

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

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

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

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

PRELIMINARY MATTERS:
 Anthony Hood 5

CONSENT CALENDAR:
 Case No. 86-04A: Green Harris, LLC
 PUD Modification of Consequence
 @ Square 1299 5

COMMENTS AND QUESTIONS:
 Commissioners 6

VOTE:
 Commissioners 8

HEARING ACTION:
 Case No. 22-17: Wisco Wally, LLC
 Map Amendment @ Square 1913 8

COMMENTS AND QUESTIONS:
 Commissioners 12

VOTE:
 Commissioners 21

HEARING ACTION:
 Case No. 22-21: 2229 M Street, LLC
 Consolidated PUD & Related Map Amendment
 @ Square 4465 21

COMMENTS AND QUESTIONS:
 Commissioners 24

VOTE:
 Commissioners 28

CLOSING REMARKS:
 Anthony Hood 28

ADJOURN:
 Anthony Hood 29

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 meeting by videoconferencing. My name is Anthony Hood. Joining me this afternoon are Commissioner Miller and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin as well as our Office of Zoning Legal Division. I believe we have Mr. Dennis Liu as well as Ms. Lovick and Mr. Ritting.

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, and is 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 this meeting, unless the Commission suggests you to come forward.

For hearing action items, the only documents before us this evening are the application, the ANC setdown and the Office of Planning Report. All other documents will be -- in the record 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 come forward.

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

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

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.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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.

GARY EUELL

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