

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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VIRTUAL PUBLIC HEARING

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MONDAY, NOVEMBER 23, 2020

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The Virtual Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROBERT MILLER, Vice-Chair
PETER SHAPIRO, Commissioner
MICHAEL TURNBULL, Commissioner
PETER G. MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF PLANNING

JENNIFER STEINGASSER

The transcript constitutes the minutes from the Regular Public Hearing held on November 23, 2020

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 19-18 - Belmont Crossing Partners, LLC - Zoning
Map Amendment in Square 6208 4

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I am joined by Vice Chair Miller, Commissioner Shapiro, Commissioner May and Commissioner Turnbull. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young who will be handling all of our virtual operations. I will ask others to introduce themselves at the appropriate time.

Today's date is November 23, 2020. The Zoning Commission's case tonight is 19-18. This is the Belmont Crossing Partners, LLC, Map Amendment in Square 6208. The map amendment is from RA-1 to RA-2, 7th Street and Barnaby Road Southeast, (Square 6208, Lots 59, 63, 65 through 69, 809 through 811, 817, 827 through 829) and this is in Ward 8.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and the platforms used are webcast live, Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up all participants will complete the oath of affirmation required by Subtitle Z, 408.7 accordingly. All

1 those listening on Webex or by phone will be muted during the
2 hearing and only those who've signed up to participate or testify
3 with be unmuted at the appropriate time. When called, please
4 state your name and home address before providing your testimony.
5 When you are finished speaking, please mute your audio.

6 If you experience difficult accessing Webex or with
7 your telephone call-in or have not signed up, then please call
8 the Office of Zoning's hotline number at 202-727-5471. If you
9 wish to file written testimony or additional supporting documents
10 during the hearing, then please be prepared to describe as we
11 have not had time to discuss your testimony.

12 The hearing will be conducted in accordance with the
13 provisions of 11Z DCMR Chapter 4 as follows: preliminary matters,
14 applicants' case, report of the Office of Planning and District
15 Department of Transportation, report of other government
16 agencies, report of the ANC. In this case, today, we have ANC
17 8D, which is in, and it abuts 8E.

18 Testimony of organizations. Organizations have five
19 minutes and individuals will three minutes, and we will hear in
20 the following order: For those in support, opposition is
21 undeclared. Then we'll the vote and closing by the applicant.

22 Again, the OZ hotline number is 202-727-5471 for any
23 concerns during this proceeding.

24 At this time the Commission will consider any
25 preliminary matters. Does the staff have any preliminary

1 matters?

2 MS. SCHELLIN: Yes, sir. There are two (audio
3 interference) applicants requesting waivers from two items. The
4 first one, they are asking to allow for affirmations of the notice
5 of closing and maintenance, rather than affidavits, due to COVID-
6 19. This is may be something that, as you know, the Commission
7 has now been allowing, so they're asking for a waiver for that.
8 And also, this is Exhibit 18, they're also ask for a waiver of
9 the rules requiring the 40-day posting. They were seven days
10 late posting and -- but they'd ask for (audio interference) the
11 late posting.

12 CHAIRPERSON HOOD: Okay. We have two requests, I think
13 Ms. Schellin has already tee'd them up for us. Let me see if
14 there's any objections or we can just do this by general
15 consensus. Looking at hand. Okay. No objections? Okay. Ms.
16 Schellin, we will accept both requests.

17 MS. SCHELLIN: (audio interference) Mr. Utz and/or
18 Megan Hottel-Cox are going to present this case this evening and
19 their witnesses -- they have Neil Mutreja, don't know if I
20 pronounced that correctly, but he will also be a witness. He is
21 from Belmont Crossing Partners, LLC (audio interference) and from
22 OP, we'll have Jennifer Steingasser at the time (audio
23 interference).

24 CHAIRPERSON HOOD: Okay. Thank you for cleaning that
25 up. Mr. Utz, you can bring your team up. Good afternoon, you

1 may begin.

2 MR. UTZ: Great. Thank you so much. Can you all hear
3 me? I'm getting a little -- okay, thanks. I'm getting a little
4 warning light and I guess it's just talking about something else.

5 Good afternoon, Commissioners. My name is Jeff Utz and
6 I'm an attorney with the law firm of Goulston & Storrs. I'm
7 joined here by my colleague Megan Hottel-Cox, as you mentioned.
8 Thank you so much for the opportunity to present this application.
9 We greatly appreciate your time and your review.

10 We are here today on behalf of the applicant Belmont
11 Crossing Partners, LLC for a Zoning Map Amendment for a property
12 known as Belmont Crossing in Square 6208.

13 Can we bring up the presentation that is in the record?
14 Thank you, so much. Perfect. And we can go straight to slide
15 2. Great. Thank you.

16 The property is located along 7th and Barnaby Street
17 Southeast, where they intersect with Chesapeake Street. It
18 consists of approximately 279,000 square feet of lot area and
19 it's divided into two components that you see here. The component
20 on the west of 7th Street, which consists of 102,500 square feet
21 and the component on the east side of 7th Street, which consists
22 of 176,500 square feet.

23 The property is currently zoned in the RA-1 Zone
24 District and the application proposes to rezone the property to
25 the RA-2 Zone. The map amendment would allow for the development

1 with a maximum height of 50 feet, a maximum FAR of 2.16 and a
2 maximum lot occupancy of 60 percent of the property. Next slide,
3 please. Thank you.

4 The property is located in the Washington Highlands
5 neighborhood of Ward 8. Immediately surrounding the property and
6 in a broader area around the property are other large apartment
7 buildings, duplex homes and some non-residential and commercial
8 uses.

9 As shown here the property is currently improved with
10 approximately 273 residential units and 206 smaller apartment
11 buildings that are largely vacant and they have reached the end
12 of their useful life.

13 The current Zone District, RA-1 Zone, does not allow
14 any new multi-family residential development as a matter of right
15 and therefore hinders new development on the property. The
16 proposed RA-2 Zone would allow for a matter of right residential
17 development along with a larger building envelope.

18 The applicant intends to redevelop the property with a
19 multi-phase all affordable project to replace the existing
20 housing with modern amenity-rich housing. The project will be
21 done a on build first model, meaning that there will be no
22 displacement of existing tenants. The applicant has been
23 coordinating with the community, particularly the Belmont
24 Crossing Tenants Association on this map amendment and the
25 overall development of the property. And, in fact, there's a

1 letter in support from the tenant association that is in the
2 record, that's Exhibit 12. Next slide, please. Thanks.

3 The property, along with the majority of the
4 surrounding neighborhood context is designed -- I'm sorry,
5 designated for moderate density residential use on the future
6 land use map of the comprehensive plan.

7 The framework element of the plan notes that RA-2 is
8 consistent with this future land use map designation. Next slide,
9 please. Thanks.

10 The property is also in the neighborhood enhancement
11 area on the generalized policy map. According to the
12 comprehensive plan, neighborhood enhancement areas are areas
13 where existing housing should be enhanced through rehabilitation
14 assistance and new development in these areas should improve the
15 real estate market, reduce crime and blight and attract
16 complementary new uses and services that better serve the needs
17 of the existing and future residents.

18 Consistent with this neighborhood enhancement area
19 designation, the map amendment would allow for the enhancement
20 of the property with additional quality housing as a matter of
21 right.

22 Further, the map amendment would allow for an
23 investment in the Washington Highlands neighborhood without
24 displacing any residents in a manner that would attract
25 additional uses and services to the community to serve both

1 current and future residents.

2 We also wanted to say a few quick words about the
3 application's consistency with the comprehensive plan, generally.
4 Amendments to the zone map are permitted provided that the zone
5 district that is being proposed is not inconsistent with the
6 comprehensive plan under the D.C. code.

7 In this case, the proposed map amendment is consistent
8 with the comprehensive plan. The map amendment would further the
9 plan's policy objectives particularly with respect to policies
10 within the land use, housing, transportation in far southeast and
11 southwest area elements.

12 The map amendment would significantly advance these
13 purposes by furthering the physical and economic development of
14 the District through facilitating the redevelopment of the under-
15 utilized land containing outmoded housing.

16 The matter of right use concept and the additional
17 height and density provided in the RA-2 would allow for the
18 evolution of the property into an efficient quality residential
19 community with all affordable housing units.

20 We intend -- the applicant included two detailed
21 analyses of the map amendments' consistency with the
22 comprehensive plan. The first was included in the applicant's
23 statement of justification, which is in the record as Exhibit 2.
24 And the second was included in the record as Exhibit 20A, which
25 is a supplemental statement providing an in-depth study of the

1 map amendments consistency with the comprehensive plan.

2 We would be happy to provide further details of the
3 proposal's consistency with the plan, if desired, or we would
4 stand on the record in those filings.

5 We are also pleased to be here with the report and
6 support of the Office of Planning, which is in the record as
7 Exhibit 24, and a report of no objection from the District
8 Department of Transportation, which is in the record as Exhibit
9 25.

10 We have one witness this evening, it's Neil Mutreja,
11 on behalf of the applicant. And we also have Max Finland, which
12 the ownership team and Sean Pichon of PGN Architects, and both
13 are happy to answer questions that might arise, if any.

14 With that, I'd like to turn it over to Neil to say a
15 few words about ownership and the project.

16 MR. MUTREJA: Good afternoon. I'm sorry, can you hear
17 me okay?

18 MR. UTZ: We can.

19 MR. MUTREJA: My video is not working for some reason,
20 I apologize. Thank you, Doug.

21 Good afternoon, Chairman Hood and members of the Zoning
22 Commission. Thank you for your time this afternoon and
23 consideration of the map amendment request for the Belmont
24 Crossing Apartments.

25 The owner entity of this project is Belmont Crossing

1 Partners, LLC, which is a joint venture between not for profit
2 Housing Help Plus, TM Associates, MED Developers, and Equity
3 Plus.

4 In April 2018 the ownership team acquired the 273-unit
5 property from Sanford Capital under the Tenant Opportunity to
6 Purchase Act. The ownership group acquired the property under a
7 development agreement with the Belmont Crossing Tenant
8 Association.

9 The plan held between the ownership team and the TA was
10 a two-step process. First, take immediate steps to repair all
11 code violations and stabilize the property. Second, undertake the
12 comprehensive redevelopment of the property.

13 The property had a large number of health safety
14 issues, code violations, crime problems and a high physical
15 vacancy rate and even higher economic vacancy rate at the time
16 of acquisition.

17 Since taking ownership of the property, the ownership
18 team has addressed all of the immediate health safety issues,
19 code violations and taken steps to mitigate crime issues.

20 Further analyzing the building that ownership
21 inherited, it was evident that the structural integrity of the
22 existing buildings had been heavily compromised. The ownership
23 team has created a viable path towards redevelopment of the
24 project. This path was further endorsed by and in extensive
25 participation with the tenant association that will allow every

1 existing resident to stay at their current rents with onsite
2 relocation and no displacement.

3 The redevelopment plan requires a map amendment to the
4 RA-2 Zone to allow matter of right residential development.
5 Currently the project is zoned for RA-1, which will not allow
6 this development.

7 The overall redevelopment will create roughly 535 units
8 in new three to four-story buildings, affording the Belmont
9 community the proper living conditions they deserve and modern
10 amenities of the neighborhood, which it currently lacks,
11 including outdoor common areas, a playground and community
12 facilities.

13 The redevelopment plan is phased on the build first
14 model, which will allow existing residents to stay onsite during
15 the development. As Jeff noted, this development is planned to
16 be all affordable. The project will break down the existing
17 large parcels by creating a grid through the introduction of the
18 street, alley and pedestrian access ways that will be
19 memorialized by an easement.

20 The ownership team has also been meeting with the ANC
21 8D and ANC 8E and has received support from those community groups
22 as reflected in Exhibit 17 and 23 in the record.

23 Thank you, again, for the consideration of the map
24 amendment for Belmont Crossing.

25 MR. UTZ: That brings our application presentation to

1 a close. We are available for any questions you might have.

2 CHAIRPERSON HOOD: Okay. I want to thank you both for
3 your presentation. I'm going to see if we have any follow-up
4 questions or comments. Commissioner May?

5 COMMISSIONER MAY: (No audible answer.)

6 CHAIRPERSON HOOD: Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: (No audible answer.)

8 CHAIRPERSON HOOD: Commissioner Turnbull?

9 COMMISSIONER TURNBULL: (No audible answer.)

10 CHAIRPERSON HOOD: Vice Chair Miller?

11 VICE CHAIR MILLER: (No audible answer.)

12 CHAIRPERSON HOOD: And I don't have any as well. Do
13 we have anybody on the line -- I mean, available from ANC 8D?
14 Chairperson Henderson? I think that's the only party -- the
15 other party (audio interference), right? Or ANC 8E?

16 Let the record reflect (indiscernible) they have
17 submitted correspondence and we'll speak about that later.

18 Let's go to the Office of Planning and District
19 Department of Transportation, I believe Ms. Vitale and Ms. Vocka
20 (ph). Let's see if we can bring them up.

21 Ms. Vitale, I've been practicing your name, I don't
22 know if it sounds better, but I'm going to get it. Because when
23 you say it, it sounds a lot different than when I say it. And
24 I'm sure you're right about (audio interference).

25 MS. VITALE: You're getting closer. Good afternoon,

1 Mr. Chair, members of the Commission. Elisa Vitale with the
2 Office of Planning for Case 19-18. The Office of Planning rests
3 on the record of its staff report in support of the subject map
4 amendment application to rezone a portion of Square 6208 from RA-
5 1 to RA-2.

6 This concludes my report, and I'm happy to answer any
7 questions. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you. Do we have anyone,
9 Ms. Schellin, from DDOT? I think it was Ms. Vocka's report?
10 Okay. I don't think we do; I don't see them.

11 So let the record reflect as Mr. Utz has already
12 mentioned, I think DDOT is in support with no objections. And
13 their -- let me see -- their exhibit is -- if somebody can help
14 me with that. Actually, when I'm looking for something, I can't
15 find it. I know it's in here somewhere, anyway -- Ms. Schellin,
16 can you tell me what exhibit they are?

17 MS. SCHELLIN: DDOT is 25.

18 CHAIRPERSON HOOD: Okay. Thank you. Exhibit 25. Thank
19 you. All right.

20 Let's go to the ANC's report, and again, Ms. Schellin,
21 you stated I don't think we have anyone from either one of the
22 ANCs. Let me just -- I'm not going to read it, let me just say
23 Exhibit 17 is ANC 8D in which they are located. I think their
24 vote was unanimous. And then Exhibit 8E, they were unable to
25 get a quorum for the single member District. Commissioner, who

1 is also the Chairperson, Chairperson Slaughter has her individual
2 endorsement of this project, so we will deal with those
3 accordingly.

4 Do we have anyone, Ms. Schellin, who would like to
5 testify in opposition, support or undeclared?

6 MS. SCHELLIN: There were no other registrants (audio
7 interference) time.

8 CHAIRPERSON HOOD: Okay. Let me also mention, it's
9 already been mentioned, Exhibit 12, we have a letter of support
10 from the tenant association. So there's a lot of support for
11 this application. I don't think there's anything else, we have
12 no one here to testify.

13 Mr. Utz, do you have any rebuttal or any closing?

14 MR. UTZ: We would just rest for the record and we
15 appreciate the opportunity to present to you tonight and the
16 consideration and your time. And we would request approval of
17 the application if you so choose. Thank you so much.

18 CHAIRPERSON HOOD: And thank you, Mr. Utz.

19 So we will close the record in this case.
20 Commissioners, I think this warrants our immediate action. I
21 think the record speaks for itself. The hearing actually spoke
22 for itself of the work that's been done and also this project -
23 - or the request that's in front of us. But let me hear any
24 further discussions, Commissioners, any questions or comments?
25 Would somebody like to make a motion?

1 VICE CHAIR MILLER: Sure, Mr. Chairman, I would move
2 that the Zoning Commission take proposed action on Case No. 19-
3 18, the map amendment to rezone from RA-1 to RA-2, Square 6208
4 Lots 59 to 63, 65 to 69, 809 to 811, 817, 827, 829 in the vicinity
5 of 7th and Barnaby Road Southeast and ask for a second?

6 COMMISSIONER SHAPIRO: Second.

7 CHAIRPERSON HOOD: Okay. It's been moved and properly
8 seconded. Any further discussion? Ms. Schellin, can you do a
9 roll call vote, please?

10 MS. SCHELLIN: Yes. Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: Commissioner May?

17 COMMISSIONER MAY: Yes.

18 MS. SCHELLIN: Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Yes.

20 MS. SCHELLIN: That supports the vote is 5 to 0 to 0
21 to approve the proposed action of Zoning Commission Case No. 19-
22 18 and ask the application to provide addressed orders in the
23 next week and a half?

24 MR. UTZ: Sure.

25 MS. SCHELLIN: Other than that, the record will be

1 closed.

2 MR. UTZ: Thank you.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have
4 anything else?

5 MS. SCHELLIN: Nothing.

6 CHAIRPERSON HOOD: Mr. Pichon, hopefully I -- I know I
7 butchered your name. I noticed that you didn't show up until -
8 - you didn't put your camera on or your video on until we were
9 getting ready to approve it. Now if there was an opposition
10 (audio interference).

11 MR. PICHON: It's switching the devices between the
12 various, you know, platforms of Zoom and Webex and all that, so
13 my apologies that I didn't get to that sooner. But I really
14 appreciate your time.

15 CHAIRPERSON HOOD: I was just giving you a hard time.

16 MR. PICHON: I know.

17 CHAIRPERSON HOOD: So I don't think we have anything
18 on this new case. I appreciate all the work that has gone in.
19 I want to mention that the Zoning Commission will be meeting
20 again on November the 30th and that case is Zoning Commission
21 Case No. 20-20, Office of Planning Text Amendment to Animal
22 Boarding.

23 So without further adieu, unless my colleagues have
24 anything else to say, I want to wish everyone a safe and Happy
25 Thanksgiving and with that this hearing is adjourned. Good night.

1 (Whereupon, the above-entitled matter went off the
2 record at 4:21 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: DCBZA

Date: 11-23-20

Place: Teleconference

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