

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
ANC 5D :
   
Map Amendment from RA-2 : Case No.
   
to RF-4 and MU-4 to MU-5 : 19-30
   
:
   
:
   
-----:

Thursday,
   
September 17, 2020

Video Teleconference

The Public Hearing of Case No. 19-30 by the
   
District of Columbia Zoning Commission convened at 4:00
   
p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JONATHAN KIRSCHENBAUM  
JOEL LAWSON  
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from  
the Public Hearing held on September 17, 2020.

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

(4:02 p.m.)

1  
2  
3 CHAIRMAN HOOD: Good afternoon, ladies and  
4 gentlemen. We are convening and broadcasting a public  
5 hearing by video conference. My name is Anthony Hood.  
6 Joining me is Vice Chair Miller, Commissioners May, Turnbull,  
7 and Shapiro. We're also joined by the Office of Zoning  
8 staff, Ms. Sharon Schellin who's our Secretary, as well as  
9 Mr. Paul Young who's handling all of our virtual operations.

10 Tonight's hearing is Zoning Commission Case No.  
11 19-30. Today's date is September 17th of 2020. And  
12 tonight's hearing consists of again, Zoning Commission Case  
13 No. 19-30. This is a petition by Advisory Neighborhood  
14 Commission ANC 5D, a map amendment for Squares 4494, 4495,  
15 4506, and 4597 in Policies 160/138 on the southern portion.  
16 Now some of that may -- there were some amendments, so I  
17 don't have all the numbers. But we can correct as we  
18 proceed.

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

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1 have signed up to participate or testify will be unmuted at  
2 the appropriate time.

3           Please state your name and home address before  
4 providing oral testimony or your presentation. When you are  
5 finished speaking, please mute your audio or that your  
6 microphone is no longer picking up sound or background. And  
7 those who may not have signed up, we will make sure that we  
8 will get you in as well. If you experience difficulty  
9 accessing Webex or with your telephone call, then please call  
10 our OZ, Office of Zoning hotline number during this  
11 proceeding at 202-727-5471 to sign up or to receive Webex  
12 login or call-in instructions.

13           All persons planning to testify either in favor  
14 or in opposition, we encourage you to sign up in advance and  
15 we will call your name at the appropriate time. If you wish  
16 to file written testimony or additional supporting documents  
17 during the hearing, then please be prepared to describe and  
18 discuss it at the time of your testimony as we have not had  
19 time to review.

20           The hearing will be conducted in accordance with  
21 the Provisions of 11Z BCMR Chapter 5 as follows: Preliminary  
22 matters, presentation by the Petitioner in this case is ANC  
23 5D, report of the Office of Planning, report of other  
24 government Office of Planning and DDOT, report of other  
25 government agencies, report of the ANC, testimony of

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1 organizations and individuals, each having five --  
2 organizations having five minutes and individuals three  
3 minutes (audio interference) -- the order from those in  
4 support, opposition, and undeclared. While the Commission  
5 reserves the right to change the time of the presentations  
6 if necessary, it intends to adhere to the time limits as  
7 strictly as possible and notes that no time shall be ceded.

8           Again, if you have any issues, please dial 202-  
9 727-5471. At this time, the Commission will consider any  
10 preliminary matters. Does the staff have any preliminary  
11 matters?

12           MS. SCHELLIN: Yes, sir. There's two. On the  
13 first one, the Petitioner -- At Exhibit 26, the Petitioner  
14 has requested a waiver from the rules requiring notarized  
15 affidavits for posting and maintenance in order to submit  
16 affirmations instead. This is something the Commission has  
17 been doing during the COVID-19 pandemic. So we'd ask -- the  
18 staff would ask the Commission to consider approving the  
19 waiver in this case also.

20           CHAIRMAN HOOD: Okay. Commissioners, any problems  
21 -- I guess we can just do that by a general consensus unless  
22 I hear otherwise. I'm looking, I'm looking, okay. All  
23 right, we'll do that by general consensus. Next, Ms.  
24 Schellin?

25           MS. SCHELLIN: Yes, sir. Also Exhibits 28 and

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1 28A, this was what you made reference to where the Petitioner  
2 requested technical corrections to the petition. Since  
3 setdown, there was some confusion about an area on the  
4 mapping -- what they had looked at and what they actually got  
5 from the Zoning map. And so they just asked for some  
6 technical corrections to their petition, which they've  
7 included. And it was included in the public hearing notice  
8 is my understanding or it was -- They just added it --  
9 whether it was added to the notice or not, it was just put  
10 in the record to clarify that they were including that. And  
11 we did check with OAB, checked in with notes of the Attorney  
12 General to make sure that, that was legally okay. And they  
13 confirmed that it was.

14 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.  
15 Again, I did see that they amended the record. So I wasn't  
16 sure specifically of what all the square lots were, but I'm  
17 sure the staff, OIG, and the Applicant and all the parties  
18 will make sure it is correct as we move forward. So any  
19 objections? Not seeing or hearing any. Ms. Schellin, do we  
20 have anything else?

21 MS. SCHELLIN: No, sir. Other than to just let  
22 the Commission know that Ms. Moore from 5D05 and Ms.  
23 Blacknell from 5D04 seems to be the main representatives for  
24 this evening. They have some other witnesses. I think that  
25 we should probably bring them -- maybe bring them all up at

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1 the same time. Do you want me to name them so that Mr. Young  
2 can go ahead and bring them forward?

3 CHAIRMAN HOOD: Let's do this, let's bring the  
4 Petitioners up. I think, Commissioner Moore and Commissioner  
5 Blacknell. Now I thought they had council, maybe they can  
6 use Ms. Ferster, but I guess not.

7 MS. SCHELLIN: They originally had Ms. Ferster.  
8 I don't know if she's actually going to be attending or not.  
9 I know there's not anything else filed by her.

10 CHAIRMAN HOOD: Okay. Well let's let all the  
11 Petitioners come up and we can go from there.

12 MS. SCHELLIN: Ms. Moore and Ms. Blacknell, if Mr.  
13 Young can pull them up. And then we can find out if the  
14 others are going to be part of their panel or if they're just  
15 going to testify in support. I think that the ANC 5D Zoning  
16 Committee represented, Kevin Horgan, will also be part of  
17 their -- So he should probably come on too because he's the  
18 5D Zoning Committee rep.

19 CHAIRMAN HOOD: Right. Let's bring him up as well  
20 as I think he may be doing a presentation. I'm not sure.

21 MS. SCHELLIN: Right, I think he is. Kevin  
22 Horgan.

23 CHAIRMAN HOOD: Okay.

24 MR. HORGAN: Hello.

25 CHAIRMAN HOOD: Hello, Mr. Horgan. Are you doing

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1 all the speaking or is Ms. Moore coming on and (audio  
2 interference)?

3 MR. HORGAN: I believe Commissioner Moore is doing  
4 the vast majority of the speaking. Ms. Moore just asked me  
5 to speak on one small specific topic. So I'm just going --  
6 I will come in when Commissioner Moore asks me to.

7 CHAIRMAN HOOD: Okay, thank you. I see  
8 Commissioner Moore.

9 MS. MOORE: Hello. Can you all hear me?

10 CHAIRMAN HOOD: We can hear you. Let me ask you,  
11 are you going to turn your video on or leave it off?

12 MS. MOORE: (audio interference) right now.

13 CHAIRMAN HOOD: Okay. We can see you now, okay.

14 MS. MOORE: Thank you.

15 CHAIRMAN HOOD: I'll turn it over to you. You can  
16 begin.

17 MS. MOORE: Yeah. So as a housekeeping item,  
18 Commissioner Blacknell is unable to join us this evening.  
19 She's a front-line worker and she is a nurse dealing with  
20 COVID right now. So she's unable to join us. And Andrea  
21 Ferster is our Zoning attorney who has helped us prepare  
22 materials for the case, but she will not be presenting the  
23 case due to a conflict this evening. So I just wanted to  
24 address those housekeeping items. And then (audio  
25 interference) my opening statement, I'll turn it over to

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1 Kevin Horgan who is the Chairman of our Zoning Committee for  
2 ANC 5D.

3           So just to begin, good afternoon. I'd like to  
4 thank Chairman Hood and other esteemed members of the Zoning  
5 Commission for this opportunity to speak on behalf of the  
6 Carver Langston community. As one of the ANC Commissioners  
7 representing Carver Langston, I appreciate having the  
8 opportunity to talk about the importance of this map  
9 amendment for my community, as well as highlight some of the  
10 neighborhood history and extensive outreach regarding this  
11 application.

12           As you may know, my community has been engaged in  
13 conversation about historic designations since 2017. Carver  
14 Langston was originally considered part of the Kingman Park  
15 Historic District. And much of the development in our  
16 neighborhood is governed by those strictures. For most of  
17 2017 and 2018, a contentious debate over historic designation  
18 ensued until a portion of our neighborhood was finally  
19 designated historic in June of 2018. That robust community  
20 debate helped shape the thoughts and opinions of many  
21 neighbors in our community and led to a broader conversation  
22 about how we'd like to manage development and zoning moving  
23 forward.

24           That debate is the true starting point for this  
25 map amendment and our community's re-engagement on the issue

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1 of zoning and development. Although our community qualified  
2 for inclusion in the now approved Kingman Park Historic  
3 District, Carver Langston largely decided to move forward in  
4 the direction that would give us more flexibility to meet our  
5 goals for affordable housing and push back against the  
6 displacement of long-term residents while still allowing us  
7 some room to grow and bring in new amenities and jobs close  
8 to our homes.

9           This map amendment is born out of that desire for  
10 our community to reach a consensus on how best to move  
11 forward. Because the debate about historic designation had  
12 become so contentious under the leadership of our previous  
13 Commissioner, I wanted to move this discussion -- the  
14 discussion about development forward in an open and  
15 transparent way. My neighbors are a close-knit group of  
16 people who not only treat each other like family, but are  
17 actual relatives with multiple generations living a few doors  
18 apart. In a time when so many relationships are online, my  
19 community relies on a unique blend of online, telephone, text  
20 messages, written and word of mouth communication.

21           As Chairman Hood so aptly pointed out during the  
22 setdown hearing, our community isn't the type of neighborhood  
23 that just attends ANC meetings. As the ANC Commissioner,  
24 this is a reality that I understand quite well. So I work  
25 closely with the Office of Planning, the Office of Zoning,

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1 License and Civic Association, family leaders and other  
2 community stakeholders to bring the discussion to the people.

3 I conducted more than ten sidewalk talks with well  
4 known community stakeholders where we invited neighbors to  
5 join us in a tent just steps away from their front door to  
6 share their thoughts on zoning and development in our  
7 community. Although these residents aren't zoning experts,  
8 they shared their thoughts and feelings, gave real work  
9 examples of what they did and did not want to see in their  
10 community, and compromised with neighbors who had different  
11 perspectives. Neighbors of every background and income  
12 bracket came to share their opinions about the types of  
13 housing they wanted and could not find, the affordability  
14 concerns and space needs of their families, and talk about  
15 the sense of rejection they felt in being left out of similar  
16 conversations in the past.

17 The conversations were illuminating and  
18 insightful. One single mother shared the importance of  
19 multi-bedroom housing because "our caseworker wouldn't allow  
20 children of different genders to share a bedroom at their  
21 age." A senior shared her concern that the only reason her  
22 housing was so affordable is because it was so old and run  
23 down. Although these comments aren't in the language of  
24 zoning, it is these perspective that help shape the goals of  
25 ANC 5D's map amendment. Although many of these neighbors may

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1 never pick up a zoning manual, I worked to collect their  
2 ideas via sidewalk talks, text messaging, email, YouTube/Zoom  
3 videos, multiple fliers, phone calls, yard signs, and over-  
4 the-fence conversations.

5           By using a variety of touch points, we were able  
6 to reach a wide group of neighbors. And I want to draw the  
7 Commission's attention to the importance of using multiple  
8 means and touch points to conduct outreach over the past  
9 several years. The Office of Planning has referenced -- has  
10 referred to ANC 5D's outreach as introducing new best  
11 practices for engagement. And their involvement throughout  
12 the process has helped make sure that neighbors have  
13 factually accurate information about what this change would  
14 mean for them.

15           In light of this information, as well as the full  
16 application and supplements submitted by ANC 5D, the Office  
17 of Planning and other relevant agencies, I encouraged the  
18 Zoning Commission to give great weight to ANC 5D's  
19 application and approve the proposed map amendment 19-30.  
20 Thank you for your time.

21           So at this time if there are no questions based  
22 on my opening statement, I'd like to turn things over to  
23 Kevin Horgan who is the Chairman of ANC 5D's Zoning and  
24 Development Committee.

25           MR. HORGAN: Can you guys hear me? Can you guys

1 hear me, sir?

2 CHAIRMAN HOOD: Yeah, we can hear you. A lot of  
3 times we'll just shake our heads so we don't have to keep  
4 (audio interference).

5 MR. HORGAN: Okay. So I am just giving a real  
6 quick analysis. Commissioner Moore reached out to me about  
7 a week ago. She had been approached by a constituent who was  
8 concerned about this -- about how this case might limit the  
9 development potential of a lot in this currently zoned RA-2  
10 and would be changed to RF-4. On the ANC Zoning Committee,  
11 what we often do is when we've got architects and neighbors  
12 who have been through BZA process before. So we kind of just  
13 help try to do some research and help inform the ANC. And  
14 so Commission Moore asked us to do an analysis of this  
15 particular lot to see, you know, how this would be -- how  
16 this particular lot would be impacted as a result of this  
17 Zoning Commission case.

18 There is a -- We uploaded a presentation if it can  
19 be brought up on screen. I think it's Exhibit 35. Yeah,  
20 that is correct. Yeah. And so the reason we brought this  
21 up was we do believe that -- I think the -- I believe the  
22 owner of this lot will be testifying today. And I haven't  
23 had a chance to speak with the owner directly. I just  
24 learned of this, I think, last Sunday from Commissioner  
25 Moore. So I'm going to advance to the next slide please.

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1           So again, I've already given you the introduction.  
2 This particular lot is Square Lot 45060163. The address  
3 there -- when a house is finally built, the address there  
4 will be 1961 H Street NE. It's an unimproved vacant lot at  
5 the end of rowhouses. That particular lot, I probably should  
6 have included some pictures, it is a very unusual geometry.  
7 It's basically like a right angled triangle. It does not  
8 have alley access, nor are there any curb cuts to facilitate  
9 parking. This lot interestingly was the subject of two BZA  
10 cases about ten years ago. That was 3ZR16 at the time the  
11 lot was zoned RF-B. And it subsequently became RA-2. If the  
12 Commissioners have this PowerPoint, if you click on those  
13 links, it will bring you to the case records for those two  
14 BZA cases. There's not much in there.

15           Basically the first case -- I think we can advance  
16 to the next slide -- The first case, the Applicant had  
17 applied for a variance from the rear yard requirement, side  
18 yard, and parking. And the BZA at that -- That was for a  
19 single family residence. And at the time, the BZA -- I  
20 understand every BZA case, every case before the Board or  
21 Commissioners is judged on its own merits, but I just wanted  
22 to give some context. At that time, the BZA found that, that  
23 -- They did not award zoning relief, finding that the subject  
24 corner lot was too small and too exposed to support the  
25 Applicant's proposal without substantial detriment to the

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1 public good.

2 About a year later, there was another BZA case  
3 initiated. There is nothing in the case record because  
4 actually then the Applicant withdrew that case. Next slide  
5 please.

6 More recently, less than four weeks ago, that lot  
7 was recently purchased. And I'm going to butcher the  
8 pronunciation and I apologize ahead of time. I do not know  
9 how to pronounce this. But I'm going to hope it's Rabiee.  
10 So she purchased that about four weeks ago. About a week and  
11 a half ago, she met -- or it was last Sunday, she met with  
12 Commissioner Moore notifying of her plans to build a four-  
13 unit apartment building on the site. Which is very confusing  
14 to us because it's -- it's unlikely that it's even large  
15 enough to build a single family unit. I know, you know,  
16 she's a constituent and she has lived in the neighborhood.  
17 But she now owns that property and hopes to develop it. So  
18 you know, I think she believes that RF-4 zoning would be a  
19 big hurdle for her development. And there's now -- she's  
20 submitted three letters in opposition, which is 29, 34, and  
21 34A.

22 I think, you know, we looked at this. And spent  
23 a good time talking with Commissioner Moore. I mean we just  
24 don't understand how this lot could ever be compatible. You  
25 know, the plans are just completely incompatible with a lot

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1 of the size and the geometry. We also distinct, you know,  
2 it's out of character and we think the adjoined neighbor  
3 wouldn't be happy. You know, as a matter of fact, her  
4 proposed plans are exactly why this Zoning Commission case  
5 was filed. You know, because the proposed plans would have  
6 a project extending far beyond the adjoining neighbors. And  
7 I know -- I did review her testimony. And you know, I  
8 sympathize -- you know, she's trying to lead more development  
9 and she's trying to maximize development potential. But I  
10 don't think this would be right here for this lot. Next  
11 slide.

12           And last night I also just took a look at some of  
13 the other letters in opposition that are in here. And I do  
14 just want to call out that not a single one of the letters  
15 in opposition is from someone who lives within the  
16 neighborhood, lives within the ANC boundary, within Ward 5,  
17 and just my estimate is I think the closest person who has  
18 opposed this project, lives three miles away. So you know,  
19 while the Commission is going to be listening to testimony  
20 in support and opposition today, I do want you to, you know,  
21 give greater weight to those who are testifying who live in  
22 the neighborhood, who've lived here their whole lives.

23           And I think that concludes my testimony here. I  
24 was just trying to focus more on this specific case. I  
25 understand there will be some testimony from Ms. Rabiee and

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1 I just wanted to put that in context. So I think at this  
2 point, I can pass it back to Commissioner Moore.

3 MS. MOORE: Yes. So thank you, Kevin. And so  
4 really to sum things up, you know, I gave the overview of  
5 where things stand, the kind of outreach that we've done  
6 that's been really kind of extensive outreach to make sure  
7 that the community is aware via multiple channels, about the  
8 case over the past several years, even prior to the current  
9 COVID emergency. And Kevin really gave an overview of some  
10 of the opposition that came in, in the case file. And you  
11 know why that, you know, development isn't necessarily  
12 impacted at all by a change in zoning, it would be better  
13 served by its own separate BZA hearing. As well as the  
14 additional kind of form letters that were received -- that  
15 didn't include details pertinent to the specifics of this  
16 case. So with that said, if there are any questions for me  
17 or Kevin, you know, please let us know.

18 CHAIRMAN HOOD: Okay. Commissioner Moore, thank  
19 you and Mr. Horgan for your testimony in this petition. We  
20 appreciate all the work that you all have done going forward.  
21 That does not go unnoticed on our part. Let me also just  
22 mention if you can take this back to Ms. Blacknell on behalf  
23 of us, we appreciate all the work she's doing. And tell her  
24 we thank her for her service. So if you could pass that back  
25 to her, we greatly appreciate her, especially during this

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1 time. So please make sure she gets that message. Thank you.

2 All right, let's open up and see if we have any  
3 questions or comments. Let me go to Commissioner May.

4 COMMISSIONER MAY: I do not have any questions or  
5 comments. Thank you.

6 CHAIRMAN HOOD: Commissioner Shapiro,  
7 Commissioner Turnbull, and Vice Chair Miller?

8 VICE CHAIR MILLER: No questions. Thank you for  
9 your presentation and all the work though, Ms. Moore of your  
10 ANC and the community.

11 MS. MOORE: Thank you. All right, I think we're  
12 going to keep you all up. We didn't have any questions. I  
13 think the record is complete. We understand what the ask is  
14 and we will continue to hear from others. So we'll leave you  
15 all up -- Mr. Young, let's leave Commissioner Moore and Mr.  
16 Horgan up. Let's leave them up at this time because we may  
17 have to come back and ask some questions. But for now, I  
18 think we're good.

19 Let's go to the Office of Planning's report and  
20 then District Department of Transportation as well. Let's do  
21 both of them at the same -- same time. All right, Mr.  
22 Kirschenbaum and I believe -- I'm not sure who's from DDOT.  
23 No one's from -- Okay. Mr. Kirschenbaum?

24 MR. KIRSCHENBAUM: Could the presentation be  
25 loaded? Thank you. Good evening, Chair Hood and members of

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1 the Zoning Commission. Jonathan Kirschenbaum with the Office  
2 of Planning for Case 1930. OP commends ANC 5D for an  
3 exemplary application for working closely with neighborhood  
4 residents. And for the hard work undertaken to propose the  
5 boundaries of the map amendments. We recommend approval of  
6 this three-fold petition for an area wide map amendment. The  
7 petition is to re-zone approximately 13.5 acres from RA-2 to  
8 RF-4 and to re-zone approximately 4.3 acres from RA-2 for MU-  
9 4 to MU-5A. Next slide please.

10 As the Applicant mentioned, since setdown, several  
11 lots -- we realized that several lots west of 18th Street  
12 were in fact zoned RA-2 and not MU-4. And you can see the  
13 area on this map with the yellow arrow indicated. These lots  
14 are proposed to be re-zoned from RA-2 to MU-5A. And  
15 accordingly the OP Public Hearing Report at Exhibit 30  
16 analyzes these lots as being re-zoned from RA-2 to MU-5A.  
17 Next slide please.

18 The proposed RF-4 zone is estimated to have a  
19 capacity of 645 row units in a building formed in character  
20 generally consistent with that of the existing neighborhood  
21 pattern. Overall, the number of likely units under RF-4 will  
22 now be significantly lower than under the current RA-2 zone.  
23 And it is also anticipated that the RF-4 zone would also  
24 encourage both the retention and production of family-sized  
25 units. And this is one of -- one of the attentions the

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1 Zoning Commission had when this zone was adopted. And that  
2 zone being the RF-4 zone. Next slide please.

3           The proposed MU-5A zone is estimated to have a  
4 capacity of about 500 one-dwelling units. As such, the MU-5A  
5 zone is anticipated to permit at least an additional 165  
6 dwelling units over what the existing RA-2 and MU-4 zones  
7 along Benning Road would permit. In summary, OP analysis  
8 indicates that any minimal loss of dwelling units in the RF-4  
9 unit should be offset by an increase of potential dwelling  
10 units in the MU-5A area. And this is even with the provision  
11 of ground floor, retail, office, or commercial uses along  
12 Benning Road.

13           In addition, a portion of the MU-5A dwelling units  
14 would be affordable pursuant to our Inclusionary Zoning  
15 Program. And given the additional density that would be  
16 provided by the MU-5A zone is anticipated that the likelihood  
17 of IZ units would significantly increase. On balance, these  
18 re-zonings when analyzed together are not inconsistent with  
19 the comprehensive plan including the FLUM and Policy Map and  
20 it drastically stated that as part of a comprehensive plan  
21 update process, the ANC had requested a future map amendment  
22 for the MU-5A area, which is along Benning Road to change the  
23 form to medium density residential, moderate density  
24 commercial. And that's a designation that the proposed MU-5A  
25 zone would be consistent with.

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1           And it is also important that these map amendments  
2 proceed and be evaluated together as each helps make the case  
3 for the other's consistency with planning objectives for the  
4 neighborhood and also for the District of Columbia.  
5 Preceding in this matter also helps ensure that the proposal  
6 will further the mayor's vision for the creation of 36,000  
7 new housing units by 2025 including 12,000 affordable housing  
8 units. This concludes my presentation. Please let me know  
9 if you have any further questions. Thank you.

10           CHAIRMAN HOOD: Thank you, Mr. Kirschenbaum. We  
11 appreciate the report. Let me see if my colleagues have any  
12 followup questions. Commissioner May? Okay, Commissioner  
13 Shapiro? Commissioner Turnbull? Okay. Anything, Vice Chair  
14 Miller?

15           VICE CHAIR MILLER: Thank you, Mr. Chairman. And  
16 thank you, Mr. Kirschenbaum for your report. I may have  
17 missed your verbal -- Your verbal presentation may have  
18 touched on this. But your written report -- OP report on  
19 Page 2 made reference to a particular lot, #66 where you  
20 noted that the setdown report previously had noted some  
21 concern about inclusion in a proposed RF-4 zone because the  
22 site is currently developed with a small apartment building.  
23 And the current future land use map identifies this lot for  
24 medium density residential. You conclude that paragraph.  
25 I guess you had some dialogue with ANC-5D, but still wanted

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1 it to be included within RF-4. So that any new building on  
2 the lot would have a row house appearance should it be  
3 redeveloped in the future. And you say appreciates this  
4 reasoning given the existing form designation and existing  
5 building form, OP continued to feel that it would be  
6 appropriate to not include this one property. I'm talking  
7 about Lot 66.

8 (audio interference) re-zoning so that it would  
9 remain zoned RA-2 similar to the adjacent properties also  
10 developed with small apartment buildings to the north of it.  
11 And I see that it is a corner lot. It looks like a large  
12 corner lot at the corner of H and 20th or I don't know what  
13 street -- other street that is. But anyway I wonder, Mr.  
14 Kirschenbaum if you could -- you may have touched on this and  
15 I may have missed it, do you still have any -- Does OP still  
16 have any concern about inclusion of the lot within the  
17 proposed RF-4 zone because it has this small apartment  
18 building already on it? And the current designation on the  
19 land use map is medium?

20 MR. KIRSCHENBAUM: Thank you for asking that  
21 question. Our concern does remain the same. It will not  
22 impact our overall recommendation for the map amendment, but  
23 it would be something for the Zoning Commission to consider  
24 when making -- when taking either proposed or final action  
25 on this application.

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1           VICE CHAIR MILLER:  And I guess I would like to  
2 hear at some point, Mr. Chairman, the ANC's -- you know, we  
3 see a summary of it in the OP report -- the ANC's position  
4 on that articulated here in this hearing.  But Mr.  
5 Kirschenbaum before I leave you, does the -- the Mayor has  
6 certain proposed map amendments to the comp plan pending  
7 before the council.  Is Lot 66 affected in those proposed map  
8 amendments?

9           MR. KIRSCHENBAUM:  Lot 66 for any proposed (audio  
10 interference) should be remaining the same as it's currently  
11 designated.  There are no proposed changes to that area.

12          VICE CHAIR MILLER:  Which is medium density  
13 residential.

14          MR. KIRSCHENBAUM:  Correct.

15          VICE CHAIR MILLER:  Okay, thank you.  And so Mr.  
16 Chairman, I guess I wanted to hear (audio interference) .

17          VICE CHAIR MILLER:  Okay -- Commissioner Moore's  
18 comment on that if you would so provide.

19          MS. MOORE:  Sure.  So I think that OP has done an  
20 excellent job of kind of summing up the conversation that we  
21 have there.  And this is also not a deal breaker for us.  You  
22 know, I think it's a minor difference of opinion about that  
23 front setback is really the challenge that we're having.  I  
24 think the front setback issue has been tremendously important  
25 to our neighbors.  As you can see in OP's setdown report,

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1 they included a picture of the development at 821st Street,  
2 which extends about 16 feet in front of the neighboring  
3 property. And so we wanted to just be mindful of that  
4 consistency on the front setbacks throughout the zone. That  
5 being said, I think this is a prime example of a case where  
6 a BZA could easily address this issue. And it's -- you know,  
7 the owner of that property, I've spoken to them at length.  
8 They do have the resources to move forward with the BZA  
9 should they choose to re-develop that property in the near  
10 future. And then there would be some room to negotiate or  
11 have additional conversations about how that front setback  
12 would look.

13 CHAIRMAN HOOD: Well thank you for that comment.  
14 Are you aware of any plans if they have to redevelop the  
15 (audio interference) in the future?

16 MS. MOORE: Not at this time.

17 CHAIRMAN HOOD: Yeah, okay. And do you feel that  
18 the existing character is somewhat of that building fits in  
19 the character with what you're proposing, there are other  
20 adjacent properties, I guess, to the north that have small  
21 apartment buildings as well.

22 MS. MOORE: There are. And I think the idea there  
23 is to create a bit of a transition zone, so that it's not  
24 such a stark contrast between the row houses that you have  
25 to the south and the multi-units buildings that you have to

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1 the north. And so I think that they're -- you know, the ANC  
2 will really work with our Zoning Committee to set consistent  
3 guidelines about the types of development that we want to  
4 approve. We're not, you know, anti-development or anti-  
5 updates. So I think that they would, you know, not have a  
6 major challenge with us in terms of going through the BZA  
7 process. But it's just about sort of, you know, there are  
8 a few lots throughout the area where you could make an  
9 exception to the rule. But I think overall that the BZA  
10 process would be a better way to handle those exceptions, you  
11 know, rather than the overall zoning neighborhood.

12 VICE CHAIR MILLER: Okay. Well I understand where  
13 you're coming from. I have somewhat of a concern about  
14 (audio interference) conformity for an existing building  
15 where there are adjacent properties that are similar. And  
16 where the current com plan map is consistent with what's  
17 already there. But I understand where you're coming from.  
18 And I appreciate your comments and all the work that you've  
19 done on this case. Thank you.

20 MS. MOORE: Thank you.

21 CHAIRMAN HOOD: Okay, thank you. Any other  
22 questions, colleagues? Thank you, Mr. Kirschenbaum. I will  
23 just say that Exhibit 27, the District Department of  
24 Transportation, I'm just going to read the one line here.  
25 They have a full report, very detailed. It says, "Therefore

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1 DDOT has no objections to the approval of the requested map  
2 amendment." I'll leave it at that. Do we have any other  
3 reports? I didn't see any. All right, let's go to the  
4 witnesses who are here in support -- organizations or  
5 witnesses who are in support. I do have a list -- (audio  
6 interference) proponents.

7 MS. MOORE: I wanted to -- If you don't mind, may  
8 I just ask -- We do have a neighbor who's joining, I guess,  
9 by phone, Ms. Vicky Thomas. And she's a proponent. And I  
10 wanted to request that since she is calling in by phone if  
11 we could please give her the opportunity to speak first.

12 CHAIRMAN HOOD: She's actually -- She's on my  
13 list. (audio interference) -- we'll go ahead and let Ms.  
14 Thomas go first at your request. And then after Ms. Thomas,  
15 since she's on the phone, we're going to go with W. Aaron  
16 French. And forgive me if I mispronounce anyone's name. And  
17 I believe all these are proponents, Darcy Scott. And I'm  
18 going to ask Mr. Young if you can bring all these folks up.  
19 Caroline Noelke -- forgive me -- Juanita Diggs, and Ms. Vicky  
20 Thomas who's going to go first. She's on the phone. So if  
21 we could bring all those up and I will turn it over to Ms.  
22 Vicky Thomas when she comes up. I don't see her.

23 MS. THOMAS: Hello. Can you hear me?

24 MS. SCHELLIN: She's listed as Caller 3, I  
25 believe.

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1           CHAIRMAN HOOD: Okay. Okay. Ms. Thomas, we can  
2 hear you. You may begin.

3           MS. THOMAS: Oh, okay. My name is Vicky Thomas.  
4 I've been a resident in Ward 5 for over 40 years, me and my  
5 mom. And we've been living there for quite a long time in  
6 that area. And the area has changed a lot. And the fact  
7 that since we still live there in that low house area that  
8 we live at, a developer has purchased a home next to us. And  
9 he just dropped off some paperwork for us to sign saying that  
10 he wanted to -- that he owned that home next door to us. And  
11 that he wanted to build, I think like an eight story high  
12 apartment building.

13           So what I did was I said -- a man just dropped off  
14 this envelope to let us know that's what he's doing and for  
15 us to sign the paper. So because I was concerned about that  
16 and because it is row houses and that the homeless -- the  
17 apartment building was going to be so extended high over the  
18 other row houses, I was concerned about that. So I got in  
19 contact with the Commissioner. And then she told me about  
20 some other people that had some developers that were talking  
21 to them or either -- there was some developers that moved  
22 next to them. And that their houses -- their apartment  
23 buildings were high too. And he was dealing with that. So  
24 he was able to help me. And then I talked to Ms. Scott  
25 (audio interference) --

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1 CHAIRMAN HOOD: Did we lose you, Ms. Thomas?

2 MS. THOMAS: Did you lose me?

3 CHAIRMAN HOOD: I can hear you now.

4 MS. THOMAS: Hello? Can you hear me now?

5 CHAIRMAN HOOD: Yeah, I can hear you now.

6 MS. THOMAS: Okay. So do I need to re-state  
7 anything that I need to?

8 CHAIRMAN HOOD: No. Just your last sentence. I  
9 think we heard most of it.

10 MS. THOMAS: Okay. So basically because -- I mean  
11 I have no problem with developers because people have the  
12 right to purchase whatever they want to purchase. But I just  
13 thought it was too inappropriate to be -- to have an  
14 apartment building (audio interference) in the house -- and  
15 you're talking about row houses, you know, that's been there  
16 for years in that community. And then they're going to put  
17 in an apartment, you know, so extended high. And then what  
18 would happen to our homes next to it as far as snow and other  
19 things that could happen? So that was my concern about, you  
20 know, about what's going on with the properties in our Ward  
21 5.

22 CHAIRMAN HOOD: Okay. Thank you, Ms. Thomas. If  
23 we have any questions, we'll come back to you. Let me look  
24 back at my list. I do know that Ms. Juanita Diggs has five  
25 minutes. But let's go in the order -- continue going in the

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1 order. We have W. Aaron French and then we have Darcy Scott  
2 and then we will have Caroline Noelke, and then Ms. Juanita  
3 Diggs. And Ms. Diggs will have five minutes. So you all may  
4 begin in that order.

5 MR. FRENCH: Hi, yes. I guess one note -- Hi, my  
6 name is William Aaron French. I live by the 1917 H Street  
7 NW with my wife, Noelke who is here with me and we're  
8 testifying together. So you can remove her from later on the  
9 list. Our testimony is for both of us. Thank you, Chairman  
10 Hood and the Commission for your time today and for your  
11 thorough review of re-zoning portions of ANC 5D for RA-2 to  
12 RF-4 and MU-4 to MU-5A.

13 After renting for several years in the District,  
14 when my wife and I were looking to purchase a home in the  
15 city, we strongly desired a residential neighborhood that  
16 looked nothing like the white wash concrete jungle that Shaw  
17 and Mount Vernon Triangle had turned into by late 2014. We  
18 found just that on the 1900 block of H Street NE and then  
19 Carver Langston. A truly niche group of community oriented  
20 and diverse neighbors and a community rich in history. We  
21 wholeheartedly and without reservation support the transition  
22 from RA-2 to RF-4 because it allows our neighborhood to  
23 responsibly grow and increase in density while still  
24 preserving the character of existing homes.

25 In testifying today, we're also thinking about

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1 many of our neighbors. Ms. Valerie next door and her mother  
2 next door to her who have been living on our block since the  
3 early eighties. Ms. Lydia a few houses down from that and  
4 her sister who lives just a few more houses down from her.  
5 They have a right to age in place in their homes without the  
6 encroachment of astronomical property taxes that large  
7 profit-thirsty developments would and have caused in other  
8 parts of our city. An RF-4 zone would still allow us and our  
9 neighbors to make improvements to our homes should we want  
10 to, while also inviting developers and others to invest in  
11 our neighborhood and its historic residence.

12           Further, we are also in support of transitioning  
13 blocks of the Benning Road NE corridor to MU-5A to allow for  
14 even higher density in Carver Langston offsetting any  
15 concerns related to the smaller proposed sizes of properties  
16 in RF-4 and ultimately having more options for inclusionary  
17 zoning. We'd be remiss if we didn't also mention the likely  
18 redevelopment of the large Hechinger Mall land, which will  
19 no doubt be a boom as a high density, mixed use community in  
20 its own right.

21           We believe owning a home in the District comes  
22 with a set of responsibilities. For us, that's ensuring we  
23 protect the ability for our neighbors to own their homes  
24 without fear of displacement with the same exact fervor that  
25 they accepted us into their lives when we moved here in 2015.

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1 In short, the RF-4 zone was developed for moments and  
2 neighborhoods like ours.

3           There has been a substantial effort from ANC-5D  
4 Commissioners, Sydelle Moore and Bernice Blacknell, as well  
5 as the Langston Civic Association to make the community aware  
6 of this proposed change. From sidewalk chats to standing  
7 agenda items at Commission and Civic Association meetings and  
8 minutes, the signs posted throughout the neighborhood and  
9 door tags, our community's leaders have done extensive work  
10 in engaging the community. Any insinuation otherwise is a  
11 patent falsehood.

12           Please do not allow outside interest or those who  
13 merely bought property in our community just weeks ago, to  
14 derail this important moment in our neighborhood's best  
15 interest. Thank you.

16           CHAIRMAN HOOD:       Okay, thank you.       (audio  
17 interference) if you can hold on. Let's go to Ms. Scott.

18           MS. SCOTT:   This is Darcy. Can you hear me?

19           CHAIRMAN HOOD:   Yes. Yes, we can.

20           MS. SCOTT:   Thank you. I have known one  
21 Commissioner extensively for a number of years and I can say  
22 that he knows well that I moved to D.C. in 1996. I lived on  
23 Capitol Hill. I lived in three different homes on Capitol  
24 Hill. And in the last five years, I've moved to Kingman Park  
25 where I bought previous to it becoming a historic district,

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1 but then was there when it became a historic district. Three  
2 and a half years ago, I bought the house that is on the other  
3 side of the development that Vicky Thomas was referring to.  
4 And it has been a challenging situation to imagine that  
5 someone that would come in and take a space the size of a  
6 medium row house and put in nine units with all the people,  
7 all the parking, all the demand on the block, which is a  
8 beautiful unchanged block.

9           At this point, I have been through a lot of  
10 development across this city for a lot of years. And I can  
11 see that there has to be some constraint to say we need to  
12 keep neighborhoods that have family accessibility. Luckily  
13 we were able to work with our developer and he has scaled  
14 back from nine units to three. And he's rescaled the back  
15 of the place so that it doesn't entirely block Ms. Thomas'  
16 back yard. But that was only because of our due diligence  
17 and us getting out ahead of this process.

18           I think the challenges in so many situations,  
19 developers arrive. They throw a note on the door. And  
20 before people even know it, there's all the sudden a hole  
21 next to their house. So I feel like giving the neighbors the  
22 opportunity to take care of their homes and improve them in  
23 the way they need to without turning them into a neighborhood  
24 that's unrecognizable for them is what the Zoning Commission  
25 is all about. Thank you.

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1           CHAIRMAN HOOD: Thank you, Ms. Scott. Let's go  
2 to Ms. Juanita Diggs. She will have five minutes from the  
3 Langston Civic Association.

4           MS. DIGGS: Hello. Can you hear me? This is  
5 Juanita Diggs.

6           CHAIRMAN HOOD: Okay. Ms. Diggs, you may begin  
7 your testimony.

8           MS. DIGGS: Good evening. Good evening and thank  
9 you for giving residents the opportunity to share our  
10 thoughts during today's hearing. My name is Juanita Diggs.  
11 I'm a resident of 1113 21st Street NE, Apartment 104. I'm  
12 a long time resident of Carver Langston, as well as the  
13 President of the Langston Civic Association, which represents  
14 all of the homes and businesses including in the map  
15 amendment under consideration.

16           First I'd like to thank our ANC Commissioner for  
17 going above and beyond to not only collect resident feedback  
18 on development and zoning, but turning that feedback into a  
19 workable plan that takes our ideas and makes them into  
20 policy. Often people in our community don't feel like we're  
21 included or even considered when decisions like this are  
22 made. Who knew that there was a comprehensive plan or that  
23 we, the everyday working people, could comment on that plan?  
24 I finally feel included in the conversation.

25           I attended most of the 2020 ANC meetings and all

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1 of the sidewalk talks hosted by Commissioner Moore. I heard  
2 feedback from residents and the overwhelming majority of  
3 neighbors offered comments and suggestions consistent with  
4 what the ANC has submitted in this case. Thank you to the  
5 Office of Planning and Zoning for attending so many of these  
6 meetings and helping to offer a neutral informative  
7 perspective on the issues at hand. With so much support, our  
8 community was able to come together and find the solution  
9 that works for us.

10           Several years ago, we had a rather contentious  
11 community debate about historic designation. I appreciate  
12 how much more open the current Commissioner has been to  
13 incorporating resident feedback in the map amendment  
14 proposal. And how much more work was done this time around  
15 to keep people informed. Under our previous Commissioner,  
16 that did not happen. And this more open and fair process was  
17 a welcome change.

18           I personally approved of the historic designation  
19 plan and want to make it clear to the Zoning Commission that  
20 if we can't move forward on the proposed map amendment, I  
21 would support our community's inclusion in the Kingman Park  
22 Historic District. Even despite attempts by developer, Mana  
23 Rabiee, I believe her name is, to distribute deceptive flyers  
24 and other misinformation, our neighborhood has been  
25 consistent in supporting this proposal.

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1 I was particularly offended by Ms. Rabiee's flyer  
2 where she pretended to be working on behalf of the community.  
3 Since purchasing property in July, Ms. Rabiee has not  
4 attended any ANC meetings where I have been present. If it  
5 were her intention to be part of the community, she could  
6 have at least done that. Also as President of the Langston  
7 Civic Association, she could have called me and asked to  
8 attend an upcoming meeting or share her thoughts and  
9 intentions. Her flyer inaccurately lists our neighborhood  
10 as Trinidad and that makes me wonder about this developer's  
11 false sense of advocacy. We don't even matter enough for her  
12 to know where she has purchased property, which is Carver  
13 Langston.

14 We understand that this map amendment is a  
15 compromised position that allows more development than a  
16 historic district. But it also helps us maintain the  
17 character and fabric of our neighborhood while setting the  
18 stage to help prevent displacement through inclusionary  
19 zoning. I believe that this case represents a positive way  
20 forward that we can all accept. In short, it seems to me  
21 this inexperienced developer's motive is personal profit, not  
22 community, not history, not culture, mere profit.

23 Again, let me thank the Office of Planning for  
24 their assistance and our ANC Commissioner for bringing this  
25 plan into fruition. Thank you.

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1 CHAIRMAN HOOD: Let me thank each and every one  
2 of you for providing us testimony and insight on how this is  
3 has been moving forward and also your support -- your  
4 testimony and support. We appreciate you taking the time to  
5 let us know how you feel in your testimony about this map --  
6 this rule making.

7 Let me see if my colleagues have any questions of  
8 any of those who -- I think I have everyone according to me  
9 list who testified in support who's on our list. So if  
10 there's any questions of any one of the folks who just  
11 testified in support, Commissioner May?

12 COMMISSIONER MAY: I don't have any questions.  
13 I just want to thank everyone who testified and said hello  
14 to Ms. Scott. I haven't seen her in a while.

15 CHAIRMAN HOOD: Okay. Commissioner Shapiro?

16 COMMISSIONER SHAPIRO: No questions. And (audio  
17 interference), Mr. Chair, just very heartfelt full testimony.  
18 I appreciate the work. I appreciate the effort on behalf of  
19 the community. And I'll leave it at that.

20 CHAIRMAN HOOD: Okay. Commissioner Turnbull?  
21 You're on mute. I saw you shake your head. You're on mute,  
22 Mr. Turnbull. There you go.

23 COMMISSIONER TURNBULL: Can you hear me now?

24 CHAIRMAN HOOD: I can hear you now.

25 COMMISSIONER TURNBULL: I have no real comments.

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1 I think it's so nice to see a community come together and  
2 work together and represent a united front. So I just want  
3 to thank all of you for coming here tonight.

4 CHAIRMAN HOOD: Okay. And Vice Chair Miller, do  
5 you have any comments or questions?

6 VICE CHAIR MILLER: No questions, Mr. Chairman.  
7 I'd like to thank each of the witnesses for testifying today.

8 CHAIRMAN HOOD: Okay. Again, I want to thank you  
9 all. Mr. Young, if you can take everybody in support out  
10 except for the two Petitioners -- Vice Chair Moore and if you  
11 can keep Mr. Horgan -- if you can keep them up. And then we  
12 call now as we continue to move forward. Let me call up  
13 those who are in opposition. And if I mispronounce your  
14 name, forgive me. I'm sure Ms. Mana Rabiee -- Mana Rabiee  
15 will correct when we come on. So will you bring them up, Mr.  
16 Young? Michael Hamilton, Emily Hamilton, Matthew Ygelesias  
17 -- I know I messed that up -- Kathy Henderson and Sharon  
18 Cole. All those names I just called, if somebody's out there  
19 who -- we will go do a last round if somebody's out there  
20 just in case we didn't have your name on our list. Okay, so  
21 Ms -- if you could pronounce your name.

22 MS. RABIEE: Yes. I'm Mana Rabiee. I'm not sure  
23 if you can see me.

24 CHAIRMAN HOOD: Yes, we can see you. You may  
25 begin.

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1 MS. RABIEE: Great, thank you. So I'm actually  
2 going to veer away from my prepared comments if you don't  
3 mind just because I wasn't expecting to be mentioned in  
4 person like this today. I am the person who recently bought  
5 the property at 1961. And I wasn't expecting to again be  
6 personally -- have some negative attention maybe brought to  
7 me. I have a feeling that there's been some miscommunication  
8 here.

9 Let me start by just quickly telling you -- I  
10 realize I only have three minutes -- I'm not a developer.  
11 I'm a journalist by trade. That's my full-time living. I'm  
12 a former journalist with WAMU FM. I'm now with Reuters. I  
13 am a part-time licensed realtor and I have an interest in  
14 development, so I aspire to it. I don't want to frankly in  
15 all honestly be vilified maybe a little bit like this in a  
16 public setting as some kind of a developer who's only  
17 interested in making money. I kind of resent hearing that.  
18 When I met with Commissioner Moore, I think I even may have  
19 verbalized to her over the phone that my politics are to the  
20 far, far left. I'm a Bernie supporter. I think housing is  
21 a human right. And so I'm actually in agreement with a lot  
22 of things that I'm generally hearing from the folks who have  
23 speaking for the last few minutes in support of the change.

24 But I don't think that means throwing everything  
25 out, to use a cliché, the baby with the bath water. I won't

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1 maybe speak on the zone if you don't mind, just yet because  
2 Mr. Horgan and others brought me in a more maybe personal way  
3 into this discussion only to say maybe the following  
4 comments. Again because Mr. Horgan mentioned my  
5 presentation, which caught me by surprise too. Because I  
6 thought I had simply had a very informal conversation with  
7 a very helpful Commissioner Moore. And I showed her some  
8 layouts that were very, very different from each other. And  
9 I thought I had maybe properly, you know, verbalized that  
10 when I bought the lot -- and I agree I'm not a resident  
11 there. I am an owner there now. And I had aspired to move  
12 to the lot once I build a home there.

13           The very initial idea of this lot purchase was to  
14 build a microhouse. So on a 550 square foot footing, build,  
15 excavate, build two floors up, whatever. Create a micro  
16 home, either for myself, either for sale. I'm not quite  
17 sure. And then I got interested in micro-units. And I  
18 realized, well I have the RA-2 designation, so I could put  
19 in micro-units. And I think I even verbalized to Ms. Moore  
20 that my most recent aspiration that I followed through --  
21 just so again the neighbors listening understand who I am,  
22 that I'm not some kind of a vilified developer was that I had  
23 spoken to lenders about getting what's increasingly a popular  
24 lending product where the owner lives in one unit and can  
25 rent out up to three units. And it becomes an incredible way

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1 for ordinary people like us -- working people, a journalist,  
2 a restaurant worker, a scientist, whomever, ordinary working  
3 people who in fact contrary to some peoples whatever cliched  
4 image maybe of development, we're not deep-pocketed  
5 conglomerates. We're mom and pop people trying to make a  
6 living --

7 CHAIRMAN HOOD: Ms. Rabiee, let me interrupt you.  
8 I let you go on and unfortunately I let you use up all your  
9 time.

10 MS. RABIEE: Well, let me just say --

11 CHAIRMAN HOOD: Hold on. Hold on. Let me finish.

12 MS. RABIEE: If I could just say one thing --

13 CHAIRMAN HOOD: No, hold on. Let me finish.

14 MS. RABIEE: Oh.

15 CHAIRMAN HOOD: What we need you to do is talk  
16 about what's proposed in front of us, not the accusations,  
17 not what's been said. Let me just say this -- Let me finish.  
18 We have read your submission. I already knew that you were  
19 a real estate -- So you spent all your time defending what  
20 was said. The Zoning -- We're not here to get in-between how  
21 communities work. We always believe in the good neighbor  
22 policy. What you should have been doing -- what I would  
23 encourage you to do for this next minute that I'm going to  
24 give you -- one minute -- is to talk about the zone. That's  
25 (audio interference). So I'll turn it back over to you.

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1 MS. RABIEE: Thank you. My (audio interference)  
2 just when the city is up-zoning so many areas of the  
3 neighborhood to address the obvious critical housing  
4 shortage, it just seemed to me instinctively, capture  
5 intuitive and misguided to now down-zone. And I think -- you  
6 know, I'm hoping you guys will, you know, talk to specialists  
7 who are maybe I agree, outside of the neighborhood. But  
8 specialists on housing to maybe assess how this actually --  
9 in my opinion and I would imagine others too -- I feel like  
10 it locks the housing stalk in that neighborhood to whatever  
11 was built back in 1920s, 1930s.

12 You know, when you effectively remove the building  
13 restriction line. It exists on paper, but when you're  
14 telling us to build only to the facade of the original house  
15 next door, you're essentially moving the building restriction  
16 line all the way back. Some of those lots have only about  
17 27 feet of depth beyond the original brick structure with a  
18 20 foot setback that's being increased by 30 percent now from  
19 the original -- excuse me -- 15 foot setback. You're only  
20 leaving about 7 feet of buildable space. And instinctively  
21 if this is my only minute here, it just feels like you're  
22 locking the whole swath of the neighborhood -- and forgive  
23 me for calling it Trinidad, that was my mistake -- you're  
24 just locking that entire neighborhood in the housing stock  
25 that would have existed in the 20s and 30s as if we're not

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1 in 2020. But I do --

2 CHAIRMAN HOOD: Okay, thank you. I'm going to  
3 have to cut you off. And this is the only person I've had  
4 to cut off virtual. So let me -- I'm not used to doing --  
5 I'm used to doing it in-person. But I'm going to have to cut  
6 you off. I gave you an additional minute. I want to make  
7 sure I'm fair to everyone. So thank you. We do have your  
8 testimony, so let's focus on the zoning. So thank you. And  
9 hold tight. We may have some questions. Okay, let's go to  
10 Mr. Hamilton -- Michael Hamilton is the way it's listed and  
11 then Emily Hamilton in that order.

12 MR. HAMILTON: Okay, here we go. All right, well  
13 thank you for letting me speak today. I live at 1816 H  
14 Place. So my house is directly across the street from the --  
15 my home is being re-zoned, so my house will not be down-  
16 zoned. But first I want to say I strongly support the  
17 changes on Benning Road. I think it's a very smart move to  
18 up-zone along there. Especially with how wide the street is.  
19 It's a great place to put in more homes. There's  
20 transportation there, a lot of connections downtown and to  
21 H Street. I have no qualms whatsoever. I think that should  
22 be approved for sure.

23 What I do disagree with though is the move from  
24 RA-2 zoning that's in place for most of the neighborhood down  
25 to R4-F. And I think it's a major down-zoning for two

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1 primary reasons. One, the setbacks as were mentioned. But  
2 two, it limits the number of units to three whenever a home  
3 or small apartment building here is redeveloped. Even though  
4 the massing's about the same, that's a pretty big change.  
5 And so it makes it impossible to assemble one or more row  
6 homes to build a smaller apartment building because you don't  
7 get any additional units by doing that. And I think it's  
8 going to be a big barrier to making more units for the  
9 community.

10           In Washington D.C., there's really not a shortage  
11 of family-sized units. In Washington D.C., there's really  
12 a shortage of single family units -- or excuse me, single  
13 bedroom units relative to the population. Sixty percent of  
14 D.C. housing units have 2+ bedrooms, but only, you know, 20  
15 percent of households in Washington D.C. have any kids  
16 present. The medium household size right now is pretty small  
17 in the District. And to help with that, we need more  
18 developments like we're seeing in the neighborhood right now  
19 where you might see a 4-plex be changed into a 9-plex. And  
20 with RA-2, we can expect that to continue.

21           And I read in the report that it's not expected  
22 to have much change on the neighborhood now by going from RF-  
23 4 to RA-2. I think that's true, but that's only true because  
24 it takes a long time to see the effects of zoning over time  
25 as people would redevelop their homes or sell them when they

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1 move, things like that. And the effects that we'll see in  
2 the long-term by down-zoning, I think will be quite large.  
3 We'll see a big reduction in the density of what will happen  
4 ten, 20 years from now. We'll see a bigger mismatch between  
5 the population and the size of apartments that are available  
6 in D.C. And RA-2, I think is a pretty good zoning if we're  
7 going to allow for more density here and if we're going to  
8 Mayor Bowser's housing goals.

9 I don't think it's appropriate to have any kind  
10 of down-zoning here, especially when, you know, there really  
11 is a shortage region-wide of housing available to people  
12 here. I think that a better thing to do to address this is  
13 also just to look into maybe moving RA-2 into other areas.  
14 I know that's not part of what we're seeing tonight, but I  
15 think we really should reconsider the RF-4. It's going to  
16 be a major down-zoning. But the up-zoning along Benning  
17 Road, I think is a great idea.

18 CHAIRMAN HOOD: Thank you, Mr. Hamilton. Ms.  
19 Hamilton?

20 MS. HAMILTON: Thank you, Chair Hood and members  
21 of the Commission. And I'd also like to thank Commissioner  
22 Moore for taking the time to speak with me about this  
23 proposed change.

24 Like Michael, I support the up-zoning along  
25 Benning Road. And I think that's an appropriate change to

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1 accommodate more housing along that corridor over time. But  
2 it's unknown how much development will be feasible under the  
3 Benning Road change. And whether rents along that corridor  
4 are high enough to support the type of development that MU-5A  
5 zoning would permit. What we do know is the kind of  
6 incremental development that we're seeing all over Carver  
7 Langston under RA-2 zoning. This is the type of development  
8 that's missing middle development. That's widely recognized  
9 to be lower cost than other potential alternatives. And as  
10 Michael said, it's providing the type of small units that  
11 many households in D.C. and in the region are looking for.

12 I disagree with the office of Planning's  
13 assessment that the switch to RF-4 wouldn't substantially  
14 change the amount of development that we're seeing under RA-2  
15 because I live very close to several projects that are  
16 including more than three units per lot. I don't think that  
17 any down-zoning in the District is consistent with the Bowser  
18 Administration's aggressive housing goals. And the Office  
19 of Planning report relies on the goal of protecting the row  
20 house character as a primary reason to make the change from  
21 RA-2 to RF-4. But protecting the character of neighborhoods  
22 through zoning across the city is a major contributor to the  
23 affordability challenges that we're facing in D.C. today.  
24 So I support the neighborhood being more welcoming of  
25 additional residents and housing, rather than less. Thank

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1 you.

2 CHAIRMAN HOOD: Okay, thank you. That's all --  
3 Let me do it like this because I'm going by how I can see --  
4 who I can see. Commissioners, any questions of those who've  
5 testified in opposition thus far?

6 MR. YOUNG: Commissioner Hood, I have two more  
7 that are on the phone.

8 CHAIRMAN HOOD: Okay, let me -- I'm going to come  
9 to the -- I have three. Let me come to the last three. Let  
10 me deal with who we have now because I like to see them. So  
11 let me see if we have any questions, Commissioners, of who's  
12 testified thus far. And then I'll have Mr. Young take them  
13 off. And then we can deal with those who are left.  
14 Commissioner May? Commissioner Shapiro? Commissioner  
15 Turnbull? And Vice Chair Miller? Okay. So if we could take  
16 all of those who've testified -- Thank you all for your  
17 testimony. We appreciate it.

18 Let's take them off and let's hear those on the  
19 phone. And do we have anybody else -- Let me call the three  
20 names that I have. I have Matthew Yglesias, hopefully he'll  
21 -- I'm sure he'll correct me. Kathy Henderson and Sharon  
22 Cole. And Mr. Young, I'm going to ask that you -- Anybody  
23 else that you have if you can bring them up as well at this  
24 time.

25 MS. SCHELLIN: There's also two names on the list.

1 They did not sign up, but there are two other attendees;  
2 Allison Bean and Christopher Miller. We don't know whether  
3 they want to testify or not. So we'll have to find out when  
4 everyone else has testified.

5 CHAIRMAN HOOD: Okay. So we're going to go with  
6 Matthew Yglesias. I know I'm messing that name all up, but  
7 you correct me when it starts. If he's on the phone, you may  
8 begin.

9 MR. YOUNG: I don't have him. I have Kathy  
10 Henderson.

11 CHAIRMAN HOOD: Okay. Well let Ms. Henderson --  
12 Ms. Henderson, you may begin.

13 MS. HENDERSON: Can you hear me?

14 CHAIRMAN HOOD: Yes.

15 MS. HENDERSON: Good evening, Chairman Hood and  
16 members of the Commissioner. Commissioner Kathy Henderson,  
17 I am the immediate past representative for ANC 5D05. I am  
18 here today in opposition of Case No. 1930 in its entirety.  
19 It appears to be a scene that a small group of people have  
20 endeavored to perpetuate without the consent of the entire  
21 community.

22 First of all, the Langston Civic Association has  
23 no -- does not represent anyone in the 5D05 community. And  
24 in fact, their bylaws preclude anyone that lives in the  
25 Carver Terrace apartments that are in ANC 5D03 and 5D05

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1 respectively are actually excluded from the (audio  
2 interference) -- the initial meeting -- the initial one hour  
3 meeting, I believe where Mr. Lawson attended to address this  
4 was -- it was improper. The Civic Association does not  
5 represent the community. The ANC represents the community.

6 The ANC has never properly notified the entire  
7 community they have selectively picked their supports, like  
8 you heard from earlier today, Mr. French causes a lot of  
9 problems in the neighborhood, very divisive, very  
10 inappropriate. They have an agenda. Ms. Scott owns the  
11 rental property at 752. She doesn't live -- well she's  
12 already testified that she lives on Oklahoma Avenue. So we  
13 oppose this scheme.

14 Commissioner Moore, what can I say about her? She  
15 just is not truthful. She's not ethical. And she actually  
16 disrupted the meeting that we had to discuss the historic  
17 designation for that area -- the Kingman Park historic  
18 designation included the area in question, 1900 to 700 to 800  
19 blocks -- actually all of the 19th Street on the Benning Road  
20 -- the 5B05 side going down to M Street.

21 Ms. Moore actually disrupted the meeting. David  
22 Maloney attended the meeting, Steve Callcott, others from  
23 the Office of Planning who's the Office of the Historic  
24 Preservation to really share with neighbors the benefit of  
25 being included in the historic district. Ms. Moore actually

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1 went around trying to cancel that meeting. And telling  
2 people that if they were to support the historic designation,  
3 they couldn't make any alterations to their homes, they age  
4 in place. I mean it was really ridiculous. And I intend to  
5 send written comments to support my testimony here today,  
6 including the letter that was forwarded to Attorney General  
7 Racine asking Ms. Moore to cease and dismiss -- you know,  
8 cease and desist her disruptive behavior. She was the only  
9 person out of order at that very well attended meeting.

10 Now we have a number of other problems. 826 20th  
11 Street is a nightmare. It is a pop-up that Ms. Moore gave  
12 the developer a back room assurance that he could actually  
13 perpetuate. He said that he's told the neighbors that. We  
14 have a petition opposing that. That building was constructed  
15 without proper permits. And now we're at the -- we're at the  
16 juncture of actually forcing the developer to take off that  
17 level because he has moved forward with encroaching on the  
18 neighbors property. Ms. Moore actually interfered with the  
19 person, Mr. Feleke, who purchased 750 19th Street. Mr.  
20 Feleke is actually my client. I sold him the property. And  
21 I'm actually working with him --

22 CHAIRMAN HOOD: Ms. Henderson -- Ms. Henderson --

23 MS. HENDERSON: Yes?

24 CHAIRMAN HOOD: Ms. Henderson, I've been knowing  
25 you a long time. My colleagues and I -- the same thing I

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1 told Ms. Rabiee and I know you know --

2 (simultaneous speaking)

3 MS. HENDERSON: -- I'm trying to get as much on  
4 the record as possible.

5 CHAIRMAN HOOD: I understand, but for our  
6 proceeding -- I understand you have other proceedings with  
7 our Attorney General and others. But for our proceeding, if  
8 you can just focus -- and I'm going to give you a minute --

9 MS. HENDERSON: This is a scheme. Let me use my  
10 60 seconds to wrap up and to focus on why this scheme is  
11 inappropriate. The Historic Preservation Review Board is now  
12 considering amending the Kingman Park Historic District to  
13 include us. We want to be included. And we do not support  
14 any down-zoning in a sortitious way to raise the height of  
15 buildings along Benning Road. It's a scheme that we are not  
16 participating in. And all of the notices that the ANC has  
17 reported to have provided are not legal. So we shouldn't  
18 even be at this juncture because they didn't start out right.  
19 And I will send in a very rich record of evidence indicating  
20 how this is nothing more than a scheme by a select few to  
21 help their (audio interference) because she's a developer.  
22 She's not a neighbor. She is a developer. And with that, I  
23 rest. And any questions that you may have, I'm available  
24 for.

25 And I just want to address Mr. Turnbull's --

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1 (audio interference) -- endeavor. This is a scheme that we  
2 oppose.

3 CHAIRMAN HOOD: Okay, all right. Thank you. I  
4 think the Zoning maybe has some questions. I have deleted --  
5 I'm sorry -- the texting with all the people on the phone.  
6 Could you tell me who the other two people were?

7 MS. SCHELLIN: Yes, it is Sharon Cole.

8 CHAIRMAN HOOD: Okay. Can we bring Ms. Cole on  
9 up?

10 MS. COLE: Hello?

11 CHAIRMAN HOOD: We have Ms. Cole.

12 MS. SCHELLIN: And then the other person is  
13 Matthew Yglesias, but I think he was not on. And the other  
14 two people were listening, but I don't know -- they did not  
15 register to testify. It was Allison Bean and Christopher  
16 Miller.

17 CHAIRMAN HOOD: Mr. Young, can you handle all the  
18 people that are going to testify? Let's just bring them up.

19 (simultaneous speaking)

20 CHAIRMAN HOOD: Yes, let's just hear from them.

21 MS. SCHELLIN: Okay.

22 MR. YOUNG: I have Sharon Cole that's on the  
23 phone, who I can unmute.

24 CHAIRMAN HOOD: Okay. Let's go with her first.

25 MS. SCHELLIN: Yes.

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1 MR. YOUNG: All right.

2 MS. COLE: Hi, good evening. Can you hear me?

3 CHAIRMAN HOOD: Yes.

4 MS. COLE: Okay. This is Sharon Cole and I'd like  
5 to thank you for giving me the opportunity to address this  
6 issue. I am a resident of 1720 Benning Road NE. I've been  
7 there for 20 years. I want to say first of all, I agree  
8 wholeheartedly with the previous lady regarding that it is  
9 possibly a scheme. For one thing, the ANC Commissioner, I  
10 have spoken to her at length on the phone. We don't get  
11 notified when the meetings are. I didn't get an email for  
12 any of the meetings. And I don't understand why certain --  
13 just a few people get notified. And I'm a resident and I  
14 don't. I have no idea when these meetings are.

15 I want to ask a question or two. Is my address  
16 considered part of the Kingman Park Historical District? And  
17 also after this Zoning Commission meeting today, what is the  
18 outcome? Will we be notified of a decision or will it just  
19 go on without any additional input? Because I didn't have  
20 a chance to, but I would really like to put my comments on  
21 paper and address them to the right person.

22 I'm in complete opposition to the Zoning issue.  
23 For one, we have people that have been living there for years  
24 and our incomes are not that high. We can't afford a large  
25 five, six, to ten story building in that area. We really

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1 cannot afford it. And we are in the midst of being  
2 displaced. My landlord, MWM Properties is at this present  
3 time, not renting to people on purpose. Because by the time  
4 the developers come in and are ready to develop this whole  
5 block, they want to tear our buildings down. And that's  
6 going to be within the next two years. I'm pretty sure of  
7 it. They're not renting to anyone. So the low income rents  
8 are basically going to just go away.

9           And I also need to know if there is something  
10 being built, are they going to be part of the inclusionary  
11 zoning? And that's pretty much my questions. I'd like to  
12 submit some comments on paper, which I have not had a chance  
13 due to working two jobs just to keep the little apartment  
14 that I do have. And I'm in my sixties. And I have got to  
15 work at least another ten years in order to be able to live  
16 in the District. I've been there all my life. And I don't  
17 think it's fair that we're going to get pushed out with this  
18 rezoning. I don't think it's fair. I'm not able really to  
19 afford these expensive rents. And believe me, they are  
20 expensive. So basically, that's my comments. And I thank  
21 you for your time.

22           CHAIRMAN HOOD: Okay. Thank you, Ms. Cole. Let  
23 me just respond to you right quick. If you could call the  
24 Office of Zoning tomorrow and they will put you in touch with  
25 the Office of Planning so they give you answers to a number

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1 of your questions. Our process (audio interference) this  
2 process. Because this is a rulemaking (audio interference).  
3 But for now, I want to make sure as far as the process is  
4 concerned and how you will be notified and everything. If  
5 you can just call the Office of Zoning tomorrow or whenever  
6 you have a chance. I realize you're working two jobs and I  
7 know it's rough of time.

8 MS. COLE: Okay.

9 CHAIRMAN HOOD: I just want to make sure you get  
10 the answers that you need. If you call the Office of Zoning,  
11 they will direct you to (audio interference) or someone who  
12 will be able to (audio interference) --

13 MS. COLE: Yes.

14 CHAIRMAN HOOD: -- Office of Planning.

15 MS. COLE: Okay.

16 CHAIRMAN HOOD: Okay, so can we go to the next  
17 person? Do we have anyone else?

18 MR. YOUNG: Yeah, there was Alison Bean and  
19 Christopher Miller.

20 CHAIRMAN HOOD: Okay, let's hear from both of  
21 them. Oh, we've never heard from -- That's the first time  
22 we've heard from the court reporter. Nice to hear from you.  
23 Okay, let's go to the next person. Okay, if there is  
24 somebody else on the line who would like to testify, please  
25 let Mr. Young know at this time.

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1 MR. Young: Christopher Miller.

2 MR. MILLER? Yes, good afternoon. Can you guys  
3 hear me?

4 CHAIRMAN HOOD: Okay. Christopher Miller, you may  
5 begin.

6 MR. MILLER: Okay, great. And I'll keep it pretty  
7 short. I'm sorry (audio interference) -- can you hear me?

8 CHAIRMAN HOOD: You're going in and out for me.  
9 But we don't see you, but I think -- Let's try to see --  
10 We'll see if we can hear you.

11 MR. MILLER: Okay. Now I can just call you really  
12 quickly. Can you hear me? Is that better or worse?

13 CHAIRMAN HOOD: Yeah. I think we can hear you  
14 better now.

15 MR. MILLER: Okay, great. Thanks. Sorry about  
16 that. Yeah, I'm someone who does support low income housing  
17 projects. I think that down-zoning would do an extreme  
18 disservice to the individuals and the families who rely on,  
19 you know, subsidies from the government for housing.  
20 Construction costs are extremely high. And it actually makes  
21 it very difficult for developers to create low income housing  
22 due to this change from RA-2 to RF-4.

23 And secondly, typically zoning changes go through  
24 what I would call a comprehensive planning session. And I'm  
25 not confident that, that was performed here. I recently

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1 found out about this zoning change when the signs were put  
2 up on 18th Street and 8th Street, which was probably about  
3 three weeks ago. And then I contacted our Commissioner,  
4 Sydelle Moore and I discussed, you know, my thoughts there.  
5 So that's all that I have.

6 CHAIRMAN HOOD: Thank you. Okay thank you, Mr.  
7 Miller. So that tells me that are signs do work, so I'm glad  
8 to know that. That was very inspiring, even though it might  
9 have been three weeks ago. But it did work and I know it's  
10 advertised in the registrar and all the ways of doing it.  
11 Now I will tell you, Ms. Moore, I see you keyed back up --  
12 But I will tell you whatever's going on, we're going to deal  
13 with the zoning. Typically in a rulemaking, it's more I  
14 think -- unless my colleagues have questions for you. I  
15 would appreciate it if we wouldn't talk about what was said  
16 because we don't really get into that.

17 You know, we come from the community too. You  
18 know, I know how that goes. We all have disagreements. We  
19 go back and forth. That's just community life. But we love  
20 it and we love it in the city's community life. And we're  
21 all trying to do what we need to do is right. So we respect  
22 those who are in support. we respect those who are in  
23 opposition. So we will make our decision for the zoning --  
24 I figured you was going to come back up to address all that.  
25 So I'll tell you the same thing I told Ms. Rabiee, let's not

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1 do that. Unless my colleagues have additional questions.

2 MS. MOORE: I have no interest in pursuing that,  
3 so thank you.

4 CHAIRMAN HOOD: Okay, okay. Thank you. Great.  
5 All right, let's see if there are any questions or comments,  
6 Vice Chair Miller? Well, let's go to Mr. Miller. Any  
7 questions of the last panel?

8 VICE CHAIR MILLER: Yeah that was -- I just had  
9 a question -- Mr. Miller, no relation. (audio interference)  
10 -- your address for the record. If you could just give your  
11 address for the record.

12 MR. MILLER: Yes, sir. Can you hear me?

13 VICE CHAIR MILLER: Yes.

14 MR. MILLER: Yeah, so I live at 1725 H Street.  
15 It's zoned RA-2. I am not within the proposed down-zoning  
16 boundary.

17 VICE CHAIR MILLER: Okay, thank you very much.

18 CHAIRMAN HOOD: Okay. Commissioner May, did you  
19 have any followup? Okay, Commissioner Shapiro? Mr.  
20 Turnbull? And Vice Chair Miller, you asked your question.  
21 So I don't have any followup. I appreciate all the  
22 Petitioners and all those in support and all those in  
23 opposition.

24 I think there's some things -- I don't know if we  
25 need anything, but Ms. Moore and Mr. Horgon, I'm going to ask

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1 them to take you off now. So thank you all both for your  
2 presentation. And thank you for all the work that you all  
3 are doing. Make sure you tell Ms. Blacknell we really  
4 appreciate what she's doing. So thank you all.

5 MS. MOORE: We definitely will. Thank you all so  
6 much. And if you need any supplemental materials from me,  
7 please do let me know.

8 CHAIRMAN HOOD: Okay, thank you.

9 MS. MOORE: Thank you.

10 CHAIRMAN HOOD: All right, Commissioners. We have  
11 this in front of us and I know that -- For this case, the  
12 record is closed. And I'm closing the record. I don't think  
13 anybody. Did somebody ask for anything or someone said they  
14 wanted to submit something? Vice Chair Miller, can you help  
15 me?

16 VICE CHAIR MILLER: No. I wasn't going to help  
17 you on that point. I think some people maybe --

18 MS. SCHELLIN: Ms. Henderson wanted to submit  
19 something. I guess Ms. Moore meetings and I believe an OAG  
20 cease and desist letter against Ms. Moore.

21 (simultaneous speaking)

22 CHAIRMAN HOOD: Okay. So I don't -- I'll leave the  
23 record open for that. I don't know how that's going to  
24 affect how our proceedings. I need to talk to OAG. But  
25 let's leave the record open for now. I know somebody -- And

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1 that's it. That's the only thing -- I don't think anybody  
2 else requested. Ms. Rabiee said she was going to submit --  
3 No, we have her testimony. So let's just leave it open for  
4 Ms. Henderson and we will talk -- I will talk -- We will talk  
5 with OAG as we continue to move forward.

6 Now Vice Chair Miller, let me come back to you.

7 VICE CHAIR MILLER: Yeah, I just had one -- an  
8 additional question for the Office of Planning if they're  
9 still around. And that was referring to Lot 66 lot that they  
10 had concern about down-zoning. Because there's an existing  
11 small apartment building on it. And because of the comp plan  
12 -- meeting residential designation in the adjacent other  
13 small apartment building. I guess I just wanted to get a  
14 sense of how many other apartments -- small apartment  
15 buildings exist within the area to be down-zoned to RF-4 that  
16 will become nonconforming. I guess there was some reference,  
17 I think by the Applicant's testimony that there were three  
18 built recently that (audio interference) a rise to the  
19 concern. So I guess there may be those three.

20 But I just was interested if they had that  
21 information off the top of their heads. I don't necessarily  
22 need to leave the record open for it unless you're leaving  
23 the record open for something else and they can provide that  
24 in the meantime. So it was how many apartments -- small  
25 apartment buildings, I guess in the RA-2 zone that's being

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1 down-zoned to RF-4 would become nonconforming with the new  
2 proposed RF-4 zoning was my question. And then I had one  
3 comment I just wanted to make at some point.

4 MR. LAWSON: Commissioner Miller, if you can --  
5 Can you hear me? This is Joel Lawson with the Office of  
6 Planning.

7 VICE CHAIR MILLER: Yes, I can hear you Mr.  
8 Lawson. How are you?

9 MR. LAWSON: Thank you. Yeah, we're not aware of  
10 any other purposed built apartment buildings in this area.  
11 Some of the existing row houses certainly may have been  
12 converted to multi-family buildings in the past. And they're  
13 having a couple of recent constructions of small multi-family  
14 buildings of a limited number of units consistent with the  
15 RA-2 zone. But generally the area is supposed to be rezoned  
16 to RF-4 is very consistent in its row house character. Kind  
17 of with the exception of this one apartment building that Mr.  
18 Kirschenbaum noted in his report. If you wish, we can  
19 certainly look into this a little bit more -- a little bit  
20 more deeply. And we can provide additional information for  
21 the record.

22 VICE CHAIR MILLER: I'll leave that up to the  
23 Chairman in terms of what he's leaving open or how long he's  
24 leaving open the record for other information. I would  
25 comment though that the new RF-4 zoning was created in ZR-16

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1 is an important zoning category -- a transitional type of  
2 category between the RF zone and the RA-2, which allowed  
3 those three units as a matter of right, although with the  
4 same other development characters of the new RF zone that we  
5 created. So I think it's important -- it's interesting and  
6 important that it's being proposed here for the first time  
7 three units as a matter of right. So we don't have that --  
8 where it seems to be a neighborhood where it might be  
9 appropriate as a transitional type of zone. So I just wanted  
10 to make that comment.

11 CHAIRMAN HOOD: Okay. Thank you, Vice Chair and  
12 Mr. Lawson. Any followup questions or comments? And Vice  
13 Chair what you asked for -- Ms. Schellin, if we can add that  
14 to -- I don't know how soon they can get it to us. I guess  
15 between -- if we can get it before we take any action or if  
16 we take final action. Because this is two votes, so yes.  
17 So we'll leave it open for those two things; Ms. Henderson  
18 and what Mr. Lawson is going to find. Any other questions  
19 or comments, Commissioners?

20 All right so Ms. Schellin, do you have any closing  
21 -- well not closing, but do you need to close us out with  
22 anything because I can close us out.

23 MS. SCHELLIN: Just if Ms. Henderson if she is  
24 still -- Let me see if she's still listening. She is. If  
25 she could provide her information by a week from today since

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1 she seems to already have that information. If she could  
2 provide it no later than 3 o'clock p.m. next Thursday. And  
3 then OP, the information you're asking for -- let's see.  
4 This will go -- You're not taking action this evening if I  
5 heard correctly. Right?

6 CHAIRMAN HOOD: No. No, ma'am. I'm not taking  
7 action this evening.

8 MS. SCHELLIN: Okay, so we will --  
9 (simultaneous speaking)

10 CHAIRMAN HOOD: Unless somebody feels otherwise,  
11 I don't think so. Okay.

12 MS. SCHELLIN: Okay. So we'll put this on for  
13 October 15th for proposed action for consideration of  
14 proposed action. So if we could have the information from  
15 OP by 3 o'clock p.m. on October 5th, that will be it. The  
16 record is closed except for OP's submission and Ms.  
17 Henderson's submission next Thursday.

18 CHAIRMAN HOOD: Okay. I want to thank everyone  
19 for their participation tonight. And let me just say this  
20 as we close out. A lot of times in communities we have  
21 differences of agreement, but it doesn't really stop us from  
22 working together. We need to continue to work together even  
23 though we -- But we don't want to really make it personal.  
24 And I'm going to use the Zoning Commission and I hope my  
25 colleagues don't mind. We disagree quite often and sometimes

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1 we agree, but it never stops us from working together. So  
2 I would employ that community to continue to do that in that  
3 manner.

4           The Zoning Commission will come back again -- And  
5 I appreciate all the work. Let me go back to the community.  
6 I appreciate all the work that the ANC, those in support and  
7 those in opposition have provided us that information. I  
8 know it's passionate, but I really appreciate the time that  
9 you all -- and the involvement that you all do to better your  
10 community. So we appreciate all sides. We really appreciate  
11 that testimony.

12           The Zoning Commission will meet again September  
13 24th, 2020. I believe I'm right. Ms. Schellin, is that all?  
14 I don't have anything on my calendar until next Thursday.  
15 We will hear Zoning Commission Case No. 20-09. So with that,  
16 we want to wish Commissioner May and his wife a happy  
17 anniversary. And with that, this hearing is adjourned.

18           (Whereupon, the hearing in the above-entitled  
19 matter was concluded at 5:32 p.m.)

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C E R T I F I C A T E

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



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