

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF :
 :
Midici Road : Case No. 21-21
Map Amendment from MU-3 to :
MU-4, 4726 Sheriff Road, NE, :
(Sq. 5154, Lot 905) Ward 7 :
-----:

THURSDAY

June 2, 2022

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The Public Hearing of Case No. 21-21 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

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OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOTT
JENNIFER STEINGASSER

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the Public Hearing held on June 2, 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: Okay. Good afternoon, ladies and
4 gentlemen. Today's date is June 2, 2022. We are convening and
5 broadcasting this public hearing by video conferencing. My name
6 is Anthony Hood and I'm joined by Vice-Chair Miller, Commissioner
7 May, and Commissioner Imamura. We are also joined by the Office
8 of Zoning staff, Ms. Sharon Schellin, our secretary; Mr. Paul
9 Young, who will be handling all of our virtual operations; and
10 our Office of Zoning staff attorney, Mr. Liu -- and Mr. Dennis
11 Liu, I'm sorry. Others will introduce themselves at the
12 appropriate time.

13 The virtual public hearing notice is available on the
14 Office of Zoning's website. This proceeding is being recorded
15 by a court reporter and the platforms used are webcast live,
16 Webex and YouTube live. The video will be available on the Office
17 of Zoning's website after the hearing. All persons planning to
18 testify should have signed up in advance and will be called by
19 name at the appropriate time. At the time of sign up, all
20 participants will complete the oath or affirmation required by
21 Subtitle Z, 408.7. Accordingly, all those listening on Webex or
22 by phone will be muted during the hearing, and only those who
23 have signed up to participate and testify will be unmuted at the
24 appropriate time. When calling, please state your name and home
25 address before providing your testimony. When you are finished

1 speaking, please mute your audio. If you experience difficulty
2 accessing Webex or with your telephone log-in, or have not signed
3 up, then please call our OZ hotline number at 202-727-0789. If
4 you wish to file written testimony or additional supporting
5 documents during the hearing, then please be prepared to describe
6 and discuss it at the time of your testimony.

7 The hearing will be conducted in accordance with
8 provisions of 11-Z, DCMR, Chapter 4 as follows: preliminary
9 matters; the applicant's case. The applicant has up to 60
10 minutes; unless there is something I have missed in this record,
11 I really think we can do it in 15 or less. Then we will have
12 the report of the Office of Planning and Department of
13 Transportation; the report of other government agencies; the
14 report of the ANC. And in this case, that is ANC -- give me one
15 moment, I need a cheat sheet -- ANC 7C. Testimony of
16 organizations five minutes and individuals three minutes. And
17 we were here in the following order: those who are in support,
18 opposition, and undeclared. And then we will have rebuttal and
19 closing by the applicant. Again, the OZ hotline number is 202-
20 727-0789 for any concerns doing this this proceeding.

21 The subject of tonight's case is Zoning Commission Case
22 No. 21-21. It is the Midici Road map amendment -- and hopefully
23 I pronounced that street correctly -- at Square 5154, Lot 905,
24 4726 Sheriff Road, N.E. Again, today's date is June 2nd, 2022.
25 I want to welcome everyone to the hearing.

1 At this time, the Commission will consider any
2 preliminary matters.

3 Does the staff have any preliminary matters?

4 MS. SCHELLIN: Just very quickly, one proffered expert
5 witness, Shane Dettman, who's previously been accepted in
6 planning. If the Commission would just accept him in this case
7 too.

8 CHAIRPERSON HOOD: I think we will put him in the same
9 boat with Steve Sher, as we did years ago. But anyway, yeah, I
10 don't think we have -- any objections? Not seeing any, we will
11 continue that status.

12 MS. SCHELLIN: Okay. Cyrus Freeman and John Oliver
13 from Holland and Knight are the representatives for the
14 applicant. ANC 7C is represented by the Chairperson, Mr. Holmes,
15 who is on for this evening and -- or this afternoon. Brandice
16 Elliott and Ms. Steingasser are available from the Office of
17 Planning. I do not see anybody from DDOT, and this is a map
18 amendment, so that's not unusual. And the applicant has advised
19 that they will probably only need about ten minutes. That's it.

20 CHAIRPERSON HOOD: Well, I think the applicant -- Ms.
21 Schellin, thank you. I think the applicants are being diligent
22 because we have reviewed the record and it looks pretty
23 straightforward.

24 So let's bring everyone up, Mr. Young. And once
25 everyone gets up, we will let Mr. Freeman begin. I don't see

1 Mr. Freeman.

2 MR. YOUNG: For some reason, it's only allowing me to
3 unmute Mr. Freeman.

4 CHAIRPERSON HOOD: It won't let us see Mr. Freeman?

5 MR. YOUNG: It will not.

6 CHAIRPERSON HOOD: Well, I'm actually not going to get
7 mad about that, but let's see if we can get Mr. Freeman up. I
8 think he is presenting. Can you hear us, Mr. Freeman?

9 MR. FREEMAN: I can hear you. Can you hear me?

10 CHAIRPERSON HOOD: Okay. So. Okay. So you didn't
11 hear what I just said about so. Okay. We'll have to deal with
12 that tonight unless anyone objects. I think it is pretty
13 straightforward. So Mr. Freeman, I'll turn it over to you. I
14 don't see anybody. I don't know if my other colleagues are having
15 the same problem. I don't see any anybody. Okay. I see Mr.
16 Dettman. All right. So, Mr. Freeman, you may begin.

17 MR. FREEMAN: Can you hear me?

18 CHAIRPERSON HOOD: Yes, we can hear you.

19 MR. FREEMAN: And I did hear you. So I know you said
20 that you're not able to see me, but I can see you. So that is
21 lucky for me.

22 I'm happy to present our application tonight. We will
23 be brief. I think we can get through our presentation in ten
24 minutes.

25 As you noted, Mr. Chairman, it's a map amendment from

1 MU-3A to MU-4. There were a couple missed typos in some of the
2 materials, but just to reiterate, it's MU-4.

3 As you know, the record indicates, we have full support
4 from the Office of Planning at Exhibits 4 and 19. Our
5 presentation slides, which is Exhibit 23, goes through all of how
6 we meet the standards for relief. But we will have Mr. Dettman
7 just focus tonight on the racial equity component, because I know
8 that that's been an important part of what the Commission has
9 been looking at in these cases. And again, we have OP support,
10 DDOT support, and individual support, that's at Exhibit 17, the
11 individual; DDOT at 20. The Deanwood Civic Association at Exhibit
12 22. Our clients reached a CBA with them and the support of ANC
13 7C. That's all I really have to say, other than that our record
14 is full and complete. Our one witness -- I typically don't have
15 the applicant talk, but I would like, if you would indulge us,
16 Talayah Jackson is on the board of Midici Road, so I would like
17 her to spend just like two minutes tops, just quickly describing
18 the organization and the applicant. I think that's important for
19 the purposes of the racial equity conversation. And then I'll
20 have Mr. Dettman talk for about five minutes through our slides,
21 very quickly.

22 CHAIRPERSON HOOD: And Mr. Freeman and to the team,
23 just let me just say again, this is a map amendment --

24 MR. FREEMAN: Yes.

25 CHAIRPERSON HOOD: -- on Midici, or however you

1 pronounce the road -- this is map amendment. And typically, we
2 don't talk about a project because things can change. We want
3 to talk more about the consistency of the Comp Plan and why you
4 think this is viable for a map amendment to the MU-4. So I think
5 that would be very helpful to us as opposed to -- I usually say
6 that, but it never happens. So let's see if it happens this
7 time.

8 MR. FREEMAN: We talked to Ms. Jackson and said don't
9 say anything about the project, so.

10 CHAIRPERSON HOOD: Okay, good. Thank you.

11 MR. FREEMAN: So I think, Mr. Young, if you could pull
12 up our presentation, Ms. Jackson would likely be, if my memory
13 serves me correctly, wanting to see slide number 2 and slide 3.
14 This is slide 1. So this is slide 2. Yeah, so Ms. Jackson if -
15 - I can't see her, but hopefully she can be unmuted to speak.

16 MS. JACKSON: Yep, I'm unmuted. Hopefully everybody
17 can hear me. Hi, everyone. My name is Talayah Jackson. I
18 appreciate the opportunity to be here today.

19 So a little bit about Midici Road. It is in Washington,
20 D.C. Community Development Corporation, who really has a mission
21 to eliminate poverty, and we're talking systematically,
22 generational poverty. We do that through four focus areas, as
23 you'll see here, through evaluation and research, through policy,
24 through program design and concept development. And so we're
25 excited today because the project is actually an output of our

1 thought process through the program design work.

2 So next slide, please.

3 And as mentioned, again, the four lenses we look
4 through which are really sort of centered in racial equity, driven
5 through these four focus areas, really sort of produce these
6 outcomes in these various areas, including black homeownership,
7 classroom trauma, community-based evaluation, equitable
8 neighborhood planning, wealth building strategies, prison
9 pipeline initiative, substance abuse prevention, design thinking
10 with a racial equity lens. So that's a lot, but it all sort of
11 comes together in a number of programs that we really feel are
12 centered around the communities and neighborhoods that we work
13 in and focus on the people who live there.

14 Next slide, please.

15 And so again, for us, why does all of this matter? Why
16 is this such an issue? Because as we know, (indiscernible). Oh,
17 sorry. Living in D.C. the poverty cycle is indeed a real one.
18 As you can see, some of the stats here around D.C. being one of
19 the most expensive cities in the U.S. to live. We have a 69
20 percent graduation rate. We have the highest homeless
21 population. All of that combined really is why this work
22 matters to us, matters to Midici Road. And so, again, I
23 appreciate the opportunity to be here to -- for you all to hear
24 our case for this map amendment and the project that we hopefully
25 will bring to fruition. Thank you.

1 MR. FREEMAN: Thanks. So now we'll turn to Mr. Dettman,
2 who will focus on application of the Zoning Commission's racial
3 equity tool.

4 MR. DETTMAN: Thanks, Kyrus. Thanks, Talayah.

5 Mr. Young, can move on to the next slide?

6 Good afternoon, Commissioners.

7 So quickly going through the standard of review for the
8 requested map amendment. Here, we're just looking at images. On
9 the left is the existing zoning showing the existing MU-3A, the
10 site identified in the blue hatched area right along Sheriff
11 Road. On the right, the proposed MU-4 zone.

12 Next slide.

13 As you know, the standard of review is that we need to
14 demonstrate that the map amendment is not inconsistent with the
15 Comp Plan and other adopted policies and programs, as well as the
16 purposes of the Zoning Act. And I'll take you through slides
17 that will demonstrate that clearly in the next coming slides.

18 Next slide, please.

19 This is just a comparison of the existing and proposed
20 zoning. Just quickly in terms of the notable changes, moving
21 from the MU-3A to the MU4 zone, there is an -- with the IZ bonus,
22 there is an increase of about 1.8 FAR. There is an increase of
23 ten feet in height. Lot occupancy, with the IZ modification,
24 there's an increase -- allowable increase of 15 percent for the
25 lot occupancy. And then there's a small adjustment to the rear

1 yard requirement.

2 Next slide.

3 So as you know, the Comprehensive Plan puts a keen
4 emphasis on equity. And it talks about how equity through -- in
5 terms of being an outcome as well as a process. As a process,
6 with respect to the zoning context, I mean, that's meaningful
7 in terms of -- and the involvement by those that are most impacted
8 by the particular zoning action. And in terms of the outcome,
9 that's also important with respect to the zoning context, in
10 terms of the process -- allowing people who are going to be most
11 impacted by the zoning analysis, resulting in a development in a
12 zoning action taken by the Zoning Commission that will actually
13 meet people where they are, the Comprehensive Plan talks about,
14 in terms of resulting in a product or a development, that's going
15 to address the needs of a particular community, of a particular
16 population, of where that zoning analysis -- or that zoning action
17 takes place. Next slide.

18 The Commission recently published its racial equity
19 tool, and that is there for applicants to apply to their
20 Comprehensive Plan evaluation and their submissions to the Zoning
21 Commission. It's a two-part racial equity tool. The first part
22 suggesting a conversation or a discussion about the applicable
23 elements of the Comprehensive Plan, both the Citywide and the
24 Area Elements. I won't go into any kind of detail on those. It's
25 in the record, and I think a thorough discussion of those elements

1 is included in the record. I will mainly focus on part 2 of the
2 racial equity tool, (indiscernible) specifically questions around
3 displacement, housing, the physical -- the potential physical
4 impacts of the zoning analysis, as well as the positive and
5 negative potential for access to opportunity.

6 Next slide.

7 With respect to the Generalized Policy Map, we're not
8 inconsistent with the Neighborhood Enhancement Area designation
9 of the site on the policy map. And in particular, the Neighborhood
10 Enhancement Area pushes an emphasis and encourages new housing.
11 And with the move from the MU-3A to the MU-4 and the 1.8 FAR
12 increase in density, with the limitation that's still on the MU-
13 4 on non-residential density, any additional density gained
14 through the map amendment could conceivably result in additional
15 housing potential on the site.

16 Next slide.

17 With respect to the Future Land Use Map, the site is
18 designated as mixed-use, and the components of the mixed-use
19 designation is low-density commercial, moderate-density
20 residential. So as you can see, it places an emphasis on the
21 residential component of the mixed-use development, mixed-use
22 designation. So in a sense, what the Future Land Use Map
23 encourages on this site is moderate-density, mixed-use
24 development with an emphasis on residential.

25 Next slide.

1 And you can see in the -- if we look at the Framework
2 Element, the guide is provided by that, the MU-4 zone is
3 specifically identified as being consistent with the low-density
4 commercial component of our mixed-use designation. And if you
5 look at how the MU-4 zone is described in ZR16, it specifically
6 has identified as permitting moderate-density, mixed-use
7 development. So certainly consistent with the FLUM in that
8 regard.

9 Next slide.

10 Just a couple policies from the elements, the area
11 element. The site is located within the Deanwood Policy Focus
12 Area. And these two particular policies I wanted to show to the
13 Commission. The Deanwood residential character, talking about
14 how they strongly encourage infill development on vacant lots in
15 the Deanwood community, particularly for additional housing, and
16 also the neighborhood-serving commercial uses where it encourages
17 development of a variety of neighborhood-serving commercial
18 uses. And again, the permitted density of the MU-4 zone with
19 the limitation on nonresidential allows for that mixed-use
20 development to provide additional housing with neighborhood-
21 serving retail.

22 Next slide.

23 This is just a chart that we've shown before. This
24 goes into the equitable development indicators. You'll see on the
25 left there some of the indicators that are specifically

1 identified in the Commission's racial equity tool being
2 displacement, housing, education, healthcare and wellness,
3 potential environmental impacts. And so on the right there you
4 see some of the potential outcomes of the map amendment. There
5 are some specifics that are identified in the CBA, which we won't
6 talk about, but it is there in the record for the Commission's
7 consideration.

8 But just generally, with respect to displacement,
9 there'll be no physical displacement. The site is currently a
10 surface parking lot. Economic displacement. This will be an IZ
11 Plus development and so the increased IZ set-aside through the
12 IZ Plus program will help to avoid economic displacement. And
13 the nonresidential density that's permitted within the MU-4 zone
14 could result in the types of neighborhood-serving uses that could
15 help address cultural displacement. There'll be additional
16 housing through the redevelopment of the MU-4 zone. It is a site
17 that's in fairly close proximity to Metrorail as well as a
18 priority bus line. And there'll be a reconstruction of the
19 adjacent public space and infrastructure as necessary.

20 So next slide.

21 Finally, we need to address potential Comp Plan
22 inconsistencies in the overall evaluation of the Comp Plan. We
23 did a thorough evaluation of the Comp Plan policies and identified
24 two in the urban design element, that when you look at the
25 potential development of the MU-4 zone at 50 feet with a

1 penthouse, just on the other side of the alley is the R-2 zone.
2 It's a low-density residential zone. And so one might argue that
3 perhaps 50 feet as a matter of height in the MU-4, in relation
4 to the low-density residential development as to the north of the
5 site, could be a potential inconsistency with these two policies.
6 But I would argue that on balance, that potential inconsistency
7 is far outweighed by the consistency of the map amendment, with
8 the policy map, with the FLUM, and the policies in the Citywide
9 and area elements about additional housing and neighborhood-
10 serving retail, and certainly the Mayor's order on housing in the
11 Housing Equity Report, emphasis on greater affordable housing.

12 Next slide.

13 This just goes through the purposes of the Zoning Act
14 and how the proposed map amendment is consistent with those
15 purposes. I won't go through it in detail. It's there for you
16 to read.

17 Next slide.

18 With that, Commissioners, I would conclude that the
19 proposed map amendment is not inconsistent with the Comprehensive
20 Plan when evaluated through a racial equity lens, and that those
21 two potential inconsistencies with the urban design policies are
22 outweighed by the policy map and the FLUM designation for the
23 site, as well as other competing Comp Plan priorities. And the
24 map amendment is consistent with the purposes of the Zoning Act,
25 and that it will create conditions that are favorable to public

1 health, safety, welfare, and convenience.

2 That concludes my presentation. I'm happy to answer
3 any questions.

4 MR. FREEMAN: And Mr. Chairman, that concludes our
5 presentation. So we're all happy to answer any questions that
6 you might have.

7 CHAIRPERSON HOOD: Thank you for being straight to the
8 point about the MU-4 and the consistency. But let's see if we
9 have any questions or comments on this map amendment.

10 Let me give Commissioner May a minute to breathe. He
11 joined us very early on, but I know he's been consistently going.
12 So I will go to Commissioner Imamura first.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
14 appreciate it. I don't really have any questions. Just want to
15 thank Mr. Dettman for his thoroughness, always in your delivery
16 presentation and how you address any potential inconsistencies
17 head on always. So just appreciate that level of transparency.
18 And this is pretty straightforward to me, Mr. Chairman. So I
19 don't have any questions. I thank the applicant for their
20 presentation and thoroughness. So with that, I'll yield back to
21 Commissioner May.

22 CHAIRPERSON HOOD: Okay. Commissioner May.

23 COMMISSIONER MAY: I've got nothing to say. No
24 questions, no comment. I'll yield to Vice Chair.

25 CHAIRPERSON HOOD: We better hurry up. It may be

1 getting ready to storm.

2 Vice Chair Miller.

3 VICE CHAIR MILLER: Yeah, it is thundering here,
4 although the sun was just out.

5 Thank you, Mr. Chairman.

6 Thank you, Ms. Jackson and Mr. Freeman, Mr. Dettman for
7 your presentation of this map amendment. And thank you for the
8 outreach to Deanwood Civic Association and the ANC 7C, who I
9 think we're going to hear from later, for your responsiveness to
10 -- I think you made changes as a result of your various meetings
11 with them, including removing all one-bedroom condos. I think
12 that's all two-bedroom condos -- I'm hearing an echo in my own
13 voice, I don't know why -- and other changes. Moving retail to
14 the ground floor from the cellar, and something about a parking
15 lift. Maybe I'll have a question for the Office of Planning when
16 we get to them, but I thank you for --

17 CHAIRPERSON HOOD: Let me interrupt, Vice Chair.

18 Commissioner May, I think maybe if you mute and anybody
19 else. Okay. Thank you.

20 VICE CHAIR MILLER: I guess I don't really have any
21 questions at this time of the applicant. I might have a question
22 of the Office of Planning, if we get to them, Mr. Chairman.

23 CHAIRPERSON HOOD: Okay. Thank you. And when I was
24 saying it is going to storm, it was because Commissioner May
25 didn't have any questions, even though it really is storming.

1 I want to say, I do appreciate the applicant.
2 Obviously, they have looked on our website and -- because my
3 questions were going to be especially to the racial equity lens.
4 I think they have a slide which covers it verbatim. So I don't
5 necessarily need to go down that individually. So I appreciate
6 the presentation and looking forward to hearing from the ANC.

7 So let's see first if Chairman Holmes, I think is here.
8 Can we bring him up and see if he has any cross? Okay. There
9 he is. Chairman Holmes, can you hear me?

10 CHAIRMAN HOLMES: I can hear you.

11 CHAIRPERSON HOOD: Okay. Now, do you have any -- we're
12 not ready for your report yet, but do you have any cross of what
13 you've heard? Any questions?

14 CHAIRMAN HOLMES: No, no questions. We've met with
15 them many times now.

16 CHAIRPERSON HOOD: Okay. We'll come right back to you.
17 Give me a moment.

18 Let's go to the Office of Planning, and we probably
19 don't have DDOT, but if we do, we can bring them up as well.

20 Ms. Elliott.

21 MS. ELLIOTT: Good afternoon, Mr. Chairman, and members
22 of the Commission. I'm Brandice Elliott, representing the Office
23 of Planning for Zoning Commission Case 21-21, which is at 4726
24 Sheriff Road, N.E.

25 The Office of Planning does support the map amendment

1 to rezone the property from MU-3A to MU-4. We found it to be
2 not inconsistent with the Comprehensive Plan. And we do think
3 that the site would be appropriate for IZ Plus. I will stand on
4 the record of our reports that have been filed to the record,
5 but I'm happy to answer any questions you have.

6 CHAIRPERSON HOOD: Okay. Thank you, Ms. Elliott.

7 Commissioners, any questions of Ms. Elliott?

8 Commissioner May.

9 COMMISSIONER MAY: (No audible response.)

10 CHAIRPERSON HOOD: Commissioner Imamura, any questions?

11 COMMISSIONER IMAMURA: No questions. Thanks, Ms.
12 Elliott, for your thorough report.

13 CHAIRPERSON HOOD: All right. And Vice Chair Miller,
14 do you have any questions?

15 VICE CHAIR MILLER: Yes. Thank you, Mr. Chairman.
16 Thank you, Ms. Elliott, for your report.

17 Just a couple questions. So we have a recommendation
18 to -- for a map change from MU-3A to MU-4 with an IZ Plus
19 designation for this particular property along Sheriff Road. Was
20 -- is there a reason why we aren't doing a larger area of MU-3A,
21 which is on each side of this property and on the other side of
22 the street as well? Is there a reason why this property, other
23 than the project associated with it, which we all know about,
24 which we're not going to be talking about too much because it's
25 a map amendment. It doesn't -- it isn't tied to a specific

1 project, although we all know about it. So it's kind of fiction.
2 So -- well maybe you can explain what distinguishes this property
3 from the rest of the corridor right there on both sides of Sheriff
4 Road that is MU-3A. Did this property get changed in the land
5 use -- in the Comp Plan process last time where others didn't?
6 I think I gleaned that from something.

7 MS. ELLIOTT: That is correct, and a very good question
8 Vice Chair Miller. So in the Comprehensive Plan update that was
9 recently adopted, the property was re- designated from low-
10 density commercial. I'm sorry -- it was residential. I will
11 have to go back and look at it. I thought I had that in front
12 of me, but I don't. I believe it was a residential designation
13 to low-density commercial, moderate- density residential to the
14 striped property. And the properties on either side of it were
15 also included in that re- designation. In this case, this is an
16 application that came forward from the applicant, and we are
17 addressing this application on its own. And at some point OP
18 will reconsider the surrounding properties and, you know, file
19 an application to make sure that those are also in conformance
20 with the Comp Plan.

21 VICE CHAIR MILLER: Okay. Well, I think that might be
22 appropriate given the land use map change that was done for the
23 entire strip of properties. So we'll look forward to any further
24 evaluation of that.

25 And then the on the IZ Plus designation, we've had this

1 dialogue before. I mean, it's a recent dialogue because it's
2 only recently that we started mapping IZ Plus. So here you're
3 recommending IZ Plus designation, which would theoretically
4 require a higher set-aside and a greater amount of affordable
5 market rate and affordable housing than would otherwise occur
6 without the plus -- IZ Plus map designation. However, it's -- I
7 asked this question when we -- when you recommended in a few
8 other cases, and I think in Ward 7 and 8, where the planning area
9 was already on track or already had met affordable housing
10 planning goals in the Mayor's Housing Equity Report and other
11 planning documents, or was on track to meet it with what's in
12 the pipeline in terms of affordable housing. And in some of the
13 cases where in Ward 7 and 8 where there already was in the
14 pipeline or existing a greater amount of affordable housing than
15 the percentage that was called for in various planning documents,
16 you were saying the Office of Planning was recommending, and I
17 think we went along with it, and there's a couple of few cases,
18 that you didn't need the map (indiscernible) with the IZ Plus
19 because it's already happening in the neighborhood. So why? I'm
20 always inclined to do the map plus designation, so -- and I wanted
21 to do it in those other cases. This seems similar to those other
22 cases because it looks like the planning area is already meeting
23 the goals, if I'm reading your report correctly on page four.
24 The 2019 Housing Equity Report identified the planning area as
25 having an affordable housing production goal of 490 units by

1 2025. At the time of this application, the planning area had
2 1,290 units in the affordable housing pipeline and a 2025 total
3 housing production goal of 2,990 units. So maybe you just can
4 elaborate on that in response to my question about why we are
5 mapping this as a plus, IZ Plus, when we didn't do it in other
6 places where they seem to be on track to meeting affordable
7 housing goals and other housing goals of the city.

8 MS. ELLIOTT: I can probably elaborate a little bit as
9 to why we are making that recommendation with this case. I
10 haven't worked on the previous cases, and so you know how this
11 is being applied more broadly, you know, I don't know that I can
12 have that discussion or might need Ms. Steingasser to discuss
13 that with you a little bit further, but --

14 VICE CHAIR MILLER: I realize it's an evolving -- it's
15 a new thing, it's an evolving thing, like a lot of things in life
16 and zoning. So things can change and we can change our mind or
17 just direction or accommodate. So I realize that. So I don't
18 mind changing direction, but I just want to understand the
19 rationale of where we are and being consistent with what we've
20 done in the past. And so, yeah, maybe Ms. Steingasser can
21 enlighten me as to where we're evolving to.

22 MS. ELLIOTT: Is she here? She says she can't get in.

23 CHAIRPERSON HOOD: She can't get in?

24 MS. SCHELLIN: Mr. Young, would you pull Ms. Steingasser
25 in, please?

1 CHAIRPERSON HOOD: Okay. Yes.

2 Commissioner Imamura, I think (indiscernible).

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 To Vice Chair Miller's comment, Ms. Elliott, this might
5 lend a little more light to the question. Would it also -- would
6 it be a factor then that -- I think in your report somewhere all
7 but 18.6 percent of the District's total number of affordable
8 housing units are located in this particular area, whereas maybe
9 in other areas, in other cases that Vice Chair Miller was
10 referring to, there may have been a higher percentage of
11 affordable housing. Would that be a reasonable response, I guess,
12 or explanation?

13 MS. ELLIOTT: I mean, certainly that was what I
14 speculated, but not having worked directly with those other
15 cases, I couldn't say for certain. But in areas where there is
16 a higher concentration of affordable housing, we have not, you
17 know, required the IZ -- we have not recommended IZ Plus be
18 attached to those properties. But I'm sure that there's some
19 clarification that can be made.

20 MS. STEINGASSER: You're correct, Commissioner Imamura.
21 In some of those other cases, the amount of affordable --
22 permanent, affordable housing that already existed was upwards
23 of 35, 38 percent. And when it got to be that disproportionate,
24 we recommend that we just stay with the normal -- the basic
25 inclusionary zoning. So all rezoning is still subject to IZ,

1 it's just whether that incremental difference takes us up to the
2 extra IZ Plus standard. So in this case, there's still a
3 projected goal of almost 3,000 new housing units. Even though
4 we are well in excess of what is projected in the pipeline to be
5 the IZ unit, we still felt that overall being that it was less
6 than 20 percent, we should still propose the IZ Plus. So it is
7 a bit of an art, more than an exact threshold where, you know,
8 there's a marker. We look at what's going on around it. What's
9 the anticipated growth, what does the equity -- the Housing
10 Equity Report tell us, and then we try to do -- try to update
11 that as well. So it's --

12 VICE CHAIR MILLER: Thank you, Ms. Steingasser, and
13 Commissioner Imamura, and Ms. Elliott, for all of your
14 explanations. That's helpful.

15 CHAIRPERSON HOOD: I too want to thank you all for
16 having that conversation. But I also want -- and I'm sure
17 Commissioner Holmes, Chairman Holmes will mention as well. Some
18 residents in Ward 7, and I've mentioned this previously in other
19 cases, has stopped me and said to me about putting all affordable
20 housing there, and they want a mixture. And that was the first
21 time I actually heard that comment. And then I noticed that the
22 Office of Planning records recommend IZ Plus, as you mentioned,
23 in some other cases. And I think that also is in tune with what
24 the residents want. So anyway, I will wait for Commissioner
25 Holmes and others, but I can tell you, two people have stopped

1 me -- I'm not talking about this case or anything, in general,
2 but just saying -- asking us to balance it off a little more.
3 And I think that's exactly in line with what the residents has
4 asked for too. So I wanted to add that to the equation. So
5 thank you, Ms. Elliott.

6 Let me see, any further questions or comments?

7 Not hearing any, let's go straight to -- does the
8 applicant, Mr. Freeman, do you have any comments or questions of
9 OP?

10 MR. FREEMAN: No, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 And Chairman Holmes, do you have any questions of OP -
13 - the Office of Planning.

14 CHAIRMAN HOLMES: Yeah, I was -- I was hearing your
15 comments that was being brought up about the, you know, amount
16 of, the amount of affordable housing for this project. And I
17 don't know, maybe I was getting a little confused about with that
18 and the IZ Plus, but is -- the Office of Planning did say they
19 do support this, correct, support the up-zoning for them being
20 able to do this for this property? Okay. Well, then, no, I
21 don't have any questions.

22 CHAIRPERSON HOOD: Okay.

23 CHAIRMAN HOLMES: I wanted to make sure.

24 CHAIRPERSON HOOD: Thank you. And maybe the questions
25 we had led you to your question, so we want to apologize.

1 Everything that was presented, to keep it in context, is exactly
2 what I think is being proposed. So I'm sure your support still
3 garners and stays with this proposal. Hopefully we didn't confuse
4 anything.

5 Let's go to the DDOT -- I will give the DDOT -- Ms.
6 Schellin, I don't think we have anyone from DDOT, do we?

7 MS. SCHELLIN: I do not see anyone, no, sir.

8 CHAIRPERSON HOOD: I will give the DDOT report at
9 Exhibit 20. DDOT has no objection. Hopefully, no one has any
10 questions for me.

11 All right. Let's go to -- Chairman Holmes, let's go
12 to -- oh, other government agencies. We did not have any. We
13 do have one person, I think, who is going to be testifying in
14 support, I believe. But let's go to the Chairman of the ANC 7D.
15 Is it 7D? Yeah, 7C, I'm sorry. Chairman Holmes.

16 CHAIRMAN HOLMES: There you go. All right. Now, ANC
17 7C, it's absolutely in my single member district, Commission
18 7C07.

19 CHAIRMAN HOOD: Right.

20 CHAIRMAN HOLMES: Of course, we met with the applicant
21 multiple times. And as we always say, for all of our zoning,
22 "make sure you go talk to the community first" about this project
23 and what was -- we appreciate them coming back because it was -
24 - I know y'all are not trying to talk about the project, but I
25 am. And what was -- what we enjoyed is that it went from a

1 project where we were just talking about affordable
2 homeownership, to affordable homeownership, and now a grocery
3 store to be able to start talking about addressing food desert
4 in Ward 7. Therefore, in terms of what this project is for and
5 for the purpose of this project, we, as the ANC and Deanwood CA,
6 have been coming to the Zoning Commission to talk about a bunch
7 of projects that happened on Sheriff Road that did not address
8 this, specifically the project that's beside it and down the
9 street, where it's only addressing on the historic nature of
10 these -- of Sheriff Road for the Deanwood Community is that was
11 and still is should be one of our economic corridors. So being
12 able to bring grocery onto that back street, through this project,
13 the community was behind it and the applicant did its effort to
14 work with the Deanwood Civic Association to meet their needs and
15 then they came back and presented to us after they -- presented
16 to us and we gave the approval for this, for what they're trying
17 to do for that particular project.

18 CHAIRPERSON HOOD: Thank you, Chairman Holmes. Were
19 you finished?

20 CHAIRMAN HOLMES: Yes, I'm done.

21 CHAIRPERSON HOOD: Okay. I want to -- I was thinking
22 about you when I was looking at this case. And it is something
23 you said to me a while back -- you never know the impression you
24 have on people -- and you started off saying, "go to the community
25 first." And when you say it, it is all right. When I say it, I

1 get in trouble. But I agree, "go to the community first." But
2 I will tell you, I appreciate something you said to me, because
3 we have to go with the scope of the regulations. Like in this
4 case, we really shouldn't be talking about a project. But I said
5 at some point I'd give up because the lawyers have told me we
6 shouldn't be talking about a project, but I know what the
7 community understands. But I appreciate you because you told us
8 once, told me on another case that that's what the community
9 wanted. And I appreciate that. That that stuck with me. And
10 every time I see you, I think about that. That's a side note.
11 But anyway.

12 Let me open it up to my colleagues. Any questions of
13 Chairman Holmes?

14 Commissioner May?

15 COMMISSIONER MAY: I do not. Thank you very much for
16 being here.

17 CHAIRPERSON HOOD: Okay. And Commissioner Imamura.

18 COMMISSIONER IMAMURA: No. Thank you, Chairman Holmes.

19 CHAIRPERSON HOOD: And Vice Chair Miller.

20 VICE CHAIR MILLER: No. Thanks for all your work in
21 the community.

22 CHAIRMAN HOLMES: Thank you.

23 CHAIRPERSON HOOD: Let's see if the applicant -- does
24 the applicant have any questions of Chairman Holmes?

25 MR. FREEMAN: No, Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you. Okay. Thank you.
2 Thank you, Chairman Holmes. And like you say, let's
3 keep listening to the community. Thank you.

4 CHAIRMAN HOLMES: You're welcome.

5 MS. SCHELLIN: Chairman Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: Could you bring up the issue of the
8 report not having how many makes a quorum and see if he could
9 submit a revised report for the record?

10 CHAIRPERSON HOOD: Okay. That's right.

11 Chairman Holmes, if you can come back up.

12 CHAIRMAN HOLMES: Right here.

13 CHAIRPERSON HOOD: There is an issue that we need to
14 correct. If you can work with staff, and you can correct, like
15 the vote. I think the vote wasn't in there.

16 CHAIRMAN HOLMES: With four out of seven -- with four
17 out of seven, which is over 50 percent, quorum was established.
18 I can add that line that a quorum was established.

19 CHAIRPERSON HOOD: Okay.

20 CHAIRMAN HOLMES: Once you have over 50 percent, quorum
21 is established for an ANC committee -- commission.

22 CHAIRPERSON HOOD: Okay. Was that in the letter?

23 CHAIRMAN HOLMES: I always put four out of seven, so.
24 But I can explicitly (indiscernible).

25 CHAIRPERSON HOOD: Let's just -- so it is legally

1 sufficient for our regulations, let's just add the line or
2 whatever needs -- if you can work with staff on that, we'd
3 appreciate it.

4 MS. SCHELLIN: If you could just call Mr. Barron in the
5 morning, he'll let you know.

6 CHAIRPERSON HOOD: Okay.

7 CHAIRMAN HOLMES: Not a problem.

8 MS. SCHELLIN: Thank you.

9 CHAIRPERSON HOOD: All right. Thanks a lot.

10 All right. Let's go to -- Ms. Schellin, I think we
11 have -- do we have -- let me just -- I know we have one person,
12 but let's go to the persons who would like to testify in support,
13 opposition, or undeclared.

14 MS. SCHELLIN: Sorry, UPS has arrived. We only have
15 one person this afternoon that has signed up in any category, and
16 that is Max Richman on behalf of Deanwood. And he has five
17 minutes.

18 CHAIRPERSON HOOD: Okay, let's bring Mr. Richman up.

19 All right. Mr. Richman, you may begin.

20 MR. RICHMAN: Good afternoon, board members. Thank you
21 so much.

22 I'll be very brief. I really appreciate the opportunity
23 to testify here. I've learned a lot listening in. This is my
24 first zoning meeting, but not my first time working on this topic.

25 It's great to see our efforts to influence and update

1 the Comprehensive Plan from 2020, including both the Generalized
2 Policy Map and the Future Land Use Map, leading to the sort of
3 outcomes that we want to see in the community. So we strongly
4 support this project. We worked and met multiple times with the
5 project managing group and provided our letter of support
6 conditional on our Community Benefits Agreement that we reached
7 with the applicants and thus provided our community voice of
8 support.

9 I'm sorry, I didn't introduce myself, but my name is
10 Max Richman. I'm a Deanwood resident and I'm the Treasurer of the
11 Deanwood Citizens Association. With that, I'll yield my time and
12 I'm happy to answer any questions. Thank you, Chairman.

13 CHAIRPERSON HOOD: Thank you, Mr. Richman. Who is the
14 president of Deanwood Citizens, who is it?

15 MR. RICHMAN: Yeah, the current president of the
16 Deanwood Citizens Association is Mr. Mel Sanders.

17 CHAIRPERSON HOOD: Okay. Thank you. And thank you for
18 coming out and testifying. Let me see if my colleagues having
19 questions of you.

20 Colleagues, any questions of Mr. Richman?

21 Commissioner May, none.

22 Commissioner Imamura.

23 Vice Chair Miller?

24 VICE CHAIR MILLER: No, thank you for your testimony
25 and your work with ANC 7C and this project.

1 CHAIRPERSON HOOD: Okay. And let's see, does the
2 applicant?

3 Mr. Freeman?

4 MR. FREEMAN: No, Mr. Chairman.

5 CHAIRPERSON HOOD: And Chairman Holmes, do you have any
6 questions of Mr. Richman?

7 Okay. Mr. Holmes. All right. I believe not. Maybe
8 he may have left us. Okay.

9 Well, thank you, Mr. Richman. We appreciate your
10 testimony.

11 Oh, there he is. Did you have any questions of Mr.
12 Richman?

13 CHAIRMAN HOLMES: No.

14 CHAIRPERSON HOOD: Okay. Okay. Good. Thank you. All
15 right. Again.

16 Thank you, Mr. Richman.

17 All right. Let's see, Mr. Freeman, do you have any
18 rebuttal? I don't think you do. But do you have any closing?
19 I don't take anything for granted.

20 MR. FREEMAN: No, no rebuttal. The only thing in
21 closing, I'd like to thank everybody for their time today. As
22 you hear, Mr. Chairman, there's strong support for the
23 application. I know your decision will be based on the
24 application, not on the project, just for the purposes of clarity
25 of record. And we would ask that the Commission take action to

1 approve the application as quickly as possible. Thank you.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr. Freeman.

3 Let's see. Vice Chair Miller?

4 VICE CHAIR MILLER: Yeah, Mr. Chairman, thank you.

5 Yeah, I agree with Mr. Freeman that we will make our decision
6 based on the applications, not on the project, and based on its
7 consistency with the Comp Plan, which is apparent based on the
8 -- what's in the record. But, Mr. Chairman, I do have a couple
9 of project-related questions. If you'll indulge me. Since
10 they're in the record, I just -- if it can be amplified, fine.
11 If not, it doesn't matter, because we're not making a decision
12 based on the project.

13 But the grocery store aspect of this is very important
14 to this community, obviously. Is there a grocery store that's
15 been identified as the -- in a letter of intent or something that
16 you can make public at this point?

17 MR. FREEMAN: No. The only thing we can say is what's
18 in the record, at this point.

19 VICE CHAIR MILLER: Okay. And same thing on the coffee
20 store. Coffee shop (indiscernible)?

21 MR. FREEMAN: Correct.

22 VICE CHAIR MILLER: Okay. Well, we'll look forward to
23 seeing both of those retail food operations in this area that it
24 deserves to have their fair share of them.

25 Now, I'm getting an emergency alert, so I better sign

1 off. Bye.

2 CHAIRPERSON HOOD: Okay. I think, Vice Chair, I'm
3 going to invite you to my next meeting with the Office of Zoning
4 Legal Division when they brief me on what I should not and should
5 be talking about in these cases. So I think instead of them
6 meeting with me, maybe they need to meet with you.

7 VICE CHAIR MILLER: I look forward to being lectured
8 by appropriate authorities.

9 CHAIRPERSON HOOD: I had a whole -- and it was actually
10 very helpful. I think I asked this a while back and it was very
11 helpful to me, because I also was trying to figure out why we
12 couldn't talk about a project in these cases. But it's a very
13 good 101, and I'll make sure -- if I find it, I'll email it to
14 you. All right.

15 So with that, we had the closing. I want to thank
16 everyone who participated tonight.

17 Colleagues, I think this is really ready for us to move
18 forward with. It seems like it has overwhelming support from
19 what the record reflects. And with that, I would like for one
20 of my colleagues to make a motion. I've talked quite a bit.

21 Commissioner Imamura.

22 COMMISSIONER IMAMURA: Sure. Mr. Chairman, I move that
23 the Zoning Commission take proposed action on Case No. 21-21,
24 Midici Road map amendment at Square 5154, Lot 905, at 4726 Sheriff
25 Road, N.E., with an IZ Plus designation.

1 CHAIRPERSON HOOD: It has been moved. Can we get a
2 second?

3 VICE CHAIR MILLER: Second.

4 CHAIRPERSON HOOD: Moved and properly second. Any
5 further discussion?

6 Not hearing any, Ms. Schellin, would you please record
7 the vote? I mean, do a roll call vote.

8 MS. SCHELLIN: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Yes.

10 MS. SCHELLIN: Commissioner Miller.

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Hood.

13 CHAIRPERSON HOOD: Yes.

14 MS. SCHELLIN: Commissioner May.

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: The vote is for four to zero to one to
17 approve proposed action, the minus one being the third mayoral
18 appointee position, which is currently vacant.

19 And if the applicant would provide us with a draft
20 order within the next two weeks, that would be great. Other than
21 that, the record is closed.

22 MR. FREEMAN: Absolutely. Thank you.

23 MS. SCHELLIN: Thank you.

24 CHAIRPERSON HOOD: And is this -- this is not when we
25 decide whether it is a summary? Is this where we decide whether

1 --

2 MS. SCHELLIN: Yes, you can decide. Yes.

3 CHAIRPERSON HOOD: Let's do a summary order on this.

4 MS. SCHELLIN: Okay.

5 CHAIRPERSON HOOD: This is very straightforward.

6 Let me just announce -- and I believe I have the date
7 correct. The Zoning Commission will meet again next Monday on
8 WMATA, on behalf of the Department of General Services. We will
9 be on these platforms at 4:00 p.m. on these same platforms.

10 Ms. Schellin, do we have anything else before us?

11 MS. SCHELLIN: No, sir.

12 CHAIRPERSON HOOD: Okay. Again, I want to thank
13 everyone for their participation tonight. And let's --
14 especially ANC 7C, and also Mr. Richman, I believe it was. Let's
15 continue the great work of working with the community. So thank
16 you. Good night. This hearing is adjourned.

17 (Whereupon the above-entitled matter went off the
18 record at 4:49 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 Hearing

Before: DCZC

Date: 06-02-2022

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