

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC MEETING

+ + + + +

THURSDAY

JUNE 30, 2022

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

Brandice Elliott, Development Review Specialist  
Crystal Myers, Development Review Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE  
DENNIS LIU, ESQUIRE  
JACOB RITTING, ESQUIRE

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The transcript constitutes the minutes from the  
Public Meeting held on June 30, 2022

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

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and  
4 gentlemen. We are convening and broadcasting this public meeting  
5 by videoconferencing. My name is Anthony Hood. Joining me this  
6 afternoon are Commissioner Miller and Commissioner Imamura.  
7 We're also joined by the Office of Zoning staff, Ms. Sharon  
8 Schellin as well as our Office of Zoning Legal Division. I  
9 believe we have Mr. Dennis Liu as well as Ms. Lovick and Mr.  
10 Ritting.

11 Copies of today's meeting agenda are available on the  
12 Office of Zoning's website. Please be advised that this  
13 proceeding is being recorded by a court reporter, and is also  
14 webcast live, Webex and YouTube Live. The video will be available  
15 on the Office of Zoning's website after the meeting. Accordingly,  
16 all those listening on Webex or by phone will be muted during  
17 this meeting, unless the Commission suggests you to come forward.

18 For hearing action items, the only documents before us  
19 this evening are the application, the ANC setdown and the Office  
20 of Planning Report. All other documents will be -- in the record  
21 will be reviewed at the time of the hearing. Again, we do not  
22 take any public testimony at our meetings, unless the Commission  
23 requests someone to come forward.

24 Also, again, today's date is June the 30th, 2022, this  
25 is the virtual public meeting via Webex, the 1,556th meeting of

1 the Zoning Commission, 10th of the 2022 -- 10th of the year 2022.  
2 Again, we do not take any public testimony at our meetings, unless  
3 the Commission requests someone to speak.

4 If you experience difficulty accessing Webex or with  
5 your phone call-in, then please call our OZ hotline number at  
6 202-727-0789 for Webex or login -- call-in instructions.

7 So with that, I will turn it over to Ms. Schellin with  
8 our agenda, and let's get started on the -- what is it now? So  
9 I'm not going to turn it over to Ms. Schellin. I'm going to call  
10 the first case.

11 On the consent calendar, modification of consequences,  
12 we have a determination of scheduling possibly, Zoning Commission  
13 case number 86-04A.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. For this case, the Applicant  
16 has requested a modification to demolish and replace a portion  
17 of the below-grade parking to -- below-grade parking garage,  
18 rather, to construct a below-grade gym for the school that has  
19 occupied the building since 2008. At Exhibit 5, you have an  
20 ANC 3B report in support. At Exhibit 5A, you have an ANC 2E  
21 report, also in support. And then at Exhibit 6, you have an OP  
22 report that agrees this is, in fact, a modification of consequence  
23 and recommends approval of the request.

24 The ANCs were the only parties to the case. So if the  
25 Commission finds the case is, in fact, a modification of

1 consequence and decides to move forward, it may do so and agree  
2 -- if it agrees to the changes to Order No. 495. And it could  
3 then proceed with final action. Thank you.

4 CHAIRPERSON HOOD: Thank you, Ms. Schellin.  
5 Ms. Schellin has teed it up, I think, fine for us. We're looking  
6 at reducing the existing 419 onsite parking spaces. I think it's  
7 going to a minimum of only 272 parking spaces, which is required.  
8 But I think that they want to reduce to approximately 306 onsite  
9 parking spaces, due to the new gymnasium and some other  
10 modifications as requested. And -- short -- that being short,  
11 let me just -- short analysis, let me just ask, does anyone see  
12 this coming off of the modification of consequence agenda as an  
13 agendized item? Any objections to it being a modification of  
14 consequence?

15 (No audible response.)

16 Okay. No objections. I think, from what the record  
17 and what we've been informed of the record and the merits of this  
18 case, we have everything we have. As mentioned, the ANCs have  
19 weighed in, both ANC 3B, 2E, and I think those were the only  
20 parties. And I think it's ready for our decision-making on this  
21 modification of consequence. So with that, let me open it up to  
22 my colleagues and see if you have any questions or comments or  
23 anything to add, other than the requested from us.

24 Vice-Chair Miller? I mean, I'm sorry. Commissioner  
25 Imamura?

1                   COMMISSIONER IMAMURA: It's a question of balance,  
2 Mr. Chairman. Let's proceed forward.

3                   CHAIRPERSON HOOD: Okay.

4                   And Vice Chair Miller?

5                   VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I  
6 support this modification of consequence, as does the Office of  
7 Planning and the two affected ANCs, 3B and 2E, and I think we'll  
8 be getting other cases related to this site in the future, where  
9 we can go into more questions about what's being developed on the  
10 vacant office building there -- next -- nearby. But this is, I  
11 think, appropriately a modification of consequence.

12                  Changing -- taking out some of the parking, which  
13 is -- was over parked to begin with, still is over parked, I  
14 think, under the new regulations. But to replace it with a gym  
15 for the school -- British International School, that's there.  
16 It's an ancillary use to the existing use, which is the school.  
17 So I'm very supportive of this going forward.

18                  CHAIRPERSON HOOD: Okay. Thank you. I am too  
19 supportive. It looks like it has all of the -- both ANC support  
20 as well as the requests. And what I will do is leave room for  
21 the Office of Zoning Legal Division to -- for legal sufficiency  
22 to tighten up any loose clauses. But I think for the overall  
23 perspective, I would, in turn, move that we approve on the  
24 modification of consequence, Zoning Commission Case No. 86-04A,  
25 and ask for a second.

1                   COMMISSIONER IMAMURA: Second.

2                   CHAIRPERSON HOOD: Okay. It's been moved and properly  
3 second. Any further discussion. All in favor? I mean, no.

4                   Ms. Schellin, would you do a roll call vote, please?

5                   MS. SCHELLIN: Commissioner Hood?

6                   CHAIRPERSON HOOD : Yes.

7                   MS. SCHELLIN: Commissioner Imamura.

8                   COMMISSIONER IMAMURA: Yes.

9                   MS. SCHELLIN: Commissioner Miller.

10                  VICE CHAIR MILLER: Yes.

11                  MS. SCHELLIN: The vote is three to zero to two to  
12 approve final action on Zoning Commission Case No. 86-04A. The  
13 minus two being Commissioner May, not present, not voting and the  
14 third mayoral appointee position vacant.

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

16                  Let's move right on with our agenda. We're going down  
17 to hearing action, which is Zoning Commission Case No. 22-17.  
18 This is the Wisco Wally, LLC map amendment at Square 1918. And  
19 we're going to go to Ms. Elliott.

20                  MS. ELLIOTT: Thank you, Chairman Hood. And good  
21 afternoon, Chair Hood and members of the Commission. I'm  
22 Brandice Elliott, representing the Office of Planning for Zoning  
23 Commission Case 22-17.

24                  This is a map amendment request for the property  
25 located on Wisconsin Avenue between Ordway Street to the north

1 and Norton Place in the south, in the Cleveland Park neighborhood.  
2 It's about a mile west from Cleveland Park Metro Station and one  
3 mile south from the Tenleytown AU Metro Station.

4 The Office of Planning recommends set down of this  
5 application for a map amendment for the property specifically  
6 located at 3615 Norton Place, Northwest, 3427 Wisconsin Avenue  
7 Northwest, and 3433 Wisconsin Avenue, Northwest. These are lots  
8 20 and 27 in Square 1913. The Applicant proposes to rezone  
9 approximately 15,320 square feet of land area from RA-1 to RA-2.  
10 This slide shows the proposed boundary of the map amendment.

11 Since OP's report was filed, the Applicant has provided  
12 some clarification that only a portion of the site is proposed  
13 to be rezoned. So this actually reduces the area from 20,870  
14 square feet to 15,320 square feet. So you can see on the slide,  
15 there are two different outlines.

16 In our report, we had provided an analysis for both  
17 areas that are outlined on the map. The Applicant has clarified  
18 that it's only the red portion that would be rezoned. The portion  
19 that is outlined in the blue-purple color would continue to be  
20 zoned RA-1. And it's not proposed to be rezoned with this case.

21 Mr. Young, next slide, please.

22 The Future Land Use Map indicates that the property is  
23 generally appropriate for moderate density residential. The  
24 proposed map amendment would not be inconsistent with this  
25 designation. The map amendment was reviewed through a racial

1 equity lens as part of the Comprehensive Plan consistency  
2 analysis, and the prevailing low-density residential zoning in  
3 this planning area limits 77 percent of the land to only  
4 single-family housing. So this property offers opportunities to  
5 increase housing, affordable housing, and to offer different  
6 types of housing that is located within a mile of two Metro  
7 stations and along a priority transit corridor.

8 Additionally, this map amendment has the potential to  
9 create more affordable housing through the IZ Plus set-aside  
10 requirement, because it is likely that the RA-2 zone would require  
11 a 20 percent set-aside requirement. The potential affordable  
12 housing units that could be created under the requested RA-2 zone  
13 is higher than if the property was not rezoned. Allowing for  
14 this affordable housing has the potential to benefit non-white  
15 populations, who, on average, have lower incomes than white  
16 residents. And this last point is significant because the  
17 planning area is predominantly white.

18 In considering the Commission's racial equity tool, the  
19 requested zoning action would result in the opportunity for  
20 additional housing along a commercial corridor in a neighborhood  
21 conservation area. And the philosophy in a neighborhood  
22 conservation area is to conserve and enhance established  
23 neighborhoods, but not preclude development, particularly to  
24 address citywide housing needs.

25 The requested RA-2 zone, paired with IZ Plus, is

1 consistent with the density, as guided by the Future Land Use Map  
2 and Comprehensive Plan policies that call for more levels of  
3 affordable housing to be accommodated in neighborhood  
4 conservation areas with access to opportunities, services, and  
5 amenities.

6 Next slide, please.

7 The Generalized Policy Map indicates that the  
8 properties are designated as a neighborhood conservation area,  
9 as I previously mentioned. The proposed map amendment would not  
10 be inconsistent with this designation, as it would conserve and  
11 enhance the surrounding neighborhood, while allowing new  
12 development to address housing needs. The properties are also  
13 located in a future planning analysis area, which requires for a  
14 future study that evaluates infrastructure and utility capacity,  
15 projected population, employment growth, and other issues that  
16 concern the community.

17 As provided in OP's report, the implementation element  
18 of the Comprehensive Plan allows exceptions to this, including  
19 when the rezoning proposal would have been consistent with the  
20 2012 Future Land Use Map. And in this case, the Future Land Use  
21 Map designation didn't change, so the RA-2 zone is consistent  
22 with both maps. Additionally, there are no plans to conduct a  
23 planning study in this block.

24 Next slide, please.

25 IZ Plus would be appropriate to apply to this map

1 amendment. The District's 2019 Housing Equity Report states that  
2 the Rock Creek West planning area had less than 1 percent of the  
3 District's total number of affordable housing units in 2018, and  
4 that it needs to produce 1,990 affordable units by 2025 to meet  
5 the affordable housing goals for the area. Since map amendment  
6 applications only consider consistency with the Comprehensive  
7 Plan and on the specific development proposal, OP did provide a  
8 couple of examples in its report to demonstrate what IZ Plus may  
9 require.

10                   And the examples on this slide show the number of IZ  
11 dwelling units that would be provided when bonus density is used  
12 to calculate the IZ requirement and when bonus density is not  
13 used to calculate IZ. In this case, the -- these tables were  
14 calculated using the larger land area in OP's report. So I did  
15 revise them, just in time for this meeting, so that they have  
16 been adjusted for the land area. And it's a smaller land area  
17 of over -- just over 15,000 square feet that's calculated for  
18 these. And it does show that in either case, there is an increase  
19 of dwelling units. So this concludes OP's presentation, and I'm  
20 happy to answer any questions you have.

21                   CHAIRPERSON HOOD: Thank you, Ms. Elliott, for your  
22 report. And I really appreciate the straight, to the point  
23 report. I like the way that was presented.

24                   MS. ELLIOTT: Thank you.

25                   CHAIRPERSON HOOD: Let me just open it up and see if

1 we have any questions or comments. I don't have any. Others  
2 may. Let me go to Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. As  
4 always, thank you for your thorough report, and I always  
5 appreciate the IZ bonus examples --

6 CHAIRPERSON HOOD: Commissioner Imamura, let me ask  
7 others. Hold on one second.

8 Does he sound muffled to everybody, or is it just me?  
9 Okay. I be thinking it just be my equipment.  
10 It sounded kind of muffled. I don't know if you need to turn  
11 your sound up, or move closer or what.

12 COMMISSIONER IMAMURA: How about I drop off, Mr.  
13 Chairman, and join back in?

14 CHAIRPERSON HOOD: You're chopping up, so.

15 COMMISSIONER IMAMURA: All right. Let me drop off --

16 MS. SCHELLIN: Yeah, he's been that way the whole time,  
17 actually. I don't know if it's a bad connection or --

18 CHAIRPERSON HOOD: You want to log off and come back?

19 COMMISSIONER IMAMURA: Yes, sir.

20 CHAIRPERSON HOOD: Okay. Let's wait a moment for him  
21 to come back. Let's take a three-minute break.

22 MS. SCHELLIN: Okay.

23 CHAIRPERSON HOOD: Exactly. You sound better.

24 COMMISSIONER IMAMURA: All right. Thank you, sir.

25 CHAIRPERSON HOOD: Now, I saved -- now, I saved three

1 minutes. We'll see if anybody -- is there -- every -- okay, so  
2 we're good. We have a quorum.

3 Ms. Schellin? Ms. Schellin, you still there?

4 MS. SCHELLIN: I am. I just have my video off.

5 CHAIRPERSON HOOD: Okay. Okay. All right. So we can  
6 continue. Sorry about the three minutes. We'll just reclaim  
7 back the two minutes.

8 All right. So go right ahead, Commissioner Imamura.

9 COMMISSIONER IMAMURA: All right. Thank you,  
10 Mr. Chairman. Thank you, everybody, for your forbearance. Thank  
11 you, Ms. Elliott, for your forbearance. I also wanted to thank  
12 you for your thorough report. I always appreciate the IZ bonus  
13 examples that you provide in your report.

14 I only --- I just have one question. So I understand  
15 what you said about the map, that not the entire site will be  
16 rezoned as RA-2, but only a portion of it. That one detached  
17 home on the site that faces Ordway Street will be -- still remain  
18 in RA-1 zone. And do I understand it correctly that second  
19 detached home that's going to face (indiscernible) Street will  
20 then also be in the RA-2 zone?

21 MS. ELLIOTT: Sorry. I didn't mean to disappear.

22 Yes. The -- this case actually originated a little  
23 differently. It came to us as a BZA case. And the Applicant  
24 had proposed to incorporate that existing historic home into  
25 a -- an apartment house development. And so, I believe that that

1 is still the intent, but now it would be allowed to have more  
2 density and height. That -- the house that is facing Wisconsin  
3 would be incorporated into a larger development.

4 COMMISSIONER IMAMURA: Okay.

5 MS. ELLIOTT: And it does require Historic Preservation  
6 review.

7 COMMISSIONER IMAMURA: Appreciate the reminder for  
8 that. That does give me some level of comfort there. All right.  
9 Those are all the questions that I had. Thank you, Ms. Elliott.

10 Thank you, Mr. Chairman.

11 MS. ELLIOTT: Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you. Vice Chair Miller?  
13 You're on mute, Vice Chair Miller.

14 VICE CHAIR MILLER: Sorry about that. Thank you,  
15 Mr. Chairman.

16 And thank you, Ms. Elliott, for your report and setdown  
17 recommendation.

18 So I am supportive of setting this down for a public  
19 hearing. And the two -- so the two scenarios that you  
20 provided -- I realize this is a map amendment and not a  
21 project-based PUD or other type of project-based development that  
22 we would be -- that we're considering at this point. But you  
23 have -- provide the scenarios of where -- what -- because IZ Plus  
24 will apply. You're recommending that IZ Plus apply, which I  
25 support strongly for this neighborhood, for the Ward, for the

1 entire City almost so. The -- so now, it's a slightly reduced  
2 from the original application, as you stated. And I think you  
3 had said six or seven IZ Plus units are possible under the couple  
4 of scenarios that you laid out in your report and testimony here  
5 today.

6 So that means that it's -- we're talking about  
7 a -- under those scenarios, a 30 or 30 -- since you're saying  
8 it's the IZ Plus, you expected the 20 percent -- it to reach  
9 almost the 20 percent that's required under IZ Plus for affordable  
10 housing. So that you're talking about a 30- to 35-unit apartment  
11 building that's contemplated for this site, even though there  
12 isn't a particular project before us. But that -- is that  
13 what's -- are -- is that -- are you aware if that's what's in  
14 the works, in terms of this site?

15 MS. ELLIOTT: I'm actually not sure how many units are  
16 contemplated at this point. I think that we could certainly have  
17 the Applicant address that during the public hearing. The  
18 scenarios that we provided are, you know, estimates. They're  
19 based on FAR and those units having an approximate size of a  
20 thousand square feet. So the outcome, you know, there are lots  
21 of possibilities, just depending on the sizes of the units that  
22 the Applicant chooses to provide. So obviously, if they're  
23 studios, you end up with a lot more than you would if say they  
24 were three-bedroom units, and I'm just not sure where they are  
25 at this point.

1                   VICE CHAIR MILLER: And you said that this -- this is  
2 in the Cleveland Park Historic District. It's in my -- it's  
3 actually in my neighborhood. I'm just a few blocks away. But I  
4 have no particular interest, other than the public interest in  
5 what's happening on that site. But I'm -- and you said they'll  
6 have to go through Historic Preservation review. And I am aware,  
7 because it's my neighborhood, that there are at least two other  
8 houses along Wisconsin Avenue that have been reoriented recently  
9 a couple blocks away in order to accommodate higher density  
10 apartment buildings along Wisconsin Avenue, re-orienting the  
11 apartment buildings toward the residential side streets, Macomb,  
12 in one case, that's currently under construction.

13                   So I'm very supportive. And I'm glad whatever role the  
14 Office of Planning has played in coming up with this solution to  
15 accommodate higher density housing along Wisconsin Avenue and  
16 moving the single-family houses that are there -- if -- where  
17 they -- where there's space that accommodates it to, to the  
18 residential streets. I think that's a good solution. I know  
19 that there were previous proposals for one of the cases that I  
20 cited to move it somewhere else entirely. But this seems to be  
21 a good path forward. So what is the status of the HPR -- the HP  
22 review? Has that -- has it gone through any HP review? I think  
23 it has.

24                   MS. ELLIOTT: They had gone through HP review for the  
25 previous design, which allowed less density, less height, because

1 it's in the RA-1 zone currently. I am not sure -- I'm not sure  
2 where they are in the process with -- I don't think they can move  
3 forward with a -- the project that they want until the property  
4 has been rezoned. So it -- I'm not sure that they've been able  
5 to start a new HP process, but I'm, you know, certainly happy to  
6 get that information for you.

7 VICE CHAIR MILLER: Yeah. At the time of the hearing,  
8 I mean --

9 MS. ELLIOTT: Yeah.

10 VICE CHAIR MILLER: -- the -- we'll -- and maybe they  
11 will have proceeded further along by the time the hearing. And  
12 the BZA case that you cited, I wasn't on that. I don't know if  
13 my other two colleagues here were on that case. I don't think  
14 we -- I don't know. But --

15 MS. ELLIOTT: Actually, it never went to a public  
16 hearing. They --

17 VICE CHAIR MILLER: Oh, it never got to a public  
18 hearing.

19 MS. ELLIOTT: Yeah, they withdrew it before. They  
20 withdrew it after submitting for this rezoning.

21 VICE CHAIR MILLER: And just out of curiosity, what was  
22 the -- what was it for? What -- it was a variance or?

23 MS. ELLIOTT: It was a special exception. Because this  
24 property is zoned RA-1, they require --

25 VICE CHAIR MILLER: RA-1 requires --

1 MS. ELLIOTT: -- for a new apartment house in the RA-1  
2 zone.

3 VICE CHAIR MILLER: Okay. Thank you. Well, I'm very  
4 supportive of this going forward. And I appreciate your report  
5 today. Thank you.

6 MS. ELLIOTT: Thank you.

7 CHAIRPERSON HOOD: I don't have any -- as I said  
8 earlier, I don't have any questions. I will be supporting this  
9 setdown as well. Any follow up questions?

10 (No audible response.)

11 Not seeing any.

12 All right. Thank you, Ms. Elliott.

13 MS. ELLIOTT: Thank you.

14 CHAIRPERSON HOOD: Vice Chair, since you're very  
15 supportive, would you like to be supportive and make the motion?

16 VICE CHAIR MILLER: Sure. I would move that the Zoning  
17 Commission set down for a public hearing Case No. 22-17, an  
18 application to rezone from RA-1 to RA-2, lots 8, 9, and 20. Well,  
19 I'm not sure that all those lots are still in that. Maybe I  
20 shouldn't say that. For lots in Square 1913, located along Norton  
21 Place and Wisconsin Avenue from RA-1 to RA-2 and ask for a second.

22 COMMISSIONER IMAMURA: Second.

23 CHAIRPERSON HOOD: Okay. It's been moved and properly  
24 second. I see -- before I carry this motion, I see Ms. Lovick  
25 has turned her light, I mean her camera on.

1                   So Ms. Lovick?

2                   MS. LOVICK: Yeah. I just wanted to clarify that  
3 there's nothing in the record to reflect the fact that the  
4 application is being amended from approximately 20,000 square  
5 feet to 15,000 square feet. So you should just note and request  
6 that something be submitted to the record to reflect what's  
7 changing by the Applicant.

8                   CHAIRPERSON HOOD: Okay.

9                   MS. LOVICK: Okay.

10                  CHAIRPERSON HOOD: We have been flagged; I think. I  
11 don't know why I thought this was another case. But in this  
12 case, 22-17, as Ms. Lovick has mentioned, there's nothing posed  
13 rezoning down from approximately 20,000 square feet to 15,000  
14 square feet. So, as Ms. Lovick has already mentioned, the  
15 Applicant needs to reflect a change to that proposal to us. And  
16 I think they could do it at the hearing.

17                  Correct, Ms. Lovick?

18                  MS. LOVICK: No, we can just submit an amendment to the  
19 application to the record. And you can go ahead. I mean, you  
20 already moved forward with taking action to set it down. And  
21 it's fine to, you know, to have reflected the lots that are, you  
22 know, that are the lots that are the current application. But  
23 what you did was fine.

24                  CHAIRPERSON HOOD: Okay.

25                  MS. LOVICK: All right. Thank you.

1 CHAIRPERSON HOOD: All right. So thank you. Thank  
2 you. Thank you for flagging us and making sure we keep it  
3 straight so. So with that caveat, it's been moved and properly  
4 second, and I hope the Applicant has heard.

5 If not, Ms. Schellin, we can follow up, and make sure  
6 that they know that that's what needs to be done with the  
7 amendment.

8 Any further discussion?

9 (No audible response.)

10 Not hearing any, Ms. Schellin, could you do a roll call  
11 vote, please?

12 MS. SCHELLIN: Yes.

13 Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Imamura?

16 COMMISSIONER IMAMURA: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: The vote is three to zero to two to set  
20 down Zoning Commission Case No. 22-17 as a contested case. The  
21 minus two being Commissioner May not present, not voting, and the  
22 third mayoral appointee position vacant.

23 CHAIRPERSON HOOD: Okay. Let's move right along. I  
24 think this is our last case. We've had a long, arduous meeting.  
25 I shouldn't say that. I'll probably pay for that later. Okay.

1 So Zoning Commission Case No. 22-21.

2 Let's go to Ms. Myers.

3 MS. MYERS: Sorry. I put the mute on. So good  
4 afternoon, Commissioners. The Office of Planning recommends set  
5 down of Case 22-21, which is a consolidated PUD and related map  
6 amendment at 2225 and 2229 M Street, Northeast.

7 The proposal would rezone the site from RA-2 to RA-4  
8 and build a 120-unit affordable senior housing building. All the  
9 units would be restricted to residents 55 and older, who have an  
10 income between 30 percent and 80 percent of the median family  
11 income. The building would be 87.5 feet tall and have a 4.99  
12 FAR.

13 Next slide, please.

14 The site is composed of lots 36 and 39 in Square 4465.  
15 It sits between a condominium complex to the west and  
16 federally-owned opened space to the east. The National Arboretum  
17 is immediately north of the site, and the surrounding area is  
18 composed of multiple dwelling buildings.

19 Next slide, please.

20 This PUD is not inconsistent with the Comprehensive  
21 Plan maps. The site is designated for medium-density residential  
22 development on the Future Land Use Map and for neighborhood  
23 conservation on the General Policy Map. The PUD is not  
24 inconsistent with either of these designations. The proposed  
25 RA-4 zone would be more consistent with the future land use

1 designation than the existing RA-2 zone, which is for moderate  
2 density residential development.

3 When evaluated through a racial equity lens, the  
4 proposal would not be inconsistent with the Comprehensive Plan.  
5 The site is within the Upper Northeast planning area. The area  
6 has a majority black population and a median income that is lower  
7 than the Districtwide average.

8 The Commission's racial equity tool serves as a guide  
9 to considering potential impacts. The tool starts by asking,  
10 "What is the expected goal of the zoning action?" In this case,  
11 the expected goal is to have 100 -- 120 affordable senior housing  
12 units for incomes between 30 percent and 80 percent median family  
13 income. These units would allow more of the Upper Northeast  
14 senior residents, many of whom are black and living on a lower  
15 income, to remain in the area and age in place. It would also  
16 allow senior residents from other parts of the District to remain  
17 in the District.

18 OP is generally supportive of the proposal, but will  
19 need more information about the requested parking relief, the  
20 streetscape plans, and the project inclusionary zoning set-aside  
21 if the building is no longer all-affordable in the future. And  
22 with that, I will conclude my testimony, and I am happy to take  
23 questions. Thank you.

24 CHAIRPERSON HOOD: Again, I want to thank the Office  
25 of Planning for just pointing the issues out like they are, as

1 Ms. Myers has just mentioned, "most of whom are black". Let's  
2 call it like it is. I like that. That's the reality of it.  
3 That's what we're expected to deal with. Let's get comfortable  
4 with it, because that's -- I'm going to follow their lead. I  
5 try to be correct in my speech, but I'm not. And I appreciate  
6 them bringing that, because that's where it really it falls on.  
7 And I think that's what the residents in this City, especially  
8 those who are being disadvantaged, that's where they are, and  
9 that's where we need to go. And we need to be right there working  
10 together to up the work they're doing.

11 So thank you, Ms. Myers, and also the Office of  
12 Planning of you all just calling it like you see it. I like  
13 that. That's right down my alley.

14 Okay. So I do want to mention that the ANC setdown  
15 report has some issues. And I would ask the Applicant --  
16 Ms. Myers, I'm not asking you, but I would ask the Applicant to  
17 come, unless we don't set it down, to come prepared to speak  
18 about those issues that the ANC has mentioned in their setdown  
19 report, either how they're going to adopt them, how they're going  
20 to mitigate them, or their analysis on those concerns in the  
21 ANC's setdown report. So with that, let me open it up for any  
22 questions or comments.

23 I don't have any questions for you, Ms. Myers. Again,  
24 thank you for your report.

25 But let's go to Commissioner Imamura.

1                   COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

2                   Ms. Myers, as always, thank you for your report. This  
3 seems like a laudable project. I do have one question. So we  
4 know that FAR 4.0, is allowed, but the project -- the proposed  
5 project you list 4.99. So I wanted to ask, in your opinion, you  
6 know, why you think this might be a good project, and why the  
7 greater density is warranted.

8                   MS. MYERS: Well, the greater density, if the PUD is  
9 approved, is allowed to go up to that level and warranted, because  
10 it would, you know, if we -- if this project does achieve the  
11 public amenities, if we are able to get to resolution on all of  
12 that, then it would provide significant public benefits. As I  
13 noted, it's an all-affordable senior housing building, and that  
14 is a noted benefit that the District would like to see. Older  
15 folks or seniors are considered a vulnerable population, and this  
16 would be a building that would be completely dedicated to housing  
17 this population of District residents.

18                   COMMISSIONER IMAMURA: Appreciate that answer, and  
19 wanted that on the record, so thank you. I also wanted to just  
20 ask and make sure that OP holds -- I think in your report you  
21 mentioned that, you know, the site is really not walkable distance  
22 to retail and personal services and such. And so, if you could  
23 just continue to work with the Applicant to see if they could  
24 provide an explanation on how they believe the residents would,  
25 you know, get around and do their errands and regular day-to-day

1 and their general needs. So just if OP could continue to hold  
2 the Applicant accountable to figure that issue out.

3 With that, Mr. Chairman, I yield back.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 Let's go to Vice Chair Miller. Any questions or  
6 comments?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman and  
8 Commissioner Imamura for your comments with -- all of which I  
9 agree with. And thanking Ms. Myers for your setdown report and  
10 recommendation, which -- with which I agree as well.

11 Yeah, so I think, as the Chairman mentioned, the ANC's  
12 concerns need to be -- are about height, about  
13 transportation -- well all of their -- all of the concerns that  
14 are in the report, I think, need to be fully addressed by the  
15 Applicant at the hearing. And I look forward to that.

16 As well as I think you've asked -- Office of Planning  
17 asked for a number of things, including the -- this is a very  
18 laudable project, all-affordable senior housing. I don't know  
19 if we have the affordability levels at this stage, but we would  
20 want all of that information, obviously. And we had -- I think  
21 we have something in the record that it's 40 -- that under the  
22 financing that they have, it's 40-year -- it's a 40-year  
23 commitment to that all-affordable senior housing. But they would  
24 have to set aside at least the minimum number of inclusionary  
25 zoning that would be required in the site for -- in perpetuity.

1 So we need further information on that commitment.

2 And I think there's a commitment, or I thought I saw  
3 somewhere a commitment to provide more than what the minimum IZ  
4 would require, in terms of in perpetuity. So look forward to  
5 all of that information and seeing this project move forward.  
6 Thank you.

7 CHAIRPERSON HOOD: Okay. So with that, if there are  
8 no other questions, thank you, Ms. Myers, for your report.

9 Let's go ahead, and I'll accept a motion to set it  
10 down, if somebody else would like to make that motion? Sounds  
11 like that's what we're going to do.

12 COMMISSIONER IMAMURA: Sure. Mr. Chairman, I'll make  
13 the motion on this that the Zoning Commission set down Case  
14 No. -- sorry, I forgot the number -- Case No. 22-20, 2229 M  
15 Street, LLC, consolidated PUD and related map amendment at Square  
16 4465 and ask for a second.

17 CHAIRPERSON HOOD: Okay. It's been moved. Can I get  
18 a second?

19 VICE CHAIR MILLER: I think the Ward 5 Zoning  
20 Commissioner should make the second.

21 CHAIRPERSON HOOD: Okay. All right. I'll take it,  
22 because I get -- I'll second.

23 VICE CAHIR MILLER: I think it would be the next Ward  
24 3 case.

25 CHAIRPERSON HOOD: All right. I'll second that. It's

1 been moved and properly second. Any further discussion?

2 (No audible response.)

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

5 MS. SCHELLIN: Commissioner Imamura?

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: The vote is three to zero to two to set  
12 down Zoning Commission Case No. 22-21 as a contested case. The  
13 minus two being Commissioner May not present, not voting and the  
14 third mayoral appointee position vacant.

15 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have the  
16 Office of Planning report or anything else this evening?

17 MS. SCHELLIN: I was not advised that they had a report,  
18 so I think we are done for the evening.

19 CHAIRPERSON HOOD: Okay.

20 So let me announce that the Zoning Commission will meet  
21 again on July the 7th. It looks like we have two cases, 19-31  
22 and 22-07. These are Office of Planning text amendments, I  
23 believe. Office of Planning is bringing both to us. We'll be  
24 on these same platforms. Again, that's July 7th at 4 p.m. on  
25 these same platforms.

1                   So I want to thank everyone for their participation in  
2 the meeting. And enjoy your 4th of July holiday, and be safe.  
3 And enjoy it with your family and all. Thank you. Goodnight.

4                   (Whereupon the above-entitled matter went off the  
5 record at 4:39 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 06-30-2022

Place: Teleconference

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

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GARY EUELL