of Planning they agreed to
17 the MU-4 and 5 because of the applicant and some other
18 reasons?

19 Did you all have something else that you might
20 have thought would be more suitable?

21 ANC COMMISSIONER EDELMAN: We did not discuss
22 that.

23 CHAIRMAN HOOD: Okay. All right. So it's just
24 basically the agreement with the neighbors?

25 ANC COMMISSIONER EDELMAN: There was no agreement,

1 so.

2 CHAIRMAN HOOD: Right. Since there was no
3 agreement --

4 ANC COMMISSIONER EDELMAN: Yes.

5 CHAIRMAN HOOD: -- you all have the, okay. All
6 right. Are there any other questions up here?

7 (No response.)

8 CHAIRMAN HOOD: All right. Thank you very much.
9 We appreciate it. Okay, let's go to organizations or persons
10 in support.

11 MS. SCHELLIN: You should have it on your --

12 CHAIRMAN HOOD: Which, I have four screens. I
13 don't know what you're looking at. Okay. This one? Okay,
14 those are my regulations.

15 Okay. I only see, do we have any proponents?

16 MS. SCHELLIN: No. There's only two people signed
17 up.

18 CHAIRMAN HOOD: Oh, so we're only going to hear
19 from two people?

20 MS. SCHELLIN: Correct.

21 CHAIRMAN HOOD: Okay. All right. I only see two
22 people on the list. Hopefully, Ms. Johnson, Mozella. If it
23 sounds similar, just come forward and correct me. Atiba
24 Madyun? Is there anyone else, now, these are people in
25 support?

1 MR. MADYUN: No, we're in --

2 CHAIRMAN HOOD: Okay, you're in opposition. Let
3 me ask you this, hold tight. Is there anyone here who's in
4 support? Not seeing anyone. Opposition? So you two can
5 come forward. Anyone else who's here in opposition?

6 MR. MADYUN: Can we ask the rest of the neighbors
7 to come forward with us?

8 CHAIRMAN HOOD: I got it. I got this. Is there
9 anyone -- hear me out. Is there anyone else who's here who
10 would like to testify in opposition? Okay, come forward.
11 To the left, to the left here.

12 So after this panel, is there anyone else who
13 would like to testify in opposition? Because we have I think
14 it's eight seats or nine. There's eight seats.

15 MS. MAZO: And I'm happy to move.

16 CHAIRMAN HOOD: I don't think we have eight people
17 so you may be okay.

18 Oh, is there anyone here who's undeclared?

19 MR. ASTBURY: Yes. You mean to fill out the card?

20 CHAIRMAN HOOD: No, undeclared about the rezoning.

21 MR. ASTBURY: Oh, sorry, no.

22 CHAIRMAN HOOD: Okay, so it looks like all we have
23 is this group who's here in opposition. I called for
24 organizations and persons who were in support and we had
25 none, organizations and persons who were undeclared, we had

1 none. So we just have this group in opposition.

2 Is there anyone here who does not want to speak
3 who's in opposition? Okay, now I see why we're here. Okay,
4 is there anyone here who does not want to speak who's in
5 support? Okay. I figured it out.

6 Okay. Anyone who's here who didn't speak who's
7 undeclared? Okay, but don't want to speak. Okay. All
8 right. All right, great. Okay, let's start to my right,
9 your left, and you may begin.

10 Start to my right, your left, and you may begin,
11 this way. Identify yourself, you may begin.

12 MR. JOHNSON: Yes. My name is Ernest Johnson.
13 I guess I'm the, whatever you call it, the nephew-in-law of
14 Mr. Lorenzo Lewis, who is the resident of 207, which is the
15 property directly next to where they want to build whatever.

16 I just had a question about the zoning. If you're
17 changing the zoning, why is this house even added to the
18 zoning square there? Why not just have it cut off right
19 where you want it, and there's nothing else to be said to
20 anybody?

21 But it comes over an extra lot and a half, his
22 property and into hers. I'm just looking at the purple,
23 where this is being rezoned.

24 CHAIRMAN HOOD: Have you discussed that project
25 with the --

1 MR. JOHNSON: No, we're just finding out about all
2 of this.

3 CHAIRMAN HOOD: Okay. But you're asking me and
4 unfortunately, this is not my project. I'm just here to make
5 the decision.

6 MR. JOHNSON: Well, I'm just asking --

7 CHAIRMAN HOOD: So you're asking in general?

8 MR. JOHNSON: Yes.

9 CHAIRMAN HOOD: So what you're doing, you're
10 putting the question on the table. You haven't had a chance
11 to talk to what's being proposed, so you're putting the
12 question on the table?

13 MR. JOHNSON: Yes, because he wants to know, but
14 he's 85 years old.

15 CHAIRMAN HOOD: Okay.

16 MR. JOHNSON: He's not trying to come out here --

17 CHAIRMAN HOOD: So let me ask you, hold on, let
18 me, I'm going to come on down, just hold tight. What is the
19 question?

20 MR. JOHNSON: The proposed zoning change right now
21 moving over, why is it coming over the extra full house and
22 a half? I mean, why didn't it just stop where you want to
23 build?

24 COMMISSIONER MAY: So it's not actually going to
25 go over to there. That's the existing line.

1 MR. JOHNSON: The purple line is the existing?

2 COMMISSIONER MAY: The purple line area is the
3 existing --

4 MR. JOHNSON: Oh, okay.

5 COMMISSIONER MAY: -- PDR zone. And what they're
6 proposing to rezone is outlined in black and in blue.

7 MR. JOHNSON: Okay. So then --

8 COMMISSIONER MAY: And that's the property that
9 the applicant owns.

10 COMMISSIONER SHAPIRO: No changes in the purple
11 outside the black.

12 MR. JOHNSON: Yes, I'm aware of the owner.

13 COMMISSIONER SHAPIRO: Yes.

14 MR. JOHNSON: And you're calling these townhomes?
15 I've heard the word townhomes. These are single-family
16 homes. There's a difference between that, so I'm asking why,
17 are our houses now being deemed townhomes on that block?

18 CHAIRMAN HOOD: Are there connections on both
19 sides?

20 MR. JOHNSON: Yes. So the same family of row
21 houses. Right? I'm just, because that's what he's, he
22 wanted me to find out about that.

23 COMMISSIONER SHAPIRO: That's the same --

24 MR. JOHNSON: Someone told him townhouse. He
25 said, I don't own a townhouse.

1 COMMISSIONER SHAPIRO: Different words, same
2 thing.

3 MR. JOHNSON: Okay, that's --

4 CHAIRMAN HOOD: Okay. But for the record, I want
5 the applicant to answer your questions. I don't want us to
6 answer your questions.

7 I'm going to ask those questions to Ms. Mazo,
8 because I want it memorialized in the record from the
9 applicant, not from the commissioners.

10 So I appreciate your questions. I just want to
11 make sure we get all of your questions, because I'm going to
12 have them answer your questions.

13 MR. JOHNSON: Okay. And it's the only thing about
14 the alley. Now, I'm hearing that you want to widen the alley
15 by two feet. Am I correct on that? To make this where,
16 because this is a very narrow alley.

17 I mean, everybody knows it's one of the narrowest
18 alleys in D.C., because trash trucks can barely get up and
19 down that alley.

20 Were they widening this alley and taking away from
21 the yard space on that particular side of the block? Because
22 the other side, there's no place to take any yard space from,
23 from the --

24 CHAIRMAN HOOD: So the property lines go all the
25 way up to the alley?

1 MR. JOHNSON: Yes.

2 CHAIRMAN HOOD: Okay.

3 MR. JOHNSON: And most of them, all the property,
4 you see where their fences, garages, whatever are right out
5 to the alley. I think Lorenzo's is the only one that's set
6 back about --

7 CHAIRMAN HOOD: And Lorenzo is your uncle?

8 MR. JOHNSON: Yes. Two-and-a-half feet.

9 CHAIRMAN HOOD: Okay.

10 MR. JOHNSON: His is set back.

11 CHAIRMAN HOOD: Okay.

12 MR. JOHNSON: Because the district has a telephone
13 pole that sits out right at the alley line, which, so you
14 have to squeeze past that pole and then you set back about
15 that far to his fence.

16 CHAIRMAN HOOD: So here's what I'm going to do.
17 I'm going to go out of order, especially since your uncle's
18 85 years old. I'm going to make sure we get the answers.

19 I'm going to ask Ms. Mazo if you can come up and
20 answer all those questions right now. And this is typically
21 totally out of character, but I think we need to do that,
22 especially for our seniors so they understand possibly if
23 this rezoning goes through.

24 And also maybe we need to have it, it'll be in the
25 transcript. So when you get ready to explain to him, you'll

1 be able to, it'll be right in the transcript.

2 MR. JOHNSON: Yes. He can sit down and read too.

3 MS. MAZO: Do you want me to go ahead now?

4 CHAIRMAN HOOD: I want you to answer, yes.

5 MS. MAZO: Okay, no problem.

6 CHAIRMAN HOOD: Yes, if you can answer all his
7 questions.

8 MS. MAZO: Yes, no problem. Thank you for the
9 opportunity. Just very briefly, to clarify, the entirety of
10 the property or the entirety of the lot that is subject to
11 the rezoning is owned by our client.

12 So your uncle's property is not part of the
13 property that would be subject to the rezoning. I am aware
14 and I just asked. My understanding is that there was
15 outreach made to your uncle in regards to trying to purchase
16 his site or to have him come in as part of the rezoning, but
17 that those discussions did not move forward.

18 MR. JOHNSON: Yes.

19 MS. MAZO: But I wanted to make sure that that was
20 clear on the record. The next question you raised was in
21 regards to the statement or the term townhouse.

22 That term is, it's not even technically a zoning
23 term. The zoning term would be row dwelling, but it does
24 apply to a property that shares party walls, two party walls
25 with other dwellings. And so in this instance, those

1 properties and, correct, they are single-family homes.

2 And actually, interestingly, I had not thought
3 about this, but because those single-family homes are
4 technically in the PDR zone, they would be nonconforming uses
5 under the PDR zone, because that particular type of use is
6 not actually permitted in the zone.

7 But your uncle can continue to live there no
8 problem, but I just was thinking about that out loud.

9 The next question was about the alley, and you are
10 correct, the alley is only ten feet in width, and we
11 understand that there are circulation and trash truck
12 concerns.

13 We, during one of our two community meetings, we
14 talked with members of the community about potential options
15 of ways to address the alley.

16 We know that there is an interest amongst many
17 people for the possibility of being able to have better
18 circulation through that alley.

19 As we've mentioned, the District's Department of
20 Transportation has recommended that there be an extension of
21 the alley through to 2nd Street, and that's certainly
22 something that you heard from Mr. Gharai, something that our
23 clients should be able to accommodate.

24 But when we were having those two meetings,
25 especially at the October 30th meeting that I attended, we

1 mentioned there may be other ways to widen the alley.

2 But that would, of course, require agreement by
3 all the property owners. It's not being suggested or
4 requested as part of this application in any way.

5 It was just a discussion to say, hey, what if
6 everybody sold, gave up, provided an easement, provided a
7 legal, kind of a legal right to broaden the alley another two
8 feet, and maybe it would make it easier for everybody up and
9 down the street.

10 But it was just an option and not something that
11 has been really discussed further. Does that, that's all the
12 questions?

13 MR. JOHNSON: Yes, that satisfied those questions.

14 MS. MAZO: Okay, thank you.

15 MR. JOHNSON: Only other one I had is, is it in
16 the proposal to actually take the alley down to 2nd Street
17 or is this just something that's being batted around?

18 MS. MAZO: No. So the proposal itself is just to
19 rezone the site to the new Mixed-Use zone. So there is a,
20 the District's transportation arm and the technical planners
21 in the District's Department of Transportation have suggested
22 that potentially extending the alley could be a way to
23 address some of the concerns that have been raised in regards
24 to the alley.

25 And again, the current process that we're in is

1 not about a specific project.

2 MR. JOHNSON: Yes, I understand.

3 MS. MAZO: But we do now have on the record that
4 a project on this site with these zones could accommodate an
5 extension of the alley.

6 MR. JOHNSON: Okay. Now, the only other thing I'd
7 say, now, if the rezoning is granted and this project moves
8 forward, when do we actually get into speaking on the actual
9 project itself as far as these shadow lines and all the other
10 good things that come along with the projects.

11 You know, basically the flow of air in our
12 backyard space, you know, moving up and down an alley, just
13 all the basic things that go along with these types of plans.
14 Is that still months down the road or is this something
15 that's --

16 MS. MAZO: Well --

17 MR. JOHNSON: -- basically running?

18 MS. MAZO: No. It's a very good question that you
19 asked, one that we go a lot from the community. So the
20 proposal here that we would be following is to rezone the
21 site to allow for matter-of-right development.

22 However, as we discussed, due to the existence of
23 the public space, there would have to be approval by the
24 District's, the DDOT, District's Department of
25 Transportation's Public Space Committee for use of the berm,

1 for extension of the alley.

2 We certainly anticipate a robust public process
3 while we're going through the Public Space Committee. And
4 that's another option, or not another option, but that's
5 another approval that would then be referred to the ANC and
6 would have a public process, not before the Zoning Commission
7 but before the District's Department of Transportation's
8 Public Space Committee, which again is a public process.

9 MR. JOHNSON: Okay, but I guess my, so but once
10 that you actually have your rezoning set, everything's done,
11 is that something that's already in the making where you're
12 running with it, where we're already, somebody's already
13 talking about this in meetings already or is this something
14 that was going to go out to the ANC and plenty of time is
15 going to be given for everybody to look over whatever's being
16 presented? That's what I'm asking.

17 MS. MAZO: Well, to the best of my knowledge,
18 there have been no applications filed with DCRA for permits.
19 And, you know, we will be working with the community while
20 we are going through the public space process.

21 MR. JOHNSON: That's all I wanted to know. Thank
22 you.

23 CHAIRMAN HOOD: I would just encourage you to stay
24 in tune with the community. There are some other permits
25 that they're going to have to file for depending upon what

1 happens.

2 Just stay engaged there. It won't be a forum like
3 this, because if it's moved forward, it's treated as a
4 different case. As she said, it would be stated as a matter-
5 of-right.

6 But there are other avenues I believe where you
7 can be engaged especially working with your ANC as well.
8 Okay? But I would encourage you to get that transcript, that
9 page, so when you're explaining it to your uncle, you'll have
10 it and file it. That's just my opinion. Okay?

11 MR. JOHNSON: Yes, well --- because it's actually
12 two people because it's a sister and brother that own that
13 property.

14 CHAIRMAN HOOD: They live there, right?

15 MR. JOHNSON: No. One lives there, the other
16 one's on Capitol Hill.

17 CHAIRMAN HOOD: I got you.

18 MR. JOHNSON: It's their house.

19 CHAIRMAN HOOD: Okay, okay. I got you.

20 MR. JOHNSON: They both have --

21 CHAIRMAN HOOD: All right. And I did that because
22 I want to make sure our seniors understand, 85, I don't know
23 where, hopefully I'm like that when I'm 85 as well. So
24 anyway. All right.

25 MR. JOHNSON: Thank you.

1 CHAIRMAN HOOD: Thank you. Next?

2 MR. MADYUN: Yes, sir. We have a letter and if
3 you don't mind, I'd like to read it.

4 CHAIRMAN HOOD: Hold on one second.

5 MR. MADYUN: Yes, sir.

6 CHAIRMAN HOOD: Did you want to put that on the
7 record? Oh, okay. Was that to me? Oh, okay.

8 MR. MADYUN: So my name is --

9 CHAIRMAN HOOD: Okay, introduce yourself.

10 MR. MADYUN: Atiba Madyun. I'm at 219 K Street
11 NE, and I am asking to read a letter onto the record that is
12 from the neighbors that has been signed by 25 of the owners
13 and residents of the neighborhood.

14 Dear Zoning Commissioners, We are writing as
15 neighbors and property owners living in ANC 6 on 3rd and K
16 Street NE between 2nd and 3rd Street and Parker Street NE and
17 2nd and 3rd Street in opposition of ZC 18-07.

18 This is a planned zoning change for the properties
19 located on the corner of K Street NE and on 2nd Street NE
20 from PDR-1 to MU-4 and MU-5 use.

21 We would like to draw attention to one of the key
22 points in the ANC 6C commission meeting from October 10th,
23 2018. Our neighborhood is designated as a neighborhood
24 conservation area within the District of Columbia's
25 Comprehensive Plan.

1 These areas are expected to retain the commercial
2 mixed uses of, and to converse and enhance our neighborhood.
3 This Comprehensive Plan provides framework that states that
4 development should not compromise the integrity of stable
5 neighborhoods. This proposed rezoning does little for
6 either.

7 The potential development of these properties is
8 already in the works. This intensive development will not
9 enhance our neighborhood but make life for the current
10 residents on the block a lot more difficult and inconvenient.

11 The current design as we have seen in the
12 schematic designs and renderings presented by the developer
13 will increase the amount of traffic in the neighborhood as
14 well as the alley that residents use to access their
15 properties presenting further adverse consequences for
16 residents already in place.

17 Our neighborhood understands the need for housing
18 throughout the District of Columbia and that these residents
19 need place to work, shop, eat and places dedicated to support
20 their quality of life.

21 The proposed zones for the area of 2nd and K
22 Street NE open the possibility of a further increase in the
23 number of residents disproportionate to the area's capacity
24 for traffic flow and parking.

25 Our opposition stems from both concerns about the

1 property that is slated for development and our neighborhood.
2 We want to go on record stating our concern with this action
3 of the owner/developer, who proceeded with collecting
4 signatures of support from residents living in northwest,
5 southeast and other parts of the city and who will not be
6 impacted by their proposed development.

7 None of the 18 signatures collected for approval
8 of the project own property on the block for which the
9 development is being proposed.

10 Every resident of the neighborhood that is
11 immediately impacted finds these underhanded activities by
12 the developer as hostile and predatory, and we are
13 legitimately questioning the motives of the developer.

14 Over the last week, the owner's team has attempted
15 to convene meetings to demonstrate to the ANC that they have
16 the full support of the community for their project.

17 We, the owners, did not learn of these meetings
18 until the night before one was to be held. In fact, letters
19 about the meeting were then placed on our doors the next day
20 while many of us were at work. Yet over 20 owners showed up
21 at the meeting to demonstrate our opposition to this rezoning
22 and project.

23 Our opposition to the rezoning of this area stems
24 from a number of issues. Among them are rezoning this area
25 will substantially increase the amount of traffic in this

1 neighborhood.

2 We have endured the construction of Loree Grand
3 Phase 1 and most recently the last two-and-a-half years, the
4 construction of Loree Grand Phase 2, which has completely
5 taken out parking on K Street during the process.

6 The impact to residents over this period has been
7 decreased number of available parking spaces on the
8 surrounding streets around us, increased level of traffic in
9 our alleyways, quadrupled the number of residents in the
10 neighborhood all before this Phase 2 has filled its walls
11 with residents.

12 However, these monstrous apartment buildings at
13 least have multiple levels of garage parking below them for
14 their residents if they decide to pay for the spaces.

15 Rezoning the area of 2nd and Parker/K Street NE
16 will further impact the residents in this area and create
17 more traffic in our single-lane dead end alley.

18 Currently trash trucks fold their mirrors when
19 coming into the alley and have to reverse to exit it. The
20 existing alley is so narrow without a turnaround that it
21 holds up traffic of residents leaving in the mornings for
22 work and returning in the evenings for work.

23 Our houses are already within feet of the alley
24 and by adding more trash trucks, deliveries and cars that
25 might need to park in any proposed structure that is

1 permitted with rezoning, it creates an untenable situation.

2 This is simply not doable, as the one-lane alley
3 is constantly blocked with trash cans after the trash trucks
4 come through, Comcast repair vans, Verizon crew trucks and
5 food delivery and patrons to the restaurant at the entrance
6 to the alley on 2nd and K Street NE.

7 Over the past eight years, several projects have
8 come to the area. Loree Grand Phase 1 and 2 as mentioned and
9 Pullman Place on the southwest corner of Parker Street.

10 As these projects were being considered, our
11 community members were asked to meet with the developers who
12 offered agreements that have never been honored.

13 What we have experienced is more traffic, less
14 parking spaces and more stress in our dilapidated alleyway.
15 Further, the properties owned by the Council of American-
16 Islamic Relations (CAIR) on K Street NE and Parker Street NE
17 being considered for rezoning has not maintained the
18 property.

19 There has been years of overgrown grass, fallen
20 trees, and it is a haven for criminal activity. The
21 overgrown trees, large tree branches and limbs lay in the
22 yard for more than two years. Our inquiries and requests
23 have gone unmet.

24 The property, often dark and desolate, provides
25 cover for prostitutes to do their business and others seeking

1 to hide from law enforcement.

2 We would love to see the property cleaned up and
3 become a wonderful part of our wonderful neighborhood. We
4 would not like to see the property enlarged or granted
5 permission to make our neighborhood less than a habitable one
6 for the residents currently residing here.

7 To recap, our specific issues to rezoning the area
8 of 2nd Street NE between K and Parker Street NE. They
9 increase the 50-plus units to our neighborhood congesting the
10 streets around our block.

11 Parking on the streets surrounding the area, this
12 developer proposes to provide 13 parking spaces for a 50-unit
13 residential building with commercial on lower levels.

14 This parking area has a proposed car lift or
15 elevator to jam up our alleys with waiting cars, increase the
16 traffic in the alley from this new development's deliveries,
17 trash trucks, drop off and pick up of residents, car parking,
18 et cetera.

19 The condition of the current area and its impact
20 on the neighborhood, traffic congestion that increased zoning
21 will create on 2nd, K, 3rd and Parker.

22 In conclusion, we understand that the current zone
23 will ultimately have to change, but we would request that you
24 do not allow this rezoning.

25 We ask the commission to deny this request until

1 such time as a more suitable request is made. A request that
2 would better be utilized to bridge the goals of the
3 neighborhood and the development community that support these
4 neighborhoods.

5 Thank you for your attention to this matter. We
6 hope to receive a favorable ruling from you and to work with
7 you on a solution that is agreeable to all. The concerned
8 citizens of NoMA at K Street/Parker Street NE and 2nd and 3rd
9 Street NE.

10 And it's along with 25 signatures from owners and
11 residents of the neighborhood.

12 CHAIRMAN HOOD: Okay. I allowed all of that for
13 the simple reason, I have to say because typically you just
14 get three minutes, but it was reading the letter that I saw
15 that's been signed by many residents and some who, we call
16 down here a form letter pretty much.

17 So I figured he would do that, so I don't need
18 anybody else to read that letter. We got it. So I
19 understand about the mirrors, the proposal of an alley, some
20 potential project that may come down, but again we're here
21 tonight for the rezoning.

22 We may have some questions. I would ask everyone
23 to hold their seat. You're next. You may begin.

24 MS. SCHELLIN: Turn this on.

25 MS. BOYD JOHNSON: Hello and good evening. I am

1 in opposition to Case Number 18-07 for the following reason.

2 I am the owner of 229 K Street NE.

3 CHAIRMAN HOOD: Would you identify yourself?

4 MS. BOYD JOHNSON: Oh, it's Mozella Boyd Johnson,
5 and I'm the owner of 229 K Street NE.

6 CHAIRMAN HOOD: Okay, thank you.

7 MS. BOYD JOHNSON: I am the owner of 229 K Street
8 NE, Washington D.C. in that square. I oppose the Lean
9 Development zoning map. The property owners and neighbors
10 that live in Square 750 have been negatively impacted by the
11 piecemeal changing of zoning over the last 15 years.

12 We are opposed to another piecemeal development
13 with an office building and additional apartments totaling
14 55 units. Over the past 15 years, several projects have come
15 to the area requesting zoning changes from MU-5 to Mixed-Use.

16 These requests have included height increase,
17 alley closing with a win for the developer, but no regards
18 to the homeowners, families and residents that live on Square
19 750.

20 We keep hearing about a Small Area study where the
21 Office of Planning would work and study the entire area and
22 allow the community to have its say in how our community
23 should look and how tall the buildings should be and if we
24 want to continue to lose our parking spaces and decide if we
25 want to continue to deal with construction that is destroying

1 our 100-plus year homes.

2 We would like to be proactive and not always
3 reacting or an afterthought. We would like to have a real
4 discussion with no surprises. This development will not
5 enhance our community but will once again increase the amount
6 of traffic and present further adverse consequences for
7 residents already living here.

8 This Lean Development will not enhance our small
9 one-way alley, but disrupt the process of owners and
10 residents using our alley for parking into our garages, trash
11 collections and repair trucks, et cetera.

12 The development talks about as a matter-of-right
13 that they could build a slaughterhouse on the site and that
14 there would be nothing the homeowners, community and
15 residents could do about that.

16 If that was the case, then why are we here? We
17 are here because the development isn't interested in building
18 a slaughterhouse. They want the map amendment to build an
19 office building and increase the residential units from 15
20 to 55 units of residential space.

21 This development or proposed map amendment will
22 do additional harm to the owners and residents that currently
23 live on Square 750, as well as the surrounding neighborhood
24 and neighbors, such as further increased traffic and
25 inconvenience us with another two years of construction,

1 destroy our homes with cracks and disturbing our foundation,
2 remove parking space and again for another two years.

3 I just want to say, I know my time is up, but I
4 thought it was the Board of Zoning, Office of Planning, and
5 the Department of Consumer Regulatory Affairs mandate to look
6 at the entire picture, the entire area and not think about
7 just what is good for developers and the investors.

8 And when I heard the Office of Planning state the
9 area could be zoned another zoning, I used to be an ANC
10 commissioner and I fought not having the Loree 1 and 2 that
11 high, but we got knocked down.

12 And then there was a number of other proposals for
13 the 750 Square, and those were, it appears that everything
14 that the community wanted, it never materialized, but --

15 CHAIRMAN HOOD: Give us your closing thoughts.

16 MS. BOYD JOHNSON: Okay, so I just hope that you
17 all will listen to us, because we've been there when it was
18 Zone M, when it was zone this and when it was zone that, and
19 it's too high.

20 The buildings is too high. Now, that the Office
21 of Planning's saying that it can be, that the zoning can
22 change then let it change to R-4, residential use. Thank
23 you.

24 CHAIRMAN HOOD: Okay. All right. Next?

25 MR. ASTBURY: Hi, my name Jesse Astbury. I live

1 at 238 Parker Street. I own 238 Parker Street, which abuts
2 the alley we've been talking about.

3 I would just make the point that I think the
4 rezoning is unnecessary. I think any benefit it yields the
5 city in terms of increased housing capacity, those benefits
6 are dwarfed by the problems that it will cause people who own
7 property on the rest of the block or who live on the rest of
8 the block.

9 As I understand it, part of the project will have
10 residential units. Anyway, and if the rest of the project,
11 that portion in the rezoning section has to be offices, that
12 does not prevent the applicant from carrying out their
13 mission as an advocacy group.

14 And I think having businesses there and offices
15 will also benefit the community in that office workers leave
16 at the end of the day, so that will mitigate some of the
17 effects of the capacity, and we may be able to take advantage
18 as neighbors of whatever businesses go into those spaces.
19 Yes, I think that's all I had to say. Thank you.

20 CHAIRMAN HOOD: Thank you. Next?

21 MS. OSWALT MCHALE: Dear Chairperson Hood and
22 zoning commissioners, my name is Lauren Oswalt-McHale, and
23 I own and live at 913 3rd Street NE, one block away from the
24 proposed map amendment site.

25 I oppose this map amendment case on the grounds

1 that the site is an awkward assembly of lots that includes
2 a dead-end alley and does nothing to address the two adjacent
3 lots to the east that will retain their PDR-1 zoning.

4 The proposed new zones are inconsistent with the
5 standards and the Comp Plan for neighborhood conservation
6 areas, which calls for land uses and building types to be
7 maintained and new development and alterations be compatible
8 with the existing scale and architectural character of the
9 area.

10 This map amendment would only increase the
11 suffocating squeeze we are already feeling from poorly
12 planned, large apartment buildings that have done little to
13 enhance our neighborhood but have created tremendous traffic
14 congestion, scarce parking and overburdened alleyways.

15 The current PDR-1 zone may seem inappropriate and
16 out of place for this block of single-family dwellings, but
17 so is the increased density that would be allowed and
18 encouraged by MU-4 and MU-5A. I urge you to deny this zoning
19 map amendment application 18-07. Thank you.

20 CHAIRMAN HOOD: Okay. Thank you. Next?

21 MS. LOGAN: Good evening, Commissioner --

22 CHAIRMAN HOOD: You want to turn your mike on --

23 MS. LOGAN: Oh.

24 CHAIRMAN HOOD: -- and identify yourself.

25 MS. LOGAN: Good evening, Commissioner Hood and

1 the zoning commissioners. My name is Shadonna Logan. I own
2 and live at 209 K Street NE.

3 And let me start by saying the neighborhood does
4 not think that anything will not be done. You know, we have
5 had meetings with the development team.

6 The biggest part of our issue is related to the
7 alley and the parking. The alley just cannot support what's
8 being planned. The Loree Grand 2 just is about to open 545
9 units, at least 1,000 residents.

10 They're already petitioning and checking to see
11 the appetite if they can do Airbnb. Although we're not
12 talking projects, the change in zoning will lend to
13 residential and x number of units.

14 And the parking, the DDOT report just came out
15 where because of the location, the required number of parking
16 spaces is restricted because we're so close to Union Station.

17 So there's a concern with parking. There's a
18 concern with the size of the alley, the use of the alley.
19 And, you know, any project that's being done, you know,
20 there's going to be loading even if the project is complete,
21 there's going to be move-ins, there's going to be loading.

22 Right now, you know, we have trucks parking in
23 front of Mr. Lewis' house impacting his egress. So, you
24 know, from an alley standpoint, we just cannot support
25 anything more as far as residential.

1 And as the other speakers have said, there are
2 some need for commercial in the area. It has been promised,
3 and it was not delivered. So we just feel like the density
4 with additional residential even though from a square footage
5 standpoint, there can be some residential.

6 But if the zone changes, there'll be more
7 residential. We don't know if that residential, is that
8 going to be Airbnb? We don't know how transient that will
9 actually be.

10 And the DDOT report did come in very late, which
11 opened up the conversations regarding opening up the alley
12 or curb cuts. And I just feel that that conversation needs
13 to be had and finalized first. And then that would impact
14 what can be done. So that's that. Thank you.

15 CHAIRMAN HOOD: All right. I want to thank you
16 all. Let's see if we have any questions or comments. Okay.
17 Let me just ask, you heard the conversation with the Office
18 of Planning about --

19 Zoning cannot be inconsistent with the
20 Comprehensive Plan. Let me back up. Did anybody ever, has
21 anybody ever worked on a Comp Plan, because I know they go
22 out to wards, and I haven't done it since probably '90, no
23 2000s, no the '90s. But anyway, has anybody ever worked with
24 the Comp Plans?

25 So you've been in this area when you had those

1 discussions about the Comp Plan, because zoning cannot be
2 inconsistent with the Comp Plan.

3 Has any of this every came up even before the
4 other projects I think you mentioned or other things that
5 have happened over there? I don't want to be talking about,
6 I don't want to be violating my own thing about talking about
7 a project.

8 But has, did those discussions happen about the
9 zoning for that area? It probably was about 2006. So you
10 worked on the committee in 2006 that worked on the Comp Plan?

11 MS. BOYD JOHNSON: I can't tell you the number of
12 the meetings --

13 CHAIRMAN HOOD: In 2006?

14 MS. BOYD JOHNSON: Yes.

15 CHAIRMAN HOOD: '05, '06 on the Comp Plan?

16 MS. BOYD JOHNSON: Yes.

17 CHAIRMAN HOOD: Okay. So this area here, I guess,
18 what was going on at that time?

19 MS. BOYD JOHNSON: See at that time, we wanted it
20 to be Small Density, and we wanted to have it zoned R-4, but
21 they always say that that couldn't occur.

22 So they wound up compromising, and when we noticed
23 that the Loree Grand went up as high as it did, the first
24 one, and we thought that everything was supposed to stay, it
25 wasn't supposed to go but 90 feet.

1 I don't remember. I do have those notes, I don't
2 know where they are. And then I moved away. And then when
3 I saw the second phase, I was blown away that it got to grow
4 higher than the first phase.

5 CHAIRMAN HOOD: Okay, okay. So I think my
6 question was answered. I just wanted to know, were you all
7 involved or was there anybody at the table that was involved
8 with the Comprehensive Plan discussions at that time. Okay.

9 So let me ask, I'm just going to ask one person,
10 so you all can pick who's going to answer this for me,
11 whoever. Maybe the gentleman who kind of spoke for everyone
12 on those form letters.

13 Zoning cannot be inconsistent with the
14 Comprehensive Plan. So therefore, I have to make it
15 consistent. What do you propose I do? Besides telling me
16 just vote against it, no, it's a little more than that.

17 If anything goes to court, the judge is not going
18 to say, he was just against it, no. Our job and the law
19 tells us we cannot have zoning which is inconsistent with the
20 Comp Plan. What do you propose that we do?

21 MR. MADYUN: Honestly, there have been discussion
22 among the neighbors to decrease the zoning to protect the
23 residents and to protect the community.

24 But we realize that there has to be something
25 that's put in that space. I mean, it's been vacant for a

1 long time. So we definitely want to see something there.

2 We also would request that the Zoning Commission
3 look at providing or taking back the easement so that that
4 alleyway can be opened up, because somehow, that alleyway has
5 now been closed.

6 And I think that there's in some way I don't know
7 if it's owned by a set owner or not, how that works in D.C.,
8 but we've had other conversations.

9 And understand that we've only been at this for
10 two-and-a-half weeks, because we were only brought to the
11 table two-and-a-half weeks ago.

12 We weren't informed about it, so we're all
13 catching up and we're talking amongst each other. And there
14 are residents who have been there for a long time that have
15 seen other things but, you know, our request honestly would
16 be to decrease the zoning, but we, you know, our opposition
17 is strongly opposed to increasing the capacity of that zoning
18 area.

19 CHAIRMAN HOOD: All right. All right, I think I
20 have my path. Any other questions up here, comments? All
21 right. I want to thank you all. We greatly appreciate it.

22 This is a rulemaking, Ms. Mazo, as you know unless
23 one of my colleagues wants to hear from you. Okay. All
24 right, thank you all very much. Appreciate it.

25 MS. MAZO: Thank you.

1 CHAIRMAN HOOD: All right. Commissioners,
2 anything else? Ms. Schellin, do we need to come up with
3 dates or something? Anybody have any other comments that
4 they want to make.

5 MS. SCHELLIN: Is there anything that you're
6 looking for? I didn't really --

7 CHAIRMAN HOOD: I'm going to ask, what I would
8 like to do is to ask the Office of Planning, I know we looked
9 at some other zones. Let's look at this again.

10 I know we're talking about MU-4, MU-5, and I
11 believe that -- would you excuse me.

12 COMMISSIONER SHAPIRO: I was joining with you with
13 what you were saying.

14 CHAIRMAN HOOD: Oh, okay. I want to make sure
15 that we incorporate all the comments, and I want to make sure
16 I'm not leaving any of my colleague's comments out.

17 I don't if they agree, disagree or whatever, but
18 what I would like to see is, and first, is this a two-vote
19 case? I'm getting confused. Now, is this a two-vote or one?

20 MS. SCHELLIN: Two.

21 CHAIRMAN HOOD: This is a two. Okay. I'm
22 definitely not prepared to vote on the first part of this
23 evening after the opposition. I would like for us to go back
24 and look, not that anything's going to change. I would hope
25 that it would.

1 I've heard the ANCs loud and clear. I've heard
2 the neighbors loud and clear. I'd like for us to go back and
3 look at, and we've done this in other cases, go back and look
4 at and see if there's anything else.

5 I know this may not, the applicant also to work
6 with the community, see if there's anything else that we can
7 do. I know in other cases, instead of whatever, I can't
8 remember, we down-zoned it.

9 But let's see if there's anything else applicable
10 that can alleviate some of the concerns, because once this
11 rezoning is done, it's done.

12 And let me just say, the Zoning Commission can do
13 a lot of things, but I don't know if we can take easements
14 back and those kind of things.

15 And a lot of people give us credit for things that
16 are not within our jurisdiction, but the courts have told me
17 recently that a lot of stuff is within our jurisdiction.

18 But I don't think that's one of them, and I'm sure
19 if anybody challenges that, they will correct me if I'm
20 incorrect. I can stand to be corrected. So Mr. Lawson, is
21 that something you think that you can work out with the
22 applicant and you all can just revisit?

23 MR. LAWSON: We're happy to continue discussions
24 with the applicant. Just reminding you that the Office of
25 Planning is not the applicant for this case. So we can't --

1 CHAIRMAN HOOD: That is true.

2 MR. LAWSON: We can certainly discuss alternatives

3 --

4 CHAIRMAN HOOD: Right.

5 MR. LAWSON: -- to zones with the neighborhood or
6 with the applicant. And we can certainly present, if you
7 wish, more information to the commission about what other
8 zones might be considered not inconsistent with this
9 designation.

10 CHAIRMAN HOOD: Right.

11 MR. LAWSON: MU-4 is clearly a zone that would be
12 considered not inconsistent with this designation. As Mr.
13 Cochran pointed out, there's also we felt sufficient language
14 that MU-5, which might not typically be considered a Moderate
15 Density zone is also consistent with this particular
16 location.

17 It is an odd location, in that the, just in terms
18 of its placement and the development that's around it, the
19 kinds of development that's around it, and the very clear and
20 consistent nature of the existing row houses on this block.

21 And then kind of combining that with the existing
22 zoning on the square, which is actually for kind of Moderate
23 to Medium Density Mixed-Use Development as opposed to row
24 houses as it was pointed out by the residents.

25 So there's a lot of kind of slightly different

1 things going on here. We're happy to continue discussions
2 with the applicant and bring more information back to the
3 commission, whatever you wish.

4 CHAIRMAN HOOD: I appreciate it, Mr. Lawson and
5 forgive me for giving you all the cases, sorry for just
6 giving all these cases. You're exactly right. This is not
7 an Office of Planning amendment to us.

8 So I would ask that the applicant continue to work
9 and if you can bring that back to us and the applicant can
10 continue to have those conversations.

11 But let me open it up to my colleagues and see,
12 because I'm only one vote. Let me see what others would like
13 to do. Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. No,
15 I appreciate you asking both the applicant and Office of
16 Planning to discuss what alternative zones that are slightly
17 less intense than MU-4 and 5, what the alternatives would
18 yield in terms of a development, a Mixed-Use development,
19 residential development, office development, realizing that
20 a case has been made when you look at the Land Use Map
21 designation, the Moderate Residential and the Low Density
22 Commercial striping combined with the NoMA plan, which
23 specifically calls out this area for being a transitional
24 area from higher density to I think it uses the term medium
25 and moderate.

1 And I realize the justifications that have been
2 made by both the applicant and Office of Planning in term of
3 how a neighborhood conservation area, this rezoning could be
4 considered more supportive of conserving residential than the
5 existing PDR.

6 But the reality is that there's a planned
7 development here that we haven't really talked about. The
8 neighbors have talked about a 50-unit building. I see
9 something in the DDOT report that talks about a 20-unit, a
10 total of 20 units.

11 I really would like, Mr. Chairman, to see what the
12 estimated development programs are under the different zones.
13 Some kind of general, it's just, it's hard to evaluate in a
14 vacuum just the zoning consistency case when you know all of
15 the development that's occurred around this property.

16 That's a long way of saying, I support the
17 chairman's request for a look at alternatives that might
18 accommodate what this applicant eventually wants to do, but
19 maybe at a less intensive.

20 I would appreciate a look at alternative zones
21 that are slightly less intensive than the MU-4 or MU-5
22 combination that's being contemplated here.

23 CHAIRMAN HOOD: Thank you. Mr. Shapiro.

24 COMMISSIONER SHAPIRO: I agree with the Chair.

25 CHAIRMAN HOOD: Okay. Commissioner May?

1 COMMISSIONER MAY: Yes, I agree as well. Thank
2 you.

3 CHAIRMAN HOOD: I'm going to also ask, this is
4 what he gets for not being here, Commissioner Turnbull to
5 participate in this case. I would like for him to
6 participate as well.

7 All right. So I guess we're all on the same page.
8 Do we need anything?

9 COMMISSIONER MAY: Since you've heard --

10 MS. SCHELLIN: So we'll schedule this for the
11 December meeting?

12 CHAIRMAN HOOD: Let me do this though. Ms. Mazo,
13 you heard our conversation, and we usually don't have the
14 petitioner come back in rulemaking, but I'm going to ask,
15 you've heard our conversation and you understand?

16 MS. MAZO: Yes, sir.

17 CHAIRMAN HOOD: Okay, good. Thank you. Okay.

18 MS. SCHELLIN: So we'll put this on for our
19 December 17th meeting?

20 CHAIRMAN HOOD: Is that enough time for everybody
21 to do --

22 MS. SCHELLIN: Does that give OP enough time to
23 work with the applicant and --

24 CHAIRMAN HOOD: And the applicant to work with the
25 community again? I mean all of it. I want it all.

1 MS. MAZO: I would --

2 CHAIRMAN HOOD: Unless you choose not to.

3 MS. MAZO: No, we would certainly continue to
4 engage with the community.

5 CHAIRMAN HOOD: I only say that because they're
6 all sitting here, and I figured that would be the answer.

7 MS. MAZO: Yes, no, and we would certainly
8 continue to engage with the community.

9 CHAIRMAN HOOD: Okay.

10 MS. MAZO: I know that, can we push it maybe to
11 the next week to allow that we can get back to the ANC again
12 in December?

13 CHAIRMAN HOOD: I think we can carry it into
14 January.

15 MS. MAZO: I would prefer December, because --

16 MS. SCHELLIN: Well, December 17th is our only
17 meeting.

18 CHAIRMAN HOOD: You know why this is, because, you
19 know, around here I always say, when we do stuff, we do it
20 around the holiday season and in the summertime. That's the
21 worst time to do stuff. I'm sorry, I think we need to carry
22 it to January.

23 MS. MAZO: Well, we'll take the earliest
24 opportunity in January.

25 CHAIRMAN HOOD: The earliest opportunity in

1 January. Okay, I want to be fair to everybody.

2 MS. SCHELLIN: Okay, so January 14th is our
3 January meeting and so we would need the submissions no later
4 than January 7th.

5 MS. MAZO: Just for --

6 MS. SCHELLIN: And actually there's, since
7 everybody's going to work together, I guess we'll get the
8 submissions from everyone by that date.

9 CHAIRMAN HOOD: So here's what I know is going to
10 happen. We're going to have, probably I don't know if --

11 MS. SCHELLIN: It's actually only from OP --

12 CHAIRMAN HOOD: Yes, but let me just say this.
13 I know that the ANCs probably change in January. I don't
14 know who all was there and who didn't win and who lost, who
15 didn't run again, so I know all that's there. Did you win?

16 Oh, you didn't run again, so we already know that.

17 MS. SCHELLIN: Karen Wirt is the chair.

18 CHAIRMAN HOOD: Did she run again? Okay, that's
19 all right. I didn't look too much at Wirt's, okay, all
20 right. I'm sorry, Ms. Schellin, what were you saying?

21 MS. SCHELLIN: Karen Wirt is the chairman right
22 now.

23 CHAIRMAN HOOD: Right.

24 MS. SCHELLIN: And I believe Mark Eckenweiler is

25 --

1 CHAIRMAN HOOD: Mr. Eckenweiler, yes I believe
2 he's still there.

3 MS. SCHELLIN: So if we could have any submissions
4 from OP, the ANC and the petitioner, they're the only ones
5 who would be submitting.

6 CHAIRMAN HOOD: So let me rethink that. So
7 colleagues, let me ask my colleagues. Do you all think we
8 can deal with this, dispose of this in December?

9 Okay, all right, that's all I wanted to know. I
10 wanted to make sure I was, January, okay. So let's stick
11 with the time. I just threw that out there.

12 MS. MAZO: Okay. So the record will be closed to
13 everyone else because there are no parties.

14 CHAIRMAN HOOD: You can actually ask a question
15 of Ms. Schellin. Is it germane to us? No, not from there.
16 We're going to be structured. You can go to Ms. Schellin and
17 ask her and if it's germane to us, we will respond to it.

18 (Off mic comments.)

19 MS. SCHELLIN: Was the commission looking for
20 anything from DDOT? I didn't hear anything coming from DDOT.
21 No.

22 CHAIRMAN HOOD: I don't think anybody requested
23 anything from DDOT.

24 MS. SCHELLIN: They got a report from DDOT so
25 they're good with DDOT. So only the ANC, OP and the

1 petitioner, submissions by 3:00 p.m. on January 7th.

2 And then we will put this on the January 14th,
3 2019 meeting agenda for consideration by the commission for
4 proposed action at 6:30 p.m.

5 CHAIRMAN HOOD: All right. Anything else,
6 Commissioners? I think we have a path going forward, and we
7 will see what comes back in January. Ms. Schellin, do we
8 have anything else?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: All right, I want to thank
11 everyone for their participation tonight, and this hearing
12 is adjourned.

13 (Whereupon, the above-entitled matter went off the
14 record at 8:15 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 11-08-18

Place: Washington, DC

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