

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

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IN THE MATTER OF: :
: :
801 Maine Ave, SW PJV, LLC : Case No. 22-06
Consolidated PUD & Related :
Map Amendment @ Square 390 :
: :
: :
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THURSDAY

APRIL 28, 2022

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The Public Hearing of Case No. 22-06 by the District of Columbia 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
JOSEPH IMAMURA, Commissioner
PETER MAY, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director
KAREN THOMAS, Project Manager

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE
DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the
Public Meeting held on April 28, 2022.

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

OPENING STATEMENT:
 Anthony Hood 5

PRESENTATION:
 Case No. 21-18, Dance Loft Ventures, LLC
 Friends of 14th Street - Advanced Party Status 8

COMMENTS AND QUESTIONS:
 Commissioners 8

VOTE:
 Commissioners 10

PRESENTATION:
 Case No. 21-19, Office of Planning, Final Action
 Map Amendment @ Square 6170S 10

COMMENTS AND QUESTIONS:
 Commissioners 11

VOTE:
 Commissioners 15

PRESENTATION:
 Case No. 21-11, Abraham & Laura Lisner Home for
 Aged Women, Map Amendment @ Square 5154 15

COMMENTS AND QUESTIONS:
 Commissioners 15

VOTE:
 Commissioners 17

PRESENTATION:
 Case No. 22-06, 801 Maine Avenue, SW PJV, LLC
 Consolidated PUD & Related Map Amendment @ Square 390 . 17

COMMENTS AND QUESTIONS:
 Commissioners 19

VOTE:
Commissioners 29

PRESENTATION:
Case No. 20-31, American University Campus
Plan, Correspondence Item 29

COMMENTS AND QUESTIONS:
Commissioners 30

CLOSING REMARKS:
Anthony Hood 37

ADJOURN:
Anthony Hood 37

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. Joining me are Vice Chair Miller, Commissioner Imamura, and Commissioner May. 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. And also we have from the Office of Zoning Legal Division, Ms. Lovick. I think, at some point, Mr. Liu as well as Mr. Rittig.

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter. It's also webcast live Webex and YouTube Live. The video will be available on the Office of Zoning's website after the meeting.

Accordingly, all those listening on Webex or by phone will be muted during the meeting, unless the Commission suggests otherwise.

For hearing action items, the only documents before us this evening are the application, the ANC Setdown report and the Office of Planning report. All other documents will be in the record and will be reviewed at the time of the hearing.

Again, we do not take any public testimony at our meetings, unless the Commission requests someone to speak.

1 If you experience difficulty accessing Webex or with
2 your phone call-in, then please call the OZ hotline number at
3 202-727-5 -- no, OZ hotline number at 202-727-0789 for Webex and
4 login/call-in instructions.

5 I will tell you, Ms. Schellin, I thought I had changed
6 it. I don't know, you know -- I don't know. Maybe I'll get my
7 grandkids to help me.

8 So anyway, does the staff have any preliminary matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay.

11 So I do have a statement I would like to read for the
12 public. Bear with me as I pull it up. There's been a lot of
13 talk in the city, and there's -- in the Comprehensive Plan.
14 We -- each agency has been mandated to do the Racial Equity
15 Analysis Tool. So let me just read the statement, my prepared
16 statement -- our prepared statement.

17 The Zoning Commission has released its initial Racial
18 Equity Analysis Tool. The recent updates to the Comprehensive
19 Plan call for the Commission to evaluate all zoning actions
20 through a racial equity lens. This tool is intended to be used
21 by the Commission in analyzing zoning actions through a racial
22 equity lens as part of its overall Comprehensive Plan consistency
23 analysis of zoning actions.

24 The Racial Equity Analysis Tool is split into two
25 parts. Part one provides guidance regarding racial equity

1 submissions to the zoning case record, while part two lists
2 questions and things that the Commission will use in its
3 evaluation of zoning actions. The tool, which will be used in
4 evaluating all Zoning Commission cases going forward, where
5 consistency with the Comprehensive Plan is required, is available
6 to the general public on the Office of Zoning website. And as
7 you go on, just scroll down, and you'll see Racial Equity Analysis
8 Tool.

9 The Commission expects that this -- its guidance
10 regarding racial equity submissions will result in more thorough
11 submissions that touch on the most relevant Comprehensive Plan
12 equity policies related to the zoning actions at issue. After
13 the Commission has used the tool in its deliberations, it is
14 anticipated that changes and refinements to the tool will occur.
15 To that end, the Commission will hold a roundtable regarding the
16 tool in September to receive community input and feedback on both
17 the tool and the Commission's use of the tool.

18 And while we have not discussed it as a group, I'm sure
19 that we will -- this will be fluid as we move along and continue
20 to get input from all stakeholders to make sure that the tool is
21 also -- it works to application, that it actually is just not a
22 buzz word. So that's why -- and I don't know if my colleagues
23 have anything else to say or comment on that.

24 Again, it's already up on the website, and the
25 Commission's looking forward to exercising what we are required

1 to do by law. Okay.

2 And I want to thank all those who worked on it and the
3 thank yous will come. Again, I especially want to thank our
4 staff, especially our Office of Zoning Legal Division and others
5 who have worked along to make that happen.

6 So with that, let's go, Ms. Schellin, to the agenda and
7 all to advanced party status, Zoning Commission Case Number
8 21-18, Friends of 14th Street in opposition, representative,
9 Mr. Edward Donohue, Esquire.

10 Let me go to Ms. Schellin.

11 MS. SCHELLIN: Okay. Yes, sir. Mr. Donohue is present
12 as required by the regs. And it is a request by the Friends of
13 14th Street for party status in opposition. And as I stated, he
14 is present if the Commission should happen to have any questions.
15 The applicant did not file a response in opposition. So per the
16 regs, that would mean that they have no opposition to this request
17 and would ask the Commission to take this up for consideration.

18 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

19 And Commission -- colleagues, we have this advanced
20 party status request for a case that we have, I believe, coming
21 up next Thursday, May the 5th. And I certainly, certainly believe
22 that this warrants party status. And what I will say to the
23 applicant from perusing the -- some of the record, I will say
24 this to the applicant. Work with the community. Every time I
25 looked at it, I just say work with the community. And I'll leave

1 | it that. Let me open it up for others.

2 | Commissioner May?

3 | COMMISSIONER MAY: I don't have any objections to
4 | granting party status to this group.

5 | CHAIRPERSON HOOD: Okay.

6 | Commissioner Imamura?

7 | COMMISSIONER IMAMURA: I don't have any objections
8 | either.

9 | CHAIRPERSON HOOD: Okay.

10 | And Vice Chair Miller?

11 | VICE CHAIR MILLER: All right. Thank you, Mr. Chairman.
12 | I concur with my colleagues' comments.

13 | CHAIRPERSON HOOD: Okay.

14 | All right. I would move that we approve party status
15 | to the Friends of 14th Street in opposition in Zoning Commission
16 | Case Number 21-18 and ask for a second.

17 | VICE CHAIR MILLER: Second.

18 | CHAIRPERSON HOOD: It's been moved and properly second.
19 | Any further discussion?

20 | (No audible response.)

21 | Not hearing any, Ms. Schellin, would you do a roll call
22 | vote, please?

23 | MS. SCHELLIN: Yes. Commissioner Hood?

24 | CHAIRPERSON HOOD: Yes.

25 | Commissioner Miller?

1 VICE CHAIR MILLER: Yes.

2 MS. SCHELLIN: Commissioner May?

3 COMMISSIONER MAY: Yes.

4 MS. SCHELLIN: Commissioner Imamura?

5 COMMISSIONER IMAMURA: Yes.

6 MS. SCHELLIN: The vote is four to zero to one to
7 approve advanced party status to the Friends of 14th Street in
8 opposition in Zoning Commission Case No. 21-18, the minus one
9 being the third mayoral appointee position, which is currently
10 vacant.

11 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

12 Let's go next to Zoning Commission Case Number 21-19.
13 This is the Office of Planning Map Amendment at Square 6170S.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes. The Proposed Rulemaking was
16 published on March 25th. Exhibit 12 is an NCPC letter advising
17 the case is exempt from their review. Exhibits -- Exhibit 13 is
18 a letter in support from Councilmember Trayon White. Exhibit 14
19 is a letter in opposition to the case being exempt from IZ Plus
20 from the Office of the Attorney General. We'd ask the Commission
21 to consider taking final action this evening.

22 CHAIRPERSON HOOD: Okay. I think we have -- the
23 only -- the issue we have -- we -- it looks like we have a
24 overwhelmingly amount of support in this map amendment and
25 throughout the whole process. I do also want to recognize the

1 Reverend Donald L. Isaac, one of the dynamite preachers here in
2 the city. And also, as mentioned, we have a councilman and plenty
3 of support from the community. I don't believe 8D -- I think
4 there were some discussions with 8D. But when I looked at this,
5 and I looked at our Office of -- well, our Office of Attorney
6 General, because they do work for all of us in the city -- but
7 I've heard from residents who -- and I would actually echo and
8 agree with the Office of Planning. But when I heard from
9 residents, if you -- if my colleagues remember, we're always
10 pushing -- I'm always pushing from zero to 30 percent. The
11 residents east of the river had mentioned to me two weeks ago
12 that they would like a mixture. They'd like some market rate,
13 but let's not overconcentrate it. So I'm going to align -- after
14 I heard from the residents, I'm going to align myself with the
15 Office of Planning. There are other areas where we probably need
16 to exercise this IZ Plus, and I don't think this is one of them,
17 because I've heard from the residents. So let me just open it
18 up for any questions or comments or any other comments on the
19 issue.

20 Commissioner May?

21 COMMISSIONER MAY: Yeah, I support final approval in
22 this case. I don't really -- I mean I understand what the Office
23 of Attorney General is saying in their letter, but I simply don't
24 agree, much for the same reasons that you cited, Mr. Chairman.

25 CHAIRPERSON HOOD: Okay. Thank you.

1 Commissioner Imamura?

2 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I align
3 myself with you and Commissioner May. And I think that just,
4 you know, exercising, you know, sensibility where it makes the
5 most sense and where it's strategic. So certainly don't want to
6 concentrate, you know, affordable housing in an area that's
7 underfunded, so I'm in agreement.

8 CHAIRPERSON HOOD: And Vice Chair Miller?

9 Thank you.

10 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
11 with my colleagues' comments. There's a lot of support for this
12 map amendment, not only from the applicant and the church that
13 wants to stay in the city and redevelop its -- the property around
14 it as a way to stay in the city or the way to support its
15 operations if it has to move. But there's the support from the
16 community as well, the council member you mentioned.

17 You know, I asked the question, both at setdown and at
18 proposed action. The issue that OAG has raised in their most
19 recent letter about exempting -- not mapping it -- this map
20 amendment with an IZ Plus designation, and at both the setdown
21 and the proposed action, the Office of Planning provided a, what
22 I thought was a reasonable response, which was the issue that you
23 all have mentioned, the fact, the data shows that the area in
24 Ward 8 that this is being -- this map amendment that is being
25 proposed already has more than its fair share -- has a

1 disproportionately high share of the affordable housing for the
2 city. And the -- so that was one reason. It was -- IZ is
3 designed to kind of create an incentive to have affordable units
4 where they might not otherwise be located and in amenity-rich and
5 maybe high -- highly -- high property value areas, which the
6 market normally wouldn't support affordable. So IZ is trying to
7 get at that. So in this area, it isn't absolutely necessary to
8 the core purpose of IZ. And also, the Office of Planning, I
9 think, in their -- one of their responses, I think at proposed
10 action, said they don't know what the church is planning in terms
11 of a redevelopment effort. But they implied that putting an
12 additional burden, so to speak, an additional restriction
13 on -- beyond normal IZ and the normal -- all the other
14 restrictions that we have for land development in the city, might
15 hinder the church's ability to get financing or whatever for
16 whatever redevelopment project they have. In any event, the
17 bottom-line is I think it was a reasonable response that Office
18 of Planning gave to that question that OAG is now raising again.
19 And, you know, we can see as we go forward with the mapping and
20 not mapping of IZ Plus in various areas, whether we need to change
21 direction or -- but I think for now that that is a reasonable
22 response, in terms of the -- why we're not mapping IZ Plus at
23 this time. So I'm (indiscernible). Thank you, Mr. Chairman.
24 I'm very supportive of final action today.

25 CHAIRPERSON HOOD: Okay. I think that is in the record.

1 I think it's sufficient for our rationale on that. I know we
2 often are pushing for affordable units in IZ, but I think the
3 rationale this time will -- and I appreciate the -- OAG and others
4 weighing in, but we got to make sure we stay in touch with the
5 folks who are most affected.

6 So with that, let me open it up for -- I'm sorry -- for
7 a motion. I'm opening up for a motion. I'm not going to make
8 all the motions. Let me open it up for a motion.

9 CHAIRPERSON MAY: Mr. Chairman, I would move that we
10 give final approval to Zoning Commission Case 21-19, Office of
11 Planning Map Amendment at Square 6170S. I'd ask for a second.

12 COMMISSIONER IMAMURA: Second.

13 CHAIRPERSON HOOD: If you don't ask for it, you might
14 not get it. So it's been moved and properly second.

15 CHAIRPERSON MAY: I know.

16 CHAIRPERSON HOOD: Moved and properly second. Any
17 further discussion? And I know everybody is yielding to the
18 other person.

19 Okay. So Ms. Schellin, would you do a roll call vote,
20 please?

21 MS. SCHELLIN: Commissioner May?

22 COMMISSIONER MAY: Yes.

23 MS. SCHELLIN: Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes.

25 MS. SCHELLIN: Commissioner Hood?

1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Commissioner Miller.

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to
5 approve final action in Zoning Commission Case 21-19. The minus
6 one being the third mayoral appointee position, which is vacant.

7 CHAIRPERSON HOOD: I used to be a little quicker moving
8 files around, but I'm not as quick. Okay.

9 So our next case is Zoning Commission Case No. 21-11.
10 This is the Abraham and Laura Lisner Home for Aged Women, Map
11 Amendment at Square 5154.

12 Ms. Schellin?

13 MS. SCHELLIN: We have Exhibit 42 from NCPC advising
14 once again, that this case is exempt from their review, so the
15 Commission can consider this for final action this evening.

16 CHAIRPERSON HOOD: Okay.

17 Colleagues, again, I'm going sound to contradictory,
18 but this, I think, is what IZ is all about, IZ Plus. I would
19 take the Office of Planning's recommendation that the application
20 would be appropriate for IZ Plus. And we also have some letters
21 in opposition. We have some letters in support. And we -- let
22 me see. Okay.

23 So as noted, the resolution was noted that the
24 applicant revise this application in response to feedback from
25 the ANC in this particular case. So with that, let me just open

1 | it up for any questions or comments.

2 | Commissioner May.

3 | COMMISSIONER MAY: Nothing. Thank you.

4 | CHAIRPERSON HOOD: Okay.

5 | Commissioner Imamura?

6 | COMMISSIONER IMAMURA: No comments.

7 | CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

8 | VICE CHAIR MILLER: I -- no comments. I agree with
9 | your comments, Mr. Chairman, and I'm supportive of final action
10 | today.

11 | CHAIRPERSON HOOD: Okay. All right. So would somebody
12 | like to make a motion?

13 | VICE CHAIR MILLER: I would like to make a motion that
14 | the Zoning Commission take final action on Case Number 21-11, the
15 | Lisner Home for Aged, Map Amendment at Square 5154, and ask for
16 | a second.

17 | COMMISSIONER IMAMURA: Second.

18 | CHAIRPERSON HOOD: It's been moved and properly
19 | seconded. Any further discussion?

20 | (No audible response.)

21 | CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
22 | you do a roll call vote, please.

23 | MS. SCHELLIN: Commissioner Miller?

24 | VICE CHAIR MILLER: Yes.

25 | MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Commissioner May?

5 COMMISSIONER MAY: Yes.

6 MS. SCHELLIN: The vote is four to zero to one to
7 approve final action on Zoning Commission Case Number 21-11,
8 Commissioner -- I'm sorry, the third mayoral appointee position
9 vacant being the minus one.

10 CHAIRPERSON HOOD: Okay. Let's go to hearing actions.
11 Zoning Commission Case No. 22-06. This is 801 Maine Avenue
12 Southwest PJV, LLC, Consolidated PUD and related map amendment
13 at Square 390.

14 CHAIRPERSON HOOD: Ms. Thomas?

15 MS. THOMAS: Yes. Good afternoon, Mr. Chair and members
16 of the Commission. I'm Karen Thomas with the Office of Planning,
17 recommending setdown of 801 Maine Avenues LLC's request for a
18 consolidated PUD and map amendment to construct a mixed-use
19 project at 899 Maine Avenue Southwest.

20 On balance, the project is not inconsistent with the
21 relevant Comp Plan Elements outlined in OP's report.

22 Next slide.

23 The site at the corner of 9th and Maine Avenue is
24 proposed to be redeveloped with a 12-story mixed use building of
25 498 residential units, so 15 percent of its GFA dedicated to

1 affordable units for residents at or below 60 percent MFI,
2 excluding penthouse GFA, with approximately 22,000 square feet
3 of new retail space.

4 Areas of flexibility requested include a PUD-related
5 map amendment from MU-12 to MU-9A and design flexibility. The
6 property is within the commercial medium density designation of
7 the FLUM and a neighborhood conservation area under the
8 Generalized Policy Map.

9 According to the Framework Element, the MU-8 and MU-10
10 zones are consistent with the medium density commercial land use
11 category, although other zones may apply. And these zones permit
12 a PUD IZ maximum density of 7.2 FAR and 8.6 FAR, respectively.
13 And at 7.92 FAR, this project will be within the range of
14 densities anticipated under a PUD in the MU-8 and MU-10 zones.

15 As discussed in OP's report, the proposed MU-9A is
16 solely for the flexibility to shift the building height away from
17 the lower scale development to the north at G Street -- 9th and
18 G Street, and to permit increased height along Maine Avenue
19 directly across from The Wharf, which is at 130 feet, and which
20 was the ANC's and community's concerns.

21 The Comp Plan's consistency analysis requires the
22 project to be evaluated through the racial equity lens. And as
23 discussed in pages 11 and 12 of our report, there will be no
24 displacement with this project, and instead it would provide
25 close to 500 units of new housing. Again, as I said before, with

1 15 percent GFA dedicated to affordable units at or below 60
2 percent MFI. The Comp Plan recognizes --

3 Next slide. Sorry.

4 -- recognizes that without increased housing, the
5 imbalance between supply and demand drives up housing prices in
6 a way that creates challenges for many residents, particularly
7 low-income residents. The site development would not only
8 provide affordable housing units, but also economic and
9 environmental equity for lower-income residents that would not
10 in the past have had access to high land value development, which
11 usually associates with environmental and health benefits and
12 overall access to goods and services.

13 This development would take advantage of improved
14 connectivity and pedestrian experience at The Wharf at a nearby
15 waterfront development amenities for all residents. The
16 applicant's proffers are noted in our report on page 17, and they
17 will continue to be refined and resolved later in the process.

18 OP is recommending the Commission set this application
19 down for a public hearing, as it is not inconsistent with the
20 Comp Plan's land use, housing, transportation, urban design, and
21 environmental elements. Thank you. And I'm available for any
22 questions.

23 CHAIRPERSON HOOD: Okay. Thank you, Ms. Thomas. Let's
24 see if we have any questions or comments.

25 Commissioner May.

1 COMMISSIONER MAY: I don't have a lot. I did have one.
2 I wanted to clarify the building height, because your report says
3 130 feet, and it's sort of stated a couple of different ways.
4 One is that it's 130 feet up on the Maine Avenue side, and it's
5 90 feet on the other. But when you actually look at the building
6 height measuring point in their drawings, it's showing it 120
7 feet, not 130.

8 MS. THOMAS: Yes. So the original submission was at
9 120 to the front, but because they had to go down lower at the
10 rear, I think they were proposing 100 to the rear and 120, but
11 the residents were still concerned about that height, so they
12 pushed that -- they tried to push that further to the front.

13 COMMISSIONER MAY: Okay. Okay. But when you measure
14 it from the building height measuring points in their drawings,
15 it's showing at 120. It's effectively 130 on Maine Avenue,
16 because it drops 10 feet --

17 MS. THOMAS: Yes.

18 COMMISSIONER MAY: -- from front to -- from back to
19 front.

20 MS. THOMAS: Okay. I'll check that.

21 COMMISSIONER MAY: All right. Yeah, I just -- it's --

22 MS. THOMAS: Okay.

23 COMMISSIONER MAY: In terms of the official building
24 height --

25 MS. THOMAS: Okay.

1 COMMISSIONER MAY: -- it should be clarified, I guess.

2 MS. THOMAS: Yes. I'll have them clarify it.

3 COMMISSIONER MAY: Yeah. I mean, I don't have a lot
4 of thoughts about the design of this. I mean, it's interesting
5 to see that there's already a lively discussion between the ANC
6 and the applicant. And then, hopefully, that discussion will
7 continue so that by the time we are actually having the hearing
8 that we will be in a good position to have a hearing and a healthy
9 discussion, and maybe they'll be -- the applicant will be able
10 to make peace with whatever concerns the neighbors have.

11 MS. THOMAS: Sure. Okay.

12 CHAIRPERSON HOOD: Okay.

13 Commissioner Imamura.

14 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

15 Ms. Thomas, thank you for your report. If you wouldn't
16 mind, could you just review for me one more time, or what OP's
17 concerns are with some of the design flexibility that was
18 requested by the applicant?

19 MS. THOMAS: Usually, with design flexibility, the --
20 we were concerned with -- in this instance, with, you know,
21 exterior details. Our main concern with that is, as we have of
22 PUDs going forward and in the past, as well, was that sometimes
23 the design, when you change the exterior details of some of these
24 PUDs, some of the -- a lot of the approval support is hinged on
25 how it's designed and some of the materials. So when that's

1 changed, we would think we would suggest that the applicant
2 undergo modifications of significance, because it's part and
3 parcel of the whole project. We do not try to separate the
4 exterior and how it's presented at first from the overall
5 approval. And so, we would like the applicant to have those
6 items and elements firmed up before approval, particularly since
7 as well, the Southwest plan has design guidelines. And it's
8 based on, you know, if we support it, we believe that the project
9 would satisfy that. And if there are changes, we would suggest
10 they go through a modification of significance.

11 COMMISSIONER IMAMURA: Terrific. All right. I
12 appreciate the explanation. Thank you, Ms. Thomas.

13 Nothing further, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Ms. Steingasser, you have something you wanted to add?

16 MS. STEINGASSER: Yes, sir. Thank you. We're also
17 concerned about that list of flexibility, because it doesn't have
18 any review. Once it's granted, it becomes subject to the building
19 permits review. And a lot of times, it ends up reducing the
20 amount of affordable housing, because there's a plus and minus
21 10 percent of the residential units.

22 MS. THOMAS: That's true.

23 MS. STEINGASSER: Well, depending on how that is worked
24 out, we could also end up with less residential floor area, which
25 ends up with less inclusionary zoning. So we've started to take

1 a very hard line and a hard look at how those -- that flexibility
2 all works together. So you'll see in some of our reports, at
3 the final stage, they'll also say the greater of or the lesser
4 of, so that we understand that we get what we were promised, if
5 the flexibility does get approved. That was all. Thank you.

6 CHAIRPERSON HOOD: Okay. Any follow up questions?

7 Vice Chair Miller.

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'm
9 supportive of setting this down for a public hearing. The --
10 what is a, I think, underutilized office site is now going to
11 become nearly 500 units of housing. For that reason alone, before
12 you even get to the affordable housing, with 15 percent set aside
13 for affordable at both 60 percent median family income and, I
14 guess, 50 percent, a smaller amount at 50 percent MFI triggered
15 by this penthouse habitable space. So for that reason alone, I
16 mean, it's worth setting down.

17 I guess at the public hearing, I just want a little
18 -- it may be in the record already, I just didn't see it in --
19 immediately, the breakdown of the unit sizes, both market rate
20 and the affordable one bedroom, two bedroom, whatever, studio,
21 and which are at what levels of median family income. And then
22 I guess I just want more information on is -- if the -- well,
23 maybe Ms. Thomas knows.

24 Is this a -- are they keeping the office building core
25 structure, or are they tearing it down and putting it up newer,

1 or do you know?

2 MS. THOMAS: I believe it's a raze, but --

3 VICE CHAIR MILLER: Reuse.

4 MS. THOMAS: Yes. A raze. A raze.

5 VICE CHAIR MILLER: A raze.

6 MS. THOMAS: Yes, uh-huh. Yeah.

7 VICE CHAIR MILLER: Right. Okay.

8 MS. THOMAS: Uh-huh.

9 VICE CHAIR MILLER: Oh, I guess I wanted -- you know,
10 because we've had the issue of converting formerly commercial
11 office space to residential is a challenging one. And as such,
12 I wanted more information on how they're accomplishing that on
13 this site. And probably the easiest way is, if no historic or
14 other concerns, is just to demolish it and --

15 MS. THOMAS: Right.

16 VICE CHAIR MILLER: -- because the core functions of
17 an office building are, obviously, very different from the core
18 functions of -- and the whole walls and everything of a
19 residential building.

20 Just one other question. On the MU-9A is what's being
21 proposed. It's currently -- what's the current zoning?

22 MS. THOMAS: MU-12.

23 VICE CHAIR MILLER: MU-12. And the -- you said that
24 the Comprehensive Plan medium density commercial designation in
25 the Framework Element of the Comp Plan, they specifically call

1 out MU-8 and MU-10 but say other zones may apply? And I guess
2 -- I think you made reference to this in your presentation as to
3 why they went with the MU-9A. Was it for flexibility to have
4 the height --

5 MS. THOMAS: The flexibility.

6 VICE CHAIR MILLER: -- on Maine Avenue? Is that -- was
7 that it?

8 MS. THOMAS: Yes. The flexibility to have that height.
9 To be able to push that height away from the residences -- the
10 townhouse residences at 9th and G, along G Street, which they did
11 not like. So it gives them the ability to, let's say -- at first,
12 they proposed A building of 110 feet or 120 feet all across, and,
13 you know, from front to back, and they -- the residents weren't
14 in favor of that. So in -- so it allowed them to push most of
15 the massing towards the front along Maine Avenue where The Wharf
16 buildings are at that height of 130 feet. It wasn't for any more
17 density, per se, primarily.

18 VICE CHAIR MILLER: And that's a laudable goal to taper
19 back the height at --

20 MS. THOMAS: Yes.

21 VICE CHAIR MILLER: -- as it gets toward the moderate
22 density townhomes that are there.

23 MS. THOMAS: Yes. That's correct. And also --

24 VICE CHAIR MILLER: Okay.

25 MS. THOMAS: -- that portion would not have a penthouse

1 in it, so that they wouldn't be able to access, you know, get
2 GFA from the penthouse.

3 VICE CHAIR MILLER: The northern portion of the site
4 near the -- that's closest to the residential, you're saying?

5 MS. THOMAS: Yes. Yeah, would not have --

6 VICE CHAIR MILLER: Won't have a penthouse.

7 MS. THOMAS: Penthouse, yes. Uh-huh.

8 VICE CHAIR MILLER: And the height closest to the --
9 those townhomes, the height of this project would be 80 feet at
10 that -- at the closest point?

11 MS. THOMAS: 90 feet.

12 VICE CHAIR MILLER: 90 feet.

13 MS. THOMAS: Yes, the townhomes are around 50 feet, I
14 believe. I think or 40 feet.

15 VICE CHAIR MILLER: 50, 5-0?

16 MS. THOMAS: Yes, uh-huh.

17 VICE CHAIR MILLER: I thought I saw something much
18 lower than that, but -- we --

19 MS. THOMAS: I may be incorrect.

20 VICE CHAIR MILLER: But we can get information on that,
21 I think --

22 MS. THOMAS: Yes.

23 VICE CHAIR MILLER: -- and see -- it'd be good to see
24 perspectives and renderings as to how that -- how the building
25 fits into the residential neighborhood, the much lower density

1 residential neighborhood to the north.

2 MS. THOMAS: Yes.

3 VICE CHAIR MILLER: And I guess I didn't realize,
4 although I certainly participated in all those, in most of those
5 Wharf cases, didn't realize, they are at 130 feet, the homes?

6 MS. THOMAS: Yes, the massing along Maine is around 130
7 -- 110, 130. There's one -- I think the new one that's being
8 proposed at 7th and Maine would be at 110. But the -- on the
9 opposite side, it's --

10 VICE CHAIR MILLER: The Wharf side?

11 MS. THOMAS: Yes, The Wharf side is around 130.

12 VICE CHAIR MILLER: 130. And so, the 130 on this side,
13 the north side of Maine Avenue, this would be the highest --

14 MS. THOMAS: Yeah. And --

15 VICE CHAIR MILLER: -- of any building there, right?

16 MS. THOMAS: Yes. I believe so. I don't have all the
17 information. Well, the school is lower, of course, because it
18 abuts the school. And then the next building will be the one
19 being proposed. That will be coming before you guys at -- in
20 the near future at the corner of 7th and Maine. And I believe
21 that's going to be proposed at 110 or 120. I'm not certain as
22 yet.

23 VICE CHAIR MILLER: Okay. Well, we'll see a lot --
24 have a lot more discussion to that at the hearing, I'm sure.

25 MR. THOMAS: Uh-huh.

1 VICE CHAIR MILLER: So thank you very much, Ms. Thomas.
2 I appreciate you bringing this forward to us.

3 CHAIRPERSON HOOD: All right. Thank you.

4 I did miss a little bit of that discussion. Any other
5 questions or comments?

6 All right. Well, thank you, Ms. Thomas.

7 Commissioners, what is your pleasure?

8 VICE CHAIR MILLER: I would move that we set down for
9 a public hearing, Mr. Chairman, Zoning Commission Case No. 22-
10 06, PUD and related map amendment from MU-12 to MU-9A at 899
11 Maine Avenue, Southwest, Square 0390, Lot 0053, and ask for a
12 second.

13 COMMISSIONER MAY: Second.

14 COMMISSIONER IMAMURA: Second.

15 CHAIRPERSON HOOD: Okay. It's been moved and properly
16 seconded. Any further discussion?

17 (No audible response.)

18 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
19 you do a roll call vote, please?

20 MS. SCHELLIN: Commissioner Miller?

21 VICE CHAIR MILLER: Yes.

22 MS. SCHELLIN: Commissioner May?

23 COMMISSIONER MAY: Yes.

24 MS. SCHELLIN: Commissioner Hood?

25 CHAIRPERSON HOOD: Yes.

1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: Yes.

3 MS. SCHELLIN: The vote is four to zero to one to set
4 down Zoning Commission Case No. 22-06 as a contested case, the
5 minus one being the third mayoral appointee position, which is
6 vacant.

7 CHAIRPERSON HOOD: Okay. The next case --

8 Thank you, Ms. Schellin.

9 The next case is correspondence item. See we got in
10 trouble. Zoning Commission Case No. 20-31, American University
11 Campus Plan. And it's a correspondence item.

12 Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. Since this meeting has
14 started, I have continued to correspond with Tom Smith, who's the
15 representative for, I believe, it's the Spring Valley-Wesley
16 Heights Citizen Association, who feels that the Commission has
17 not -- and/or staff has not ruled consistently in cases, as far
18 as the record being left open for the other parties to respond.
19 And so, I advised him that we could simply put off decision on
20 this case to allow the other parties the seven days to respond
21 to the document that they asked the record to be reopened for,
22 which was the supplemental document only. So the other parties
23 could respond only, because the time has expired for them to
24 respond to the request for rehearing and reconsideration, so they
25 would only be able to allow -- be allowed to respond to the

1 newspaper article that they have submitted. And we could put
2 this on for the next meeting agenda. I think that's the only
3 thing to do at this point, because I have -- I don't know what
4 else to say, even though the regs say if they have an opposition,
5 they should file it. But in all fairness, to give the other
6 parties their seven days to respond to this document, that would
7 be staff's suggestion, unless Ms. Lovick or Mr. Liu would like
8 to respond otherwise.

9 CHAIRPERSON HOOD: I really don't think we need to have
10 a whole lot of conversation. And I would encourage my colleagues
11 to accept our staff's report to us on this particular issue, so
12 we can have all resolved before we go ahead and move forward and
13 make our decision.

14 Any objections to moving in that path?

15 VICE CHAIR MILLER: I don't have any objection. I just
16 -- I -- when would be -- when would it come up then, our next
17 meeting, when is that?

18 MS. SCHELLIN: Our next meeting, I believe, is the 14th
19 of May, but let me double check. I'm sorry, the 12th of May. So
20 the parties would just have seven days from the time they were
21 -- from the time the Commission accepted the news article into
22 the record, which was -- goodness gracious -- I believe it was
23 Monday or Tuesday. But they were served with it, so they could
24 check the record. But I believe it was the 26th, which was
25 Tuesday, yes. So they have seven days from Tuesday to respond

1 to the news article, if they choose to do so. But not to the
2 request for reconsideration or rehearing, because that time
3 period has expired.

4 VICE CHAIR MILLER: Okay. I just really wanted to know
5 the next meeting date so that it wasn't being --

6 MS. SCHELLIN: Yeah.

7 VICE CHAIR MILLER: -- inordinately delayed.

8 MS. SCHELLIN: The 12th. The 12th of May.

9 VICE CHAIR MILLER: And is this just three weeks ago,
10 so I think, okay.

11 MS. SCHELLIN: Yep.

12 CHAIRPERSON HOOD: Okay. I think we're moving in the
13 right direction to make sure everything is satisfied, and we can
14 make the decision on this on the 12th.

15 All right. Anything else on the agenda, Ms. Schellin?

16 MS. SCHELLIN: No, sir. That's it.

17 CHAIRPERSON HOOD: All right. Do -- we don't have a
18 status report or anything?

19 MS. SCHELLIN: Oh, I'm sorry. Ms. Steingasser was
20 going to give an update regarding a case that I think they had
21 originally thought they would bring for setdown. So she's going
22 to update you on -- on something.

23 MS. STEINGASSER: Chairman Hood, Commissioners --

24 CHAIRPERSON HOOD: Ms. Steingasser?

25 MS. STEINGASSER: Thank you. This is regarding Case

1 21-23 and 21-24. They were cases filed by the Office of Attorney
2 General, one of which was proposing to deepen the requirements
3 for inclusionary zoning, and the other was to apply, basically
4 the new modified inclusionary zoning program to the downtown.

5 The Commission had asked that the petitioner submit an
6 economic impact analysis and that OP have an opportunity to review
7 that analysis as part of our report back to the Commission. There
8 was no additional information provided, no impact analysis by the
9 -- petitioners supplied no financial modeling. So OP was not
10 able to review that and provide any direction to you. So we will
11 be bringing back to you, at the first meeting in May, a proposal
12 as we continue to look at this issue. And we'll be getting back
13 to you. But we had -- the Commission had originally asked OP to
14 file our response and analysis for today's meeting. And so, that
15 report is not in front of you, and I just wanted to explain why.

16 CHAIRPERSON HOOD: So I believe, if I'm not mistaken,
17 Ms. Steingasser, we asked the petitioner to file us their analysis
18 so that when you did your analysis, we could see where they were
19 coming from. Is that -- because I specifically remember asking
20 them to file it.

21 Do we know, Ms. Schellin, why they have not filed an
22 analysis?

23 MS. SCHELLIN: They were contacted and asked to do so
24 by email, but they have not done so. I do not know why they
25 haven't. So, I don't know. Maybe they've decided not to move

1 forward. I don't know.

2 CHAIRPERSON HOOD: Okay, well, we take -- since -- so
3 we will -- Office of Attorney General is not going to be filing
4 anything on this. They have chosen not to file, not to adhere
5 to what we've asked them to do. So in that case, we will deal
6 with the Office of Planning's analysis and move forward and govern
7 ourselves accordingly.

8 Any objections Commissioners?

9 (No audible response.)

10 CHAIRPERSON HOOD: Okay. So I will not be looking for
11 an analysis from the Office of Attorney General. They did not
12 meet our deadline, so we will move on with what we have from the
13 Office of Planning. Thank --

14 MS. SCHELLIN: If the petitioner doesn't move forward,
15 because they are the petitioner, is it possible that they've
16 decided not to move forward with their case, or is the Commission
17 going to take the case over?

18 CHAIRPERSON HOOD: Whatever --

19 MS. SCHELLIN: Or you --

20 CHAIRPERSON HOOD: No. no, no. I think -- whatever
21 we asked. I can't remember. I just remember, since they sent
22 the two text amendments, I think we were -- we are interested,
23 because some of those are some ideas that we had, actually two
24 years ago.

25 MS. SCHELLIN: Uh-huh.

1 CHAIRPERSON HOOD: So some of this is not new. So the
2 idea is just move from us doing them to somebody else taking --
3 I guess taking ownership or trying to take ownership. But at
4 the end of the day, it's about the residents of the city. All
5 these little side things that are going on, I think are irrelevant
6 to me, because it's about the residents in this city. That's
7 where I want to get to, as I stated previously, to the people in
8 the most need, or whatever we're trying to do to help people.
9 That's what this is all about. The fun and games are over.

10 MS. SCHELLIN: Okay.

11 CHAIRPERSON HOOD: So let's proceed and help the
12 residents and stop submitting things late. Let's stop planning
13 antagonistic things. Because I hear from the community as well.
14 I get emails from the community about certain things that people
15 are doing out there. So let's govern ourselves accordingly. All
16 of us are grown. And I'll leave it at that.

17 MS. SCHELLIN: I can -- I'll be glad to send them
18 another email asking them to provide their analysis.

19 CHAIRPERSON HOOD: And could you give them a date so
20 we can move forward?

21 MS. SCHELLIN: Yes.

22 CHAIRPERSON HOOD: Okay.

23 MS. SCHELLIN: Yes.

24 CHAIRPERSON HOOD: Again, this is nothing new. This
25 is something all of us have -- probably a lot of thinking that

1 my colleagues have had and myself. So let's just help the
2 residents. That's what we need to be doing.

3 MS. SCHELLIN: If the Commission would prefer OP to
4 bring this to the second meeting in May, then we could work it
5 that way so OP would have an opportunity to review that analysis.

6 CHAIRPERSON HOOD: Okay. When is the second meeting
7 in May?

8 MS. SCHELLIN: The 26th, four weeks, as opposed to two.

9 MS. STEINGASSER: We would not be able to get that kind
10 of analysis done in that time frame, because we would need to
11 file 10 days prior to the meeting. So we would have to file on
12 the 16th, and we would need time to, you know, do the work and
13 review the work. So we'll --

14 VICE CHAIR MILLER: Well, what were you going to provide
15 on the 12th though? You said you were going to provide some kind
16 of a response.

17 MS. STEINGASSER: Right. We're going to be providing
18 a response and thoughts about how to proceed.

19 VICE CHAIR MILLER: Well, I -- I'd like to keep to that
20 schedule, regardless of whatever OP -- whatever OAG submits. I
21 hope they do submit economic analysis as you and -- you've
22 requested, Mr. Chairman, but I would like to -- this issue to be
23 before us on the 12th with OP's recommendations or suggestions
24 or options, one way or the other.

25 MS. SCHELLIN: Okay. Without an economic analysis.

1 VICE CHAIR MILLER: If it has it or it doesn't.

2 MS. SCHELLIN: Okay.

3 CHAIRPERSON HOOD: Okay. But if they -- here's the
4 thing. If they still going to do it, maybe they forgot. I'm
5 going to give them the benefit of the doubt.

6 MS. SCHELLIN: They know --

7 CHAIRPERSON HOOD: If they still want to do it, they
8 can submit it.

9 MS. SCHELLIN: Then OP --

10 CHAIRPERSON HOOD: And not the day before, not the hour
11 before, but a couple of days or a while -- maybe the next five
12 days. Let's see if they can submit in the next five days.

13 MS. SCHELLIN: Yeah. Okay.

14 CHAIRPERSON HOOD: We've actually spent enough time on
15 that for me, you know, so.

16 Ms. Schellin, I think we'll leave it up to you --

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: -- and then our staff to work all
19 that out again. But I want to extend the opportunity to OAG to
20 file the analysis, what we asked for a couple of months ago, and
21 we'll go from there.

22 MS. SCHELLIN: Okay.

23 CHAIRPERSON HOOD: All right. So we don't need to do
24 anything on this.

25 Anything else, Ms. Steingasser?

1 MS. STEINGASSER: (No audible response.)

2 CHAIRPERSON HOOD: Okay. So with that, the Zoning
3 Commission will meet --

4 MS. STEINGASSER: No, sir.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Let me see when we're gonna meet again.

7 MS. SCHELLIN: Thursday.

8 CHAIRPERSON HOOD: Oh, that's May the 5th, right?

9 MS. SCHELLIN: Uh-huh.

10 CHAIRPERSON HOOD: Okay. The Zoning Commission will
11 meet again, May the 5th, and that case is going to be Dance Loft
12 Ventures, LLC, on May the 5th, on these same platforms at
13 4:00 p.m.

14 So with that, I want to thank everyone for their
15 participation, and have a great weekend.

16 MS. SCHELLIN: Thank you.

17 CHAIRPERSON HOOD: This meeting is adjourned.

18 (Whereupon the above-entitled matter went off the
19 record at 4:47 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 Meeting

Before: DCZC

Date: 04-28-2022

Place: Video conference

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

GARY EUELL