

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDAY

APRIL 27, 2023

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The Regular Public Hearing of the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Zoning Commission Chairperson
ROBERT MILLER, Vice Chair
PETER MAY, Zoning Commissioner
JOSEPH S. IMAMURA, Zoning Commissioner

OFFICE OF ZONING COMMISSION STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire
JACOB RITTING, Esquire
DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on April 27, 2023.

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

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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 video conferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined, shortly, by our Office of Zoning secretary, Ms. Sharon Schellin, and Mr. Paul Young, who's handling all of our virtual operations. Also, the Office of Zoning legal division, Ms. Lovick, Mr. Ritting, and Mr. Liu. We will ask all others to introduce themselves at the appropriate time if needed.

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 the meeting unless the Commission suggests otherwise.

For hearing action items, the only documents before us this evening are the application, the ANC set-down report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not be taking any public testimony at our meetings unless the Commission requests otherwise.

1 If you experience difficulty accessing Webex or with
2 your phone call-in, then please call our OZ hotline number at
3 202-727-0789 for Webex log-in or call-in instructions.

4 At this point, we will go to Ms. Schellin. Does the
5 staff have any preliminary matters?

6 MS. SCHELLIN: No preliminary matters.

7 CHAIRPERSON HOOD: Okay. No preliminary matters. We
8 will go straight to the consent calendar. We have modification
9 that we've already determined, terminations, these are
10 deliberations, Zoning Commission Case No. 06-27A Square 54 Office
11 Owner, LLC, PUD modification of consequence at Square 54.

12 Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. In this case we have no
14 further documents since the Commission last made its
15 determination that this was indeed a modification of consequence.
16 So we'd then ask that the Commission consider moving forward with
17 final action. Thank you.

18 CHAIRPERSON HOOD: Thank you, Ms. Schellin.
19 Colleagues, and I'll just read straight from the request,
20 "modification of consequence, as Ms. Schellin stated, request to
21 make minor adjustments to the approved plans for the rooftop to
22 accommodate the building's existing office tenants, including
23 relocating the green roof to create additional outdoor space for
24 gatherings, installing a trellis to provide shade, and updating
25 the materials or design features such as pavers and furnishings.

1 Let me, I have a problem with my mouse. Give me a second. Okay.
2 So the Applicant -- there were some questions asked from the
3 Office of Planning for additional materials. The Applicant did
4 provide more details and that's Exhibit 6 and Exhibit 6A. A lot
5 of those were questions by OP as well as us. So let me open it
6 up for comments or questions and the responses on what's been
7 submitted and any questions.

8 Commissioner May? Whoever wants to go first. I'll go
9 to Commissioner May.

10 COMMISSIONER MAY: I don't have anything really to say
11 at this point. This is a very straightforward change and not a
12 great deviation from what had previously been approved. So I'm
13 -- and since we haven't heard any concerns voiced by the ANC or
14 any of the other parties, I think it's fine to move forward.

15 CHAIRPERSON HOOD: Okay.

16 Commissioner Imamura, any comments?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
18 agree with Commissioner May. It's actually quite a nice design
19 solution and I'm comfortable with the materials that they show
20 on their rendering, so I'm prepared to move forward.

21 CHAIRPERSON HOOD: Okay.

22 And Vice Chair Miller?

23 Thank you.

24 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
25 agree with my colleagues' comments and would note, if we haven't

1 noted it already, which we might have, that ANC 2A is in unanimous
2 support of this modification of consequence at Exhibit No. 4 in
3 the record.

4 CHAIRPERSON HOOD: Okay. Thank you for bringing that.

5 So with that, unless there are no other questions or
6 comments, I will move that we approve as noted on Commission Case
7 No. 06-27A as recorded, and ask for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRPERSON HOOD: It's moved and properly second. Any
10 further discussion?

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

13 MS. SCHELLIN: Yes, sir.

14 Commissioner Hood?

15 COMMISSIONER HOOD: Yes.

16 MS. SCHELLIN: Commissioner Miller?

17 VICE CHAIR MILLER: Yes.

18 MS. SCHELLIN: Commissioner May?

19 COMMISSIONER MAY: Yes.

20 MS. SCHELLIN: Commissioner Imamura?

21 COMMISSIONER IMAMURA: Yes.

22 MS. SCHELLIN: The vote is four to zero to one to
23 approve final action in Zoning Commission Case No. 06-27A, the
24 third mayoral appointee position being vacant. And I would ask
25 the Commission if we could request a draft order as a courtesy

1 from the parties that they choose to submit one, to be submitted
2 within two weeks.

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Thank you.

5 CHAIRPERSON HOOD: Okay. Are we ready to keep moving?
6 All right. Let's go to Zoning Commission Case No. 16-18E. This
7 is Georgetown University Campus Plan modification of consequence
8 at Squares 1226 and 1248.

9 Ms. Schellin?

10 MS. SCHELLIN: Once again, no new exhibits. This is
11 ready for the Commission to move forward.

12 CHAIRPERSON HOOD: Very briefly, this is a modification
13 request, modification of consequence as noted, a request for a
14 change of use as allowed under the flexibility granted on
15 condition seven. One of the things to change in use of 1316 36th
16 Street, N.W. and 13- -- I mean, I'm sorry -- yeah, 1316 36th
17 Street, N.W. and 3619 O Street, N.W. from academic/administrative
18 to residential/campus life use which will result in two net beds,
19 ten student beds total, and a change in use of 3610 O Street,
20 N.W. and 3612 O Street, N.W. from residential/campus life to
21 academic/administrative use, which will serve as an
22 administrative hall for the Institute for the Study of Diplomacy.

23 I will say that it seems that Georgetown has been
24 working very well with the citizens group, which was put in place
25 as well as the other organizations, and I don't think, as of this

1 writing, and I didn't see it in the record, that we had in a
2 response from anyone, I don't believe, is noted unless I missed
3 something. So I think this is really truly a pleasure to read.
4 I don't want to jinx anything, so I'll just leave it at that.

5 Any questions or comments, Commissioner May?

6 Okay. Commissioner Imamura?

7 COMMISSIONER MAY: I (indiscernible) notes, it's all
8 good.

9 CHAIRPERSON HOOD: Okay.

10 Commissioner Imamura?

11 COMMISSIONER IMAMURA: No. I think this is a good
12 exercise here and just a reorganization of space. Makes sense.

13 CHAIRPERSON HOOD: Okay.

14 And Vice Chair Miller?

15 VICE CHAIR MILLER: Yeah, I would agree, Mr. Chairman,
16 with everyone's comments and just note again for the record at
17 Exhibit 5 we do have, as you alluded to, a sign-off from the
18 Georgetown Community Partnership group that has been -- is
19 working with all Georgetown campus plan issues. That's at Exhibit
20 5 in a memorandum April 7th, signed by Ron Lewis and David Green,
21 co-chairs of the Georgetown Community Partnership. So I'm
22 prepared to move forward as my colleagues are.

23 CHAIRPERSON HOOD: Okay.

24 So with that, I think it's really straightforward, and
25 I appreciate the work everyone continues to do. It hasn't always

1 been that way, but I'm trying to get back away from that.
2 Somebody like to make a motion?

3 VICE CHAIR MILLER: Mr. Chairman, I would move that the
4 Zoning Commission take final action on Zoning Commission Case No.
5 16-18E modification of consequence for a change of use 1316 36th
6 Street, N.W., 3610 O Street, N.W., 3612 O Street, N.W., and 3619
7 O Street, N.W., and ask for a second.

8 COMMISSIONER MAY: Second.

9 CHAIRPERSON HOOD: It's been moved and properly second.
10 Any further discussion?

11 Not hearing any, Ms. Schellin, would you record the
12 vote please?

13 MS. SCHELLIN: Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner May?

16 COMMISSIONER MAY: Yes.

17 MS. SCHELLIN: Commissioner Hood?

18 CHAIRPERSON HOOD: Yes.

19 MS. SCHELLIN: Commissioner Imamura?

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: The vote is four to zero to one to
22 approve final action Zoning Commission Case No. 16-18E, the third
23 mayoral appointee position being vacant. And, again, I'd like
24 to ask the Commission if they would allow the parties to submit
25 a draft order if they choose to do so in the next two weeks.

1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLIN: Thank you.

3 CHAIRPERSON HOOD: And if anybody objects to that, just
4 let me know, but I'm going to go ahead and just say yes.

5 All right. Let's keep it moving. Let's go to final
6 action Zoning Commission Case No. 22-27. This is Georgetown
7 University text amendment to Subtitle I 517.1 and 701.1.

8 Ms. Schellin?

9 MS. SCHELLIN: Yes, sir. The Notice of Proposed
10 Rulemaking was published in the D.C. Register on March 17th for
11 a 30-day comment period. No comments were received. NCPD
12 provided their report at Exhibit 23, stating that the proposed
13 text was not inconsistent with the comp plan, nor would it
14 adversely impact any federal identified interests. So this case
15 is also ready for the Commission to consider for final action.
16 Thank you.

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

18 And again, this is Georgetown University proposing
19 amendments that would increase the maximum permitted building
20 height from 110 feet to a maximum height of 130 feet in Squares
21 567 and 569 in the D-3 zones subject to design review, and the
22 rest is so noted.

23 Okay. So with that, any questions, or additional
24 comments, Commissioner May?

25 COMMISSIONER MAY: I don't have any further comments

1 on this. Again, it's pretty straightforward. Our questions were
2 answered in the hearing, so I'm ready to move forward with final
3 action.

4 CHAIRPERSON HOOD: Okay.

5 Commissioner Imamura?

6 COMMISSIONER IMAMURA: No comments, Mr. Chairman. I'm
7 prepared to move forward with final action.

8 CHAIRPERSON HOOD: And Vice Chair Miller?

9 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
10 support this application. I'd just note for the public record
11 that this is Georgetown University's law center campus, which is
12 adjacent to downtown, which has a lot of 130-foot height buildings
13 and it's appropriate that they get the maximum density at those
14 sites that they have their law center buildings on, and they've
15 agreed to conditions that don't allow for that height, that
16 additional height, to be in the F or G Street right-of-way, and
17 that'll be part of the text amendment.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 With that, would somebody like to make a motion? I
20 think there's enough cases that each person can make a motion.

21 COMMISSIONER IMAMURA: Sure, Mr. Chairman, I'll make a
22 motion.

23 Sir, I would move that the Zoning Commission approve
24 Case No. 22-27 Georgetown University text amendment to Subtitle
25 I, Sections 517.1 and 701.1, and ask for a second.

1 CHAIRPERSON HOOD: Okay. I'll second it.

2 It's been moved and properly second. Any further
3 discussion?

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

6 MS. SCHELLIN: Commissioner Imamura?

7 COMMISSIONER IMAMURA: Yes.

8 MS. SCHELLIN: Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 Commissioner Miller?

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: Commissioner May?

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: The vote is for four to zero to one to
16 approve final action in Zoning Commission Case No. 22-27, again
17 the third mayoral appointee position being vacant. And this was
18 a rulemaking case, I don't believe we take draft orders on
19 rulemaking cases, so we're good there. Thank you.

20 CHAIRPERSON HOOD: Thank you.

21 Next, let's go to Zoning Commission Case No. 23-03
22 William C. Smith & Co., design review at Square 646.

23 Ms. Schellin?

24 MS. SCHELLIN: Yes, sir. So new exhibits since the
25 hearing include Exhibits 26 through 27A and that's the

1 Applicant's post-hearing submissions. Other than that, the case
2 is ready for the Commission to consider final action.

3 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

4 And again, this is a design review approval pursuant
5 to Subtitle I 616.8 and applicable requirements to Subtitle I 616
6 in the South Capitol Street sub-area and the requirements of
7 Subtitle I, Chapter 7, D zone design review to construct a
8 residential building located in the M and South Capitol Street
9 sub-area zone downtown D-5, and it has various design
10 flexibilities.

11 And I will let -- ask Commissioner May to start us off.

12 COMMISSIONER MAY: Yes, Mr. Chairman. I think the last
13 couple of -- or the last submission from the Applicant was
14 responsive to the questions that were raised by members of the
15 Commission. You may recall that I was prepared to move forward
16 at the hearing when we had heard this case. I was very
17 comfortable with the design as proposed, and I thought it met the
18 requirements for a design review.

19 I do think it was helpful though in the end that they
20 made a submission regarding the paint color or rather the color
21 of the metal panels, and they sent us information with an actual
22 paint number from Benjamin Moore, and I happen to have the
23 Benjamin Moore set of colors, so I could look at it here in the
24 daylight, and it looks a little bit different than what it does
25 on the screen. But I think it's a -- the color is fine. It is

1 a very brick-ish kind of red. It's actually very similar to the
2 brick in the front of my house. And I think it aligns with some
3 of the other colors that were shown -- or that exist already on
4 South Capitol Street as shown in the Applicant's submission and
5 with other parts of the neighborhood where red is used as an
6 accent color. So I mean, I think that they've satisfied that
7 concern in particular.

8 I'll let Commissioner Miller talk about the questions
9 that he had had about the vacancy rate. I think that this is
10 ripe for approval. And while I appreciate the concerns raised
11 by the ANC in this case, I don't believe that they are all
12 actually relevant to our decision-making process and the rules
13 set forward for a design review. So as sympathetic as we might
14 be to some of those concerns, it isn't really what is before us.
15 So I'm prepared to vote in favor of this. And if you want to
16 come back to me in the end, I'll make the motion to approve.

17 CHAIRPERSON HOOD: Great. Thank you.

18 Commissioner Imamura?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
20 not sure that I have much to add. I do appreciate the additional
21 submission regarding the paint colors. I'll swing by
22 Commissioner May's house to pick up the color swatch set from
23 Benjamin Moore, but. I do appreciate the plan that they provided.
24 Certainly, there is color similar structures in the area, just
25 not along that particular street, other than Randall (audio

1 glitch) so I'm comfortable to move forward with it.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Vice Chair Miller?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. I also
5 appreciate the Applicant's responses to questions asked at the
6 hearing regarding the red color, and appreciate Commissioner
7 May's Benjamin Moore display. Maybe that should be entered into
8 the permanent record of every case so we all have that, or maybe
9 we should just ask for our free sample from Benjamin Moore. And
10 I appreciate their response to my question about the vacancy rate
11 because we had had questions about the turnover in the
12 neighborhood in these market rate buildings and I wanted to know
13 if they really were being occupied. So I appreciate getting that
14 testimony -- I mean that supplemental statement.

15 As you know, Mr. Chairman, I -- in a separate case I
16 had wanted to set-down for a hearing a case that was pending,
17 which we've dismissed a few weeks ago that would have applied
18 this D-5 zone -- applied inclusionary zoning to this D-5 zone
19 among other downtown zones, which I thought we should have at
20 least a hearing on.

21 I recognize that our regulations currently do not
22 require -- our regulations, the text of our regulations, do not
23 currently require a comp plan consistency analysis for design
24 review cases like this. However, I continue to be of the view
25 that the comprehensive plan home rule charter requirement that

1 the zoning shall not be inconsistent with the plan no matter what
2 the text of our design review or other regulations say can't be
3 overridden. So I think the comprehensive plan consistency
4 analysis is important in every zoning case as the home rule
5 charter, in my view, requires including racial equity analysis
6 and including all the other balancing that goes into effect.

7 And for those reasons and the others I have cited, I
8 cannot support going forward at this point because the draft
9 order has language where we're affirming that comp plan
10 consistency is not relevant in this type of case, and I just
11 can't -- I can't get around that. And given the history of where
12 we were with trying to get D-5 maybe included in our inclusionary
13 zoning program, I just can't get there right now. So I cannot
14 support this application this evening.

15 Thank you, Mr. Chairman.

16 CHAIRPERSON HOOD: Thank you. I will be supporting
17 this application. I want to thank the Applicant for, especially
18 the swatch, I'm glad that Commissioner May had the eye-on-eye
19 look at the Benjamin Moore swatch book, so thank you, and I'm
20 also satisfied with what the Applicant submitted.

21 But what I'm not satisfied with is the same thing kind
22 of in line to a point with Vice Chair Miller. I'm kind of
23 disagreeable to a certain point of how we get there. I think he
24 and I are saying similar things, but I'm just -- especially with
25 the affordable housing component in D zones and what we have

1 here, and I don't think it's the right time with everything that
2 went on with COVID unfortunately. If it had not been for COVID,
3 I know a lot of people point to COVID, but when people want
4 federal government workers come back downtown and ask us if we
5 just go downtown to buy a sandwich to try to get the economy to
6 get things going, I think tells what kind of state we're in and
7 I don't want to put anybody on promised land. I think that this
8 is going to actually really materialize, and I don't think this
9 is right.

10 So I'm going with the laws that are in front of me. I
11 think this Applicant has followed the law and I think the
12 government should be predictable to those who are coming to do
13 business. I think if we want to do something, we need to change
14 it. I realize they're D zones, as you alluded to Vice Chair,
15 but there is an issue. It looks like the economics and the
16 reviews of the experts does not allow for that and putting people
17 on promised land thinking something's going to exist is not where
18 I am.

19 I don't think we differ. We just differ in the process
20 of how we get there, and I think at some point in time we need
21 to revisit some things or figure out some kind of ways to do
22 exactly what Commissioner Kramer and Chairman Edwards have been
23 pushing for for so long. But as for me, it's got to be right.
24 We got to figure it out, so it lasts the test of time. So I'll
25 be voting in favor of this and would somebody like to -- any

1 other comments?

2 Somebody like to make -- Commissioner May?

3 You're on mute or--

4 COMMISSIONER MAY: Sorry about that.

5 CHAIRPERSON HOOD: Okay.

6 COMMISSIONER MAY: So I have a quick comment, but then
7 I'll go ahead and make the motion.

8 So I, you know, I appreciate, as I said in my earlier
9 comments, the position of the Vice Chair -- well, the position
10 of the ANCs, which I think the Vice Chair is quite sympathetic
11 to, and the Chairman is also concerned about IZ requirements in
12 the D zones. But the fact is, at this moment, there is no
13 requirement for inclusionary zoning in this zone. Furthermore,
14 there is not a requirement under our regulations for evaluating
15 comp plan consistency. So I think that the draft order is
16 actually consistent with the advice that we have received from
17 our counsel.

18 So I don't have any problem with going ahead with this
19 based on the current zone designation and the regulations for the
20 design review. But of course, you know, if we want to take up
21 the, you know, the issue more broadly and how it's treated in
22 the regulations, you know, we can certainly have that discussion.
23 I think the previous proposal that we had seen was not the right
24 move at the time. But if we want, you know, we can always revisit
25 things.

1 So with that, I will go ahead and make a motion that
2 the Zoning Commission approve Case No. 23-03 William C. Smith &
3 Co., design review at Square 646.

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: Okay. It's been moved and properly
6 second. Any further discussion? Thank you both. Any further
7 discussion?

8 Not hearing any, Ms. Schellin, would you record the
9 vote please?

10 MS. SCHELLIN: Was that Commissioner Imamura who
11 seconded?

12 CHAIRPERSON HOOD: Yeah, Commissioner Imamura second.

13 MS. SCHELLIN: All right.

14 Commissioner May?

15 COMMISSIONER MAY: Yes.

16 MS. SCHELLIN: Commissioner Imamura?

17 COMMISSIONER IMAMURA: Yes.

18 MS. SCHELLIN: Commissioner Miller?

19 VICE CHAIR MILLER: No.

20 MS. SCHELLIN: Okay.

21 Commissioner Hood?

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Okay. The vote is three to one to one
24 to approve Zoning commission Case No. 23-03 for final action, the
25 minus one to oppose being Commissioner Miller and the other minus

1 one being the third mayoral appointee position which is vacant.
2 And I believe we already have a draft order in this case. Thank
3 you.

4 CHAIRPERSON HOOD: All right. Let's go to hearing
5 action Zoning Commission Case No. 23-05. This is 775 Holdings,
6 LLC, map amendment at Square 890.

7 Ms. Thomas?

8 MS. THOMAS: Good afternoon, Mr. Chair, members of the
9 Commission. Karen Thomas with the Office of Planning, for
10 Application No. 23-05, and we are asking the Commission to set-
11 down the map amendment before you this evening for property
12 located at the southwest corner of 8th and H Street, N.E., Lot
13 69 and Square 890.

14 At this location, the Applicant proposes to rezone
15 about 8,500 square feet of land area from the NC-16 to the NC-17
16 zone, and the proposal would not be inconsistent with the comp
17 plan as viewed through the racial equity lens and would be
18 appropriate for IZ Plus. Next slide?

19 The proposed rezoning would not be inconsistent with
20 the comprehensive plan's future land use map. The NC-17 zone
21 would permit medium density residential development with a
22 maximum FAR of 3.5 and up to 4.2 for the provision of IZ units,
23 and it would allow for a range of ground-floor commercial uses
24 within the same use category as NC-16, as well as multi-family
25 and multi-story apartment houses. The proposal was reviewed

1 through a racial equity lens as part of the comp plan's
2 consistency analysis. The potential affordable housing units
3 that could be created under the requested NC-17 zone is higher
4 than if the property was not rezoned, and the property's
5 redevelopment with an increased FAR offers opportunities to
6 increase housing and affordable housing within a mile of a Metro
7 station and along a property corridor including the streetcar
8 line. Allowing for affordable housing through the IZ Plus set-
9 aside requirement has the potential to benefit non-white
10 populations as brought out in the framework elements section
11 206.4, which states that residents of color are a majority of
12 low-income households in the District and therefore face a
13 disproportionate share of the problems caused by housing
14 insecurity and displacement. Next slide?

15 The generalized policy map identifies H Street as a
16 main street mixed-use corridor, and the proposed amendment would
17 not be inconsistent with this designation and densities for this
18 -- as the densities for this mixed-use corridor are guided by the
19 property's future land use map. In considering the Commission's
20 racial equity tool the requested NC-17 zone paired with IZ Plus
21 is consistent with the density as guided by the FLUM and the
22 policies that call for more levels of housing affordability in
23 corridors with access to opportunities, services, and amenities.
24 The property's also located in a policy focus area for Capitol
25 Hill, which emphasizes essential retail extending from 7th Street

1 to 12th Street, N.E., where new mixed-use projects combining
2 ground-floor retail and upper story housing are encouraged. Next
3 slide?

4 Again, IZ Plus would be appropriate to apply to this
5 map amendment as we see the updated 2023 projections for the
6 District's 2019 housing equity report stating that the Capitol
7 Hill planning area needs to produce about 1,400 affordable units
8 by 2025 to meet the affordable housing goals for the area. But
9 it has the highest production goal of any planning area, and it
10 is identified as having the third lowest percent of progress
11 towards that goal as of January 2023 of all the planning areas,
12 and that is included in our report.

13 So in conclusion, since map amendment applications
14 would only consider consistency with the comp plan and not a
15 specific development proposal, OP provided the example in its
16 report to demonstrate what IZ Plus may require. And given the
17 increase in maximum FAR permitted by the zone change, it is likely
18 that under most development scenarios that set-aside requirement
19 could provide up to six units. So OP is asking that the
20 Commission set-down this application and where necessary we could
21 provide any additional information in our final report. Thank
22 you.

23 CHAIRPERSON HOOD: Thank you, Ms. Thomas. I just have
24 a few questions. I wonder if OP is aware of any other community
25 outreach engagement the Applicant has done to date in terms of

1 the racial equity which we're required to now -- to deal with in
2 the comp plan. Are you aware of anything else that the Applicant
3 has done or maybe OP?

4 MS. THOMAS: Not at this point. OP -- we have not done
5 any type of outreach firsthand, but I'm not sure beyond what the
6 Applicant has provided in its report to date, but I could follow
7 up on that.

8 CHAIRPERSON HOOD: Yes. I'd like for them to -- if we
9 set this down because I was thinking about not setting it down,
10 let me do that first, but I'll see what my colleagues say. Also
11 do we know of any opposition to this proposed map amendment from
12 ANC or the community because it wasn't really clear in the record?

13 MS. THOMAS: I haven't seen any. I'm not aware of any
14 --

15 CHAIRPERSON HOOD: Okay.

16 MS. THOMAS: -- in the record or otherwise. We haven't
17 been contacted regarding any opposition to this map amendment.

18 CHAIRPERSON HOOD: Okay. Because we, you know, we're
19 really drilling down, Ms. Thomas, and if you can convey this to
20 the Applicant and I'll see what others have to say, but we're
21 really drilling down with making sure that the necessary data,
22 the outreach, the -- how we've accomplished, how we've gotten
23 here, what things we're putting in place, especially when it
24 comes to the racial equity tool that we've posted. So we're
25 taking that very seriously and you can convey that to the

1 Applicant. But let me open it up and hear from my -- thank you,
2 Ms. Thomas.

3 Let me hear from others. Commissioner May, you have
4 any questions or comments?

5 COMMISSIONER MAY: No, I don't. I think it's pretty
6 straightforward. You hit the questions about the racial equity
7 tool, so I think we're in good shape.

8 CHAIRPERSON HOOD: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman, I think
10 you summarized it quite well. I would only add, Ms. Thomas, that
11 you know, it seems unclear really how the Applicant kind of made
12 efforts to target its outreach efforts to accommodate the
13 surrounding -- the community surrounding the property there, and
14 so we'd like for them to maybe focus a little more on being more
15 responsive to part two of that racial equity tool.

16 That's all that I have, Mr. Chairman.

17 CHAIRPERSON HOOD: Thank you.

18 And Vice Chair Miller?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
20 agree with my colleagues' comments. I think this is appropriate
21 for a set-down as a map amendment.

22 Thank you, Ms. Thomas, for bringing forward the Office
23 of Planning recommendation for the Applicant's map amendment and
24 your recommendation that IZ Plus apply, given the planning area's
25 demographics. I think that's all appropriate, and as your report

1 and the Applicant's statement notes, that it could lead to the
2 potential for more housing and more affordable housing in a case
3 that is a zoning consistency case largely, map amendment zoning
4 consistency case with the comp plan, which seems appropriate.

5 Thank you, Mr. Chairman.

6 CHAIRPERSON HOOD: Thank you.

7 And Ms. Thomas, as well as -- if the Office of Planning
8 as well as the Applicant can drill down more on the race and
9 ethnicity trends. And I will tell you I want the Applicant to
10 know, I don't want them to just look at the Office of Planning's
11 report and come back and say we agree with those. I want them
12 to do their own analysis on this. It's easy to say we agree with
13 the Office of Planning, but -- and if it comes out the same,
14 fine, but I would like for them to do their own as opposed to
15 just saying we agree with one or the other. All right.

16 MS. THOMAS: Mr. Chair, I've just been made aware that
17 the Applicant has made extensive contact with ANC 6A to its
18 planning and zoning committee, and they specifically walked the
19 committee through their racial equity analysis.

20 CHAIRPERSON HOOD: Okay. Well, just come prepared with
21 all that because it looks like we are going to set this down and
22 drill down and be prepared to give us all the trends, all of the
23 data because we're going to be pushing it. Okay? All right.
24 So -- and if we ain't out front so we want to get there and say
25 well, we got to come back later on and do something, so we'll go

1 from there.

2 Any other questions or comments?

3 And thank you, Ms. Thomas, for that late development.

4 All right. So with that, unless I hear from other
5 comments, I would move that we set-down Zoning Commission case,
6 with discussion noted, for a hearing, in Zoning Commission Case
7 No. 23-05 and ask for a second.

8 VICE CHAIR MILLER: Second.

9 CHAIRPERSON HOOD: It's been moved and properly second.
10 Any further discussion?

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

13 MS. SCHELLIN: Commissioner Hood?

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Commissioner Miller?

16 VICE CHAIR MILLER: Yes.

17 MS. SCHELLIN: Commissioner May?

18 COMMISSIONER MAY: Yes.

19 MS. SCHELLIN: Commissioner Imamura?

20 COMMISSIONER IMAMURA: Yes.

21 MS. SCHELLIN: The vote is four to zero to one to set-
22 down Zoning Commission Case No. 23-05 as a contested case. The
23 minus one, of course, being the third mayoral appointee position,
24 which is vacant.

25 CHAIRPERSON HOOD: Okay. Ms. Thomas? Has Ms. Thomas

1 left? Let me clarify the question. The question was what
2 outreach beyond the ANC has been done? Beyond the ANC. So I
3 might not have mentioned that correctly, but we know the ANC, we
4 know that's been done, but beyond that. So let's -- I'm sure
5 the Applicant has heard that as well. Okay?

6 MS. THOMAS: For sure.

7 CHAIRPERSON HOOD: Thank you for your report here
8 today.

9 MS. THOMAS: Thank you.

10 CHAIRPERSON HOOD: All right. Ms. Schellin, do we have
11 anything else?

12 MS. SCHELLIN: No, sir, nothing else.

13 CHAIRPERSON HOOD: Nothing else? All right. Thank
14 everyone for their participation.

15 MS. SCHELLIN: Office of Planning.

16 CHAIRPERSON HOOD: Oh, Office of Planning?

17 MS. SCHELLIN: Yes. They do not have a report tonight.

18 CHAIRPERSON HOOD: Okay. They do not have anything?
19 Okay.

20 Let me announce our next meeting. Our next meeting is
21 May the 1st. I have to look at Ms. Schellin, sometimes I get
22 that wrong. We have Office of Planning, this is -- I guess this
23 is a rulemaking, a map amendment from the Office of Planning,
24 Zoning Commission Case No. 22-30 on May the 1st on these same
25 platforms at 4 p.m. And with that, I want to thank everyone for

1 their participation tonight. And with that, this meeting is
2 adjourned and we'll see you on Monday. Good night.

3 (Whereupon the above-entitled hearing was adjourned.)
4
5
6

7 C E R T I F I C A T I O N
8

9 This is to certify that the foregoing transcript
10

11 In the matter of: Public Meeting
12

13 Before: DCZC
14

15 Date: 04-27-2023
16

17 Place: Teleconference
18

19 was duly recorded and accurately transcribed under my
20 direction; further, that said transcript is a true and accurate
21 record of the proceedings.
22
23
24

25 _____
GARY EUELL

