

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

```

----- :
IN THE MATTER OF:      :
                        :
Congress Park Community : Case No.
Partners, LLC - Zoning  : 21-17
Map Amendment at Square :
5914, Portion of Lot 806 :
----- :

```

MONDAY

FEBRUARY 14, 2022

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
 ROBERT MILLER, Vice Chairperson
 PETER MAY, Commissioner
 JOSEPH IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

HUNT REPORTING COMPANY
 Court Reporting and Litigation Support
 Serving Maryland, Washington, and Virginia
 410-766-HUNT (4868)
 1-800-950-DEPO (3376)

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS

OFFICE OF ZONING LEGAL DIVISION PRESENT:

HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the
Public Hearing held on February 14, 2022

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

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

OPENING STATEMENT:
 Anthony Hood. 4

PRESENTATION:
 Case No. 21-17, Congress Park Community Partners, LLC -
 Zoning Map Amendment at Square 5914, Portion of
 Lot 806 7

COMMENTS AND QUESTIONS:
 Commissioners 9

VOTE:
 Commissioners. 13

ADJOURN:
 Anthony Hood 15

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is February the 14th, 2022, Valentine's Day. So Happy Valentine's Day to everyone hearing the sound of my voice.

We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, our secretary, and Mr. Paul Young who will be handling all of our virtual operations, and from our Office of Zoning Legal Division, Ms. Hillary Lovick. We will ask all others to introduce themselves at the appropriate time.

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 or 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 or affirmation required by Subtitles Z, 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. When called, please state your name and home

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)

1 address before providing your testimony. When you are finished
2 speaking, please mute your audio. If you experience difficulty
3 accessing Webex or with your telephone call-in, or have not signed
4 up, then please call our OZ hotline number at 202-727-0789.
5 Again, 202-727-0789.

6 If you wish to file written testimony or additional
7 supporting documents during the hearing, then please be prepared
8 to describe and discuss it at the time of your testimony. The
9 hearing will be conducted in accordance with provisions of 11-Z,
10 DCMR, Chapter 4 as follows: preliminary matters; the Applicant's
11 case. The Applicant has up to 60 minutes, but after reviewing
12 the material, unless there are any objections, I think we could
13 do that in 10 or 15, no more than 15, I'll just leave it at that.
14 We have the report of the Office of Planning and District
15 Department of Transportation, the report of other government
16 agencies, and the report of the ANC. Testimony of organizations
17 5 minutes and individuals 3 minutes, and we will hear in the
18 following order from those who are in support, opposition, and
19 undeclared. Then we'll have rebuttal and closing by the
20 Applicant. Again, the OZ hotline number is 202-727-0789. 202-
21 727-0789.

22 At this time, the Commission will consider any
23 preliminary matters. Does the staff have any preliminary matters?

24 MS. SCHELLIN: Just to advise that the Applicant has
25 proffered one expert witness, Shane Dettman, who's previously

1 been accepted in urban planning, although this is a map amendment
2 case, so -- oh, I guess that's okay. So he is the only expert
3 that's been proffered for this evening.

4 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

5 MS. SCHELLIN: So he's previously been accepted.

6 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Let me
7 just say for the public -- and I think I omitted this, and I
8 apologize. The subject of tonight's case is Zoning Commission
9 Case No 21-17, Congress Park Community Partners, LLC, map
10 amendment at Square 5914, eastern portion of Lot 806, 1351 Alabama
11 Avenue, Southeast.

12 So we have Mr. Dettman who is being proffered as an
13 expert. Are there any objections? Okay, no objections. We'll
14 continue that status. Ms. Schellin, if you can bring everybody
15 up.

16 MS. SCHELLIN: Kyrus Freeman from Holland & Knight is
17 representing the Applicant. Brittany Cummings is the Chair and
18 Shekita McBroom is the Vice Chair of ANC 8E. Let me check and
19 see if either are here.

20 CHAIRPERSON HOOD: Okay. Well, let's --

21 MS. SCHELLIN: If one comes -- at this point, I do not
22 see them. And I believe Maxine Brown-Roberts is the planner and
23 that is ready to go.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
25 Unless I hear from my colleagues, you're heard my request to the

1 Applicant. I don't think this is long hearing for us tonight.
2 So let's see where they go. I don't think, Mr. Freeman, we need
3 more than 15 minutes. Keep it to 10, and you're doing well. So
4 anyway, Mr. Freeman, I will turn it over to you.

5 MR. FREEMAN: Thank you. Before you start the clock,
6 is Mr. Dettman on? I can't tell if he's been pulled into the
7 meeting yet.

8 CHAIRPERSON HOOD: Yes, I see Mr. Dettman. I see Mr.
9 Karim. I think we just have two people, Mr. Karim and Mr.
10 Dettman.

11 MR. FREEMAN: Awesome. Thank you. Good evening, Mr.
12 Chairman, and members of the Commission. For the record, my name
13 is Kyrus Freeman with the law firm of Holland & Knight, here on
14 behalf of the Applicant.

15 Mr. Chairman, as you stated, this record is actually
16 extremely full in terms of how the application and the Applicant
17 meet the burden of proof for a map amendment. So I'll just make
18 a quick introduction. And then if you would like to hear from
19 Mr. Dettman, I'm happy to do that. But just a big overview. As
20 you know, we filed a request for a map amendment. Our application
21 statement describes in full detail how we meet the standards for
22 relief. We have a PowerPoint presentation at Exhibit No. 95 that
23 goes through how we meet it, and we can talk about that a little
24 bit more momentarily. We have strong support in the
25 record, as I'm sure you've seen. We have an OP report,

1 recommended set down and an approval at Exhibit 15 and 25. We
2 have an ANC 8E on the resolution and support at Exhibit 14 A. We
3 have a DDOT report in support at Exhibit 24A and an extensive
4 number of community support letters at Exhibit 27 through 94. So
5 again, we think we strongly meet the burden of proof.

6 I would like to just add one point -- I see Mr. Omar
7 Karim on -- at Exhibit No 95, where we do our Comp Plan analysis
8 and go through all of the Comp Plan requirements included on the
9 racial equity component, again I think we meet those standards.
10 One thing I would add here is that this development team,
11 Congress Park Community Partners, which is a joint venture
12 between Banneker Communities, District Development Group and
13 Congress Heights Community Training and Development Corporation.
14 Those three organizations have been developing affordable
15 housing, workforce housing, training, and economic development
16 programs for districts across the residents included in Ward 8.
17 So they've been doing racial equity before it was codified in the
18 Comp Plan. So we are excited to move forward with this project,
19 and we would ask that the Commission approve it as expeditiously
20 as possible.

21 If you'd like to hear from Mr. Dettman, I'm happy to
22 let him go through a presentation, or I can rest on the record
23 and just respond to any questions that you have.

24 CHAIRPERSON HOOD: Let me -- thank you, Mr. Freeman,
25 for keeping that, and I really appreciate you hitting the racial

1 equality piece because I believe -- you're exactly right in your
2 statements. I appreciate you bringing that up, and I appreciate
3 it being in this PowerPoint because I know a lot of Applicants
4 that we've had, even before racial equity became part of the Comp
5 Plan, have been exercising that, and that is true in this case
6 as well.

7 What I -- well, let me ask my colleagues this, because
8 I don't necessarily -- no offense, Mr. Dettman, but I don't
9 necessarily need to hear from you -- but we'll see. Any of my
10 colleagues? Commissioner May.

11 COMMISSIONER MAY: (No audible response.)

12 No offense, Mr. Dettman. So far, you're not -- we are
13 going to hear from you.

14 CHAIRPERSON HOOD: Commissioner Imamura.

15 COMMISSIONER IMAMURA: Nothing from me, Mr. Chair.
16 I've looked at the Applicant's PowerPoint, and I'm satisfied.

17 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

18 VICE CHAIR MILLER: I'm ready to go.

19 CHAIRPERSON HOOD: Okay. Well, sorry Mr. Dettman. All
20 right. And I only did that because I knew I could do that.

21 Mr. Freeman, are you -- so you're going to rest on the
22 record.

23 MR. FREEMAN: Yes, sir.

24 CHAIRPERSON HOOD: Okay. All right. Ms. Schellin, do
25 we have anybody from the ANC?

1 MS. SCHELLIN: I checked, and I did not see either name
2 listed.

3 CHAIRPERSON HOOD: Okay. And let me see who we have
4 from the ANC. Brittany Cummings, or anyone from ANC 8E? So we
5 don't have anyone present, which shows again what this Applicant
6 has done with the community. So, let's keep it moving. Let's go
7 to the Office of Planning, and the District Department of
8 Transportation if they're here too.

9 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman, and
10 members of the Commission. Maxine Brown-Roberts with the Office
11 of Planning on Zoning Commission Case 21-17, a map amendment from
12 the RA-1 to the MU-8B zone.

13 As the Applicant has gone over most of the issues and
14 have covered, especially the equity, and that's something that
15 was extensively covered in the OP report, we are in support of
16 this proposed map amendment and the future development that will
17 take place in this transportation corridor. Therefore, we rest
18 on the record and recommend approval. Thank you, Mr. Chairman,
19 and I'm available for questions.

20 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts.

21 Commissioners, any questions of Ms. Brown-Roberts?

22 Commissioner May.

23 COMMISSIONER MAY: No.

24 CHAIRPERSON HOOD: Commissioner Imamura.

25 COMMISSIONER IMAMURA: (No audible response.)

1 CHAIRPERSON HOOD: And Vice Chair Miller.

2 VICE CHAIR MILLER: No questions. Thank you, Ms. Brown-
3 Roberts.

4 CHAIRPERSON HOOD: Ms. Brown-Roberts, thank you for
5 your report. We appreciate it. Thank you. Very well done.

6 Ms. Schellin, I don't see anyone from DDOT.
7 Typically, we don't have anybody from DDOT with the map amendment
8 cases. Is there anyone from DDOT?

9 MS. SCHELLIN: I did not see anyone. And you're
10 correct. Usually, for map amendments, we don't.

11 CHAIRPERSON HOOD: Okay. Let me try to -- with all
12 these letters in support in here, it's almost like this case was
13 appropriate for Valentine's Day, because there's a lot of love
14 around here.

15 I'm trying to see -- yeah, DDOT submitted a report
16 which is at Exhibit 24. They were in support of this application
17 as well. It says, "DDOT has no objection to the approval of the
18 requested map amendment." And I don't believe we had any other
19 agencies.

20 Again, Ms. Schellin, we don't have anyone from the
21 public or from the ANC 8E to testify.

22 MS. SCHELLIN: No, sir.

23 CHAIRPERSON HOOD: All right. Let's keep it moving.
24 I'm going to ask again, because I kind of put that all together.
25 Do we have anyone here to testify in support, opposition, or

1 undeclared, Ms. Schellin?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: Mr. Freeman, let's go to him. I
4 know you don't have any rebuttal, so do you have any closing?
5 Because there's nothing to rebut.

6 MR. FREEMAN: I will just say I think we were able to
7 do the whole hearing in less than 15 minutes, not just our
8 presentation. So with that, we are -- I'm in the process of
9 trying to move forward with meeting a funding application
10 deadline. Again, we think the record fully indicates how we meet
11 the standard of approval for a map amendment, and we would request
12 that the Zoning Commission take proposed action tonight to
13 approve our application. Thank you.

14 CHAIRPERSON HOOD: Okay, thank you. I want to thank
15 you all for all the work you've been doing.

16 Commissioners, you've heard the request. I think this
17 is pretty straightforward. I think we can go ahead and move
18 forward unless I hear from someone. Okay, so with that, would
19 somebody like to make a motion? I've been doing a lot of talking.
20 Let me let somebody else make the motion.

21 VICE CHAIR MILLER: Sure, Mr. Chairman. I would move
22 that the Zoning Commission take action on a map amendment,
23 Congress -- Zoning Commission Case No. 21-17, Congress Park
24 Community Partners, LLC, map amendment at Square 5914, eastern
25 portion of Lot 806 at 1351 Alabama Avenue, Southeast, and ask for

1 a second.

2 COMMISSIONER MAY: Second.

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

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

7 MS. SCHELLIN: Yes, sir.

8 Commissioner Miller.

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner May.

11 COMMISSIONER MAY: Yes.

12 MS. SCHELLIN: Commissioner Hood.

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Commissioner Imamura.

15 COMMISSIONER IMAMURA: Yes.

16 MS. SCHELLIN: The vote is 4-0-1 to approve proposed
17 action in Zoning Commission Case No. 21-17. And if we could have
18 the Applicant provide a draft order within a week, that would be
19 great.

20 MR. FREEMAN: Absolutely.

21 MS. SCHELLIN: And Commissioners, would that be a
22 summary order?

23 CHAIRPERSON HOOD: Yes, that would be a summary order.

24 MS. SCHELLIN: Okay.

25 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have

1 anything else?

2 MS. SCHELLIN: No, sir.

3 CHAIRPERSON HOOD: I want to thank you Mr. Freeman, Mr.
4 Karim, and Mr. Dettman. This truly shows -- explaining the work
5 that you all have been doing. So, it shows -- these are the kind
6 of hearings we have when the Applicant has done the work for the
7 community, and some give and take and back and forth. So, I
8 appreciate it. Keep up the good work. And I know it is a major
9 initiative on the Mayor's agenda, and the community actually -
10 - I don't want to just say the Mayor -- the community as well in
11 Congress Heights.

12 The Zoning Commission will meet again, hopefully I have
13 this date right -- February 24 is the next time we'll meet.

14 MS. SCHELLIN: The 17th. This Thursday, the 17th.

15 CHAIRPERSON HOOD: Oh, the 17th. How'd I miss that?
16 Hold on a second. Okay, yeah, the Zoning Commission will meet -
17 - it will be Zoning Commission Case No. 21-19. This is the Office
18 of Planning map amendment --

19 MS. SCHELLIN: Yep.

20 CHAIRPERSON HOOD: It's the Office of Planning map
21 amendment. So anyway. Tune in on these same platforms on
22 February 17th. The same time on these same platforms. Again, I
23 want to thank everyone for their participation tonight. And this
24 hearing is adjourned. Good night everyone.

25 MS. SCHELLIN: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. FREEMAN: Good night. Thank you.

(Whereupon, the above-entitled matter went off the record at 4:16 p.m.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 02-14-2022

Place: Teleconference

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

GARY EUELL

HUNT REPORTING COMPANY
Court Reporting and Litigation Support
Serving Maryland, Washington, and Virginia
410-766-HUNT (4868)
1-800-950-DEPO (3376)