

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR PUBLIC HEARING

+ + + + +

MONDAY

JULY 24, 2023

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson  
ROBERT MILLER, Vice Chairperson  
PETER MAY, Commissioner  
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

ELLA ACKERMAN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL COUNSEL:

DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on July 24, 2023.

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

Case No. 23-05

775 Holdings, LLC . . . . . 4

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

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

2 (4 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and  
4 gentlemen. Today's date is July the 24th, 2023. We are convening  
5 and broadcasting this public hearing by video conferencing. My  
6 name is Anthony Hood and I am joined by Vice Chair Miller,  
7 Commissioner May and Commissioner Imamura. We're also joined by  
8 the Office of Zoning Staff Ms. Sharon Schellin, oh, I'm sorry,  
9 excuse me, Ms. Ella Ackerman -- sometimes you just read what's  
10 there -- Ms. Ella Ackerman this evening, as well as Mr. Paul  
11 Young who will handling all of our virtual operations and our  
12 Office of Zoning attorney's staff, Office of Zoning legal  
13 division is Mr. Dennis Liu.

14 The virtual public hearing notice is available on the  
15 Office of Zoning's website. This proceeding is being recorded  
16 by a court reporter and the platforms used are WebEx and YouTube  
17 Live. The video will be available on the Office of Zoning's  
18 website after the hearing. All persons planning to testify should  
19 have signed up in advance and will be called by name at the  
20 appropriate time. At the time of sign-up -- let me read that  
21 again. All persons planning to testify should have signed up in  
22 advance and will be called by name at the appropriate time. At  
23 the time of sign-up, all participants will complete the Oath or  
24 Affirmation required by Subtitle Z 408.7. Accordingly, all those  
25 listening on WebEx or by phone will be muted during the hearing

1 and only those who have signed up to participate or testify will  
2 be unmuted at the appropriate time.

3           When called, please state your name before providing  
4 your testimony and when you are finished speaking please mute  
5 your audio. IF you experience difficulty accessing Webex or with  
6 your telephone call-in or have not signed up then please call our  
7 OZ hotline number at 202-727-0789. If you wish to file written  
8 testimony or additional supporting documents during the hearing,  
9 then please be prepared to describe and discuss it at the time  
10 of your testimony. The hearing will be conducted in accordance  
11 with provisions of 11-Z DCMR Chapter 4 as follows: preliminary  
12 matters, applicant's case -- I don't believe, or at least I didn't  
13 see any opposition. I think this is pretty straightforward. We  
14 may have questions so I'm going to ask the Applicant to keep it  
15 no more than ten minutes. Just brief the public exactly of what  
16 we're doing in hitting the highlights -- report of other  
17 government agencies, report of the Department of Transportation  
18 and the report of the Office of Planning, report of the ANC,  
19 testimony of organizations and individuals. Organizations will  
20 have five minutes and individuals three minutes and we will hear  
21 in the following order from those who are in support, opposition  
22 and undeclared. Then we will have rebuttal and closing by the  
23 applicant.

24           Again, the subject of this evening's case is Zoning  
25 Commission case No. 23-05 775 Holdings, LLC map amendment from

1 the ANC 16 and the ANC 17 at Square 890, Lot 69, 8th and H  
2 Streets, N.E., and today's date is July the 24th, and the ANC is  
3 ANC 6A in this case.

4 So with that, Ms. Ackerman, do we have any preliminary  
5 matters?

6 MS. ACKERMAN: Hi. Yes, we do. The Applicant is going  
7 to be represented tonight by Ms. Batties and Mr. Cohen of Holland  
8 & Knight. They plan to take about five to fifteen minutes for  
9 the presentation. The Applicant has proffered one expert  
10 witness, Ms. Elliott, in land use planning who's been previously  
11 accepted by the Commission as an expert, if the Commission would  
12 accept her in this case.

13 CHAIRPERSON HOOD: Okay. Commissioners, any objections  
14 to continuing the status of Ms. Elliott? Okay. Not seeing any  
15 objections, okay, Ms. Ackerman. Anything else?

16 MS. ACKERMAN: At Exhibit 21 we have the OP report  
17 recommending support of the application and at Exhibit 22 we have  
18 the DDOT report with no objections, and that's all of the  
19 preliminary matters.

20 CHAIRPERSON HOOD: Okay. Let's bring everybody up and,  
21 again, anywhere from five to ten minutes, hit the highlights, let  
22 us know what's going on and I think it's pretty straightforward.

23 MS. BATTIES: Can you guys hear me and see me okay?

24 CHAIRPERSON HOOD: Yes, we can, Ms. Batties.

25 MS. BATTIES: Okay. Great. Good afternoon. Leila

1 Batties and John Oliver with Holland & Knight on behalf on behalf  
2 of the Applicant 775 Holdings, LLC.

3 As the Chair has mentioned, the subject property is  
4 located at the southwest corner of 8th and H Street and it's  
5 improved with a partially leased building. We're seeking to  
6 rezone the property from NC=16 to NC-17 in order to facilitate  
7 the future redevelopment of the site with the mixed use  
8 development at a density that advances the objectives of the  
9 comprehensive plan, the small area plan for the H Street corner,  
10 and the D.C. Comeback Plan.

11 Ms. Elliott will testify on how the proposed rezoning  
12 is not inconsistent with the comprehensive plan including the  
13 racial equity analysis. I will just briefly remark that as  
14 discussed in our pleadings and as requested by the Commission,  
15 we have extended our outreach and community engagement beyond the  
16 immediate -- the affected ANC. The Applicant did reach out to H  
17 Street Main Street and also I've been in contact with the  
18 representative from ANC 6C which is the adjacent ANC for the  
19 subject property.

20 And one other thing I'd like to note that as part of  
21 this outreach effort, the Applicant met with ANC 6A's Economic  
22 Development and Zoning Committee on two occasions and on one  
23 occasion they focused strictly on the Zoning Commission's racial  
24 equity tool. So that has been a concern or a topic of discussion  
25 with this particular ANC.

1           And so that concludes my opening remarks and I'm going  
2 to turn over the presentation now to Brandice Elliott.

3           MS. ELLIOTT: Good afternoon, Mr. Chair, and members  
4 of the Commission. I'm Brandice Elliott with the law firm of  
5 Holland & Knight, and Mr. Young, if you wouldn't 'mind pulling  
6 up our presentation, I can get started. I did see that there  
7 may be some reconsideration of expert status by Dr. Imamura, so  
8 I will do my best to get through this without causing too much  
9 confusion.

10           COMMISSIONER IMAMURA: (Indiscernible) Ms. Elliott.

11           MS. ELLIOTT: You as well. Thank you.

12           We can go ahead to the next slide, please. All right.  
13 We know the property is located along the H Street corridor, it's  
14 at H and 8th. It's a fairly small property currently zoned NC-  
15 16 and you can see that it is adjacent to NC-17 to the east.

16           Next slide, please. We have some images to give you  
17 some context. The photograph to the right shows the project near  
18 the NC-17 to the east and then we have a corner photograph. The  
19 photograph on the right shows that there is a small alley to the  
20 rear as well some existing parking spaces.

21           Next slide, please. All right. So I think we know  
22 that the standard of review is that we are to demonstrate that  
23 the map amendment is not inconsistent with the future land use  
24 map, generalized policy map and the comprehensive plan.

25           Next slide, please. So the future land use map

1 designation is mixed use medium density residential and medium  
2 density commercial. The framework element of the comprehensive  
3 plan indicates that the density for medium density commercial  
4 usually ranges between an FAR of four to six but the proposed  
5 NC-17 would have a maximum of 4.2 so it does fall within that  
6 range and would not be inconsistent.

7           Next slide, please. A generalized policy map  
8 designation was Main Street mixed use corridor. These are  
9 typically areas where they were commercial business corridors and  
10 they have a concentration of older store fronts. The purpose is  
11 to maintain a pedestrian oriented environment and then that fine  
12 grained traditional store front and then when it is redeveloped  
13 to include more housing opportunities and neighborhood services,  
14 and of course the additional density that would be gained from  
15 this map amendment would result in additional housing.

16           Next slide, please. So when we compare the NC-16 and  
17 NC-17 zones, what we see is that there would be a gain in density  
18 of 1.2 FAR and then there would be a gain of height going from  
19 50 feet to 70 feet. There may be some other minor ones but those  
20 are the biggest, the largest gains for the proposed map amendment.

21           Next slide, please. We're going to spend some time  
22 talking about equity here so I'm going to go ahead and go to the  
23 next slide, please because we're going to use the Zoning  
24 Commission's racial equity tool to provide our analysis.

25           So if we go to the next slide we'll go ahead and discuss



1 the comprehensive plan policies a little bit and just to make  
2 sure the Commission is aware we do have very thorough analyses  
3 provided at Exhibits 4 and 13 of the record because I'm just  
4 going to be hitting some highlights here and I want to make sure  
5 that you've seen all of it.

6 So the proposed map amendment would advance several  
7 policies in the comprehensive plan. It would, you know, it would  
8 result in more housing, more affordable housing. It would allow  
9 the District to meet some of the targets identified in the housing  
10 equity report. It is also a transit accessible property so it  
11 would result in equitable transportation access as well. Those  
12 policies that are in bold and highlighted in pink are policies  
13 that are specifically identified in OP's equity crosswalk as  
14 advancing equity and they would apply it to the proposed map  
15 amendment.

16 Next slide, please. There is also a small area plan  
17 for this area. It's the H Street NE Strategic Development Plan.  
18 It was approved in 2003 so a lot of the recommendations have been  
19 folded into the comprehensive plan because there have been a  
20 couple of amendments since then. A recommendation that is  
21 specific to this property is to construct a two to three story  
22 building on the corner that would include residential use on the  
23 upper floors. The proposed map amendment would certainly advance  
24 that because it would allow for the density to provide those  
25 residential units.

1           Next slide, please. All right. So now we're going to  
2 discuss community guidance and engagement. The tool in part does  
3 request that we identify what the characteristic of a  
4 neighborhood are. The H Street corridor is certainly known for  
5 being transit accessible. There is a streetcar stop right in  
6 front of this property. It is also less than a mile from Union  
7 Station metro station and there are also a couple of bus lines  
8 that run down H Street. It is also an entertainment district  
9 and has been historically and obviously it is business and retail  
10 friendly. Because there are so many rowhomes adjacent that are  
11 larger, it is also a family friendly oriented type neighborhood.

12           So the tool asks us, you know, within that context to  
13 identify who would benefit and who would be burdened by the  
14 proposed map amendment and so we found that because of the  
15 additional density that would be gained through the map  
16 amendment, that retail and restaurant businesses would be likely  
17 to benefit from that, also providing the additional housing  
18 options within the neighborhood with the improved neighborhood  
19 amenities would also benefit residents and then of course  
20 residents who choose not to own a car, they could certainly live  
21 here and, you know, it would be more affordable location for  
22 them.

23           In terms of who would be burdened, you know, future  
24 development does lead to increased activity and traffic  
25 potentially and so the residents may experience more noise,

1 congestion or parking issues related to the development.

2           Next slide, please. All right. So the racial equity  
3 tool also asks us to provide an analysis concerning past and  
4 present racial discrimination and, you know, how this project  
5 might impact that and so the H Street corridor actually has a  
6 history of displacement beginning back to the construction of  
7 Union Station when Black residents were displaced to allow for  
8 its development. A lot of those folks moved into alley dwellings  
9 and there was further displacement when those alley dwellings  
10 were cleared. But in the meantime there was a lot of commercial  
11 development happening along the corridor and so it was actually  
12 a center for commercial and entertainment and it had a street  
13 park. So but then during the riots the street was decimated  
14 obviously and there's a photograph of an adjacent corner. I  
15 don't believe that's the actual corner of 8th and H but that  
16 resulted in the mass exodus to the suburbs as we know.

17           So what happened during this time period is there was  
18 actually a predominantly Black population in the neighborhood.  
19 There was disinvestment for a period of time up until interest  
20 in redevelopment was renewed in the 1990s and there was the  
21 development of the Strategic Development Plan. Since that plan  
22 was approved there has been over 1,500 residential units  
23 constructed along the corridor. The proposed map amendment would  
24 certainly advance the Strategic Development Plan and the  
25 comprehensive plan and it would not result in any of the cyclical

1 displacement that has occurred within the neighborhood because  
2 there are currently no residential units on the property.

3           Next slide, please. As Ms. Batties noted at the  
4 beginning of our presentation we've met with the ANC a few times  
5 and we did have a very robust discussion about racial equity and  
6 it has been approved by the full ANC earlier this month.

7           Next slide, please. So as we go through our community  
8 guidance engagement, the racial equity tool specifies that we are  
9 to identify what the neighborhood's priorities are. The  
10 community, as we were meeting with them, identified that  
11 affordable housing is important to them and that would certainly  
12 be advanced since IZ Plus would apply to the map amendment and  
13 they were also interested in it providing employment  
14 opportunities and they can provide something that the developer  
15 continues, or the Applicant continues, to want to engage with the  
16 community on and discuss further. The comprehensive plan  
17 identifies additional priorities such as protecting the rowhouse  
18 neighborhood character and putting density in the correct  
19 location and that would certainly occur here, and then the Mayor  
20 identified some of her priorities in the budget proposal earlier  
21 this year. There would be a lot of improvements to neighborhood  
22 schools, recreation centers and also to the H Street Bridge which  
23 would be quite significant.

24           So, next slide, please. So the Office of Planning  
25 provided disaggregated data. We also provided disaggregated data

1 to the record. We believe that that's at Exhibit 13, where we  
2 provided the data for the Capitol Hill planning area. Really  
3 compared to the District overall we found that it's in pretty  
4 decent shape when it comes to household income at the employment  
5 rate. The household income is quite a bit higher than the  
6 District overall. The unemployment rate is also lower. It is a  
7 predominantly White population and it has been increasing since  
8 2000. In 2000 the Black population was at 59 percent and now  
9 it's at about 27 percent and the Hispanic population is at 7.6  
10 percent which is also less than the District-wide percent.

11 What is interesting about the Capitol Hill planning  
12 area is that it has a higher percentage of owner occupied  
13 households as opposed to renter occupied households and that's  
14 actually split from District-wide percentages. This is a small  
15 -- this map amendment would facilitate, you know, a project on  
16 the smaller side and a smaller scale and would not be a  
17 significant, you know, FAR increase and so really not expect this  
18 particular map amendment to have a significant impact on the  
19 disaggregated data for the neighborhood.

20 Next slide, please. All right. And so now we're at  
21 the last part of the racial equity tool. You all have to start  
22 giving us more than ten minutes because I go over every time.

23 Part IV is a discussion of the outcome of the zoning  
24 action through the racial equity lens and overall we've found  
25 that the proposed map amendment would have a positive impact on

1 the neighborhood. There would be no residential displacement.  
2 It would result in, you know, more households and more affordable  
3 households and when the property is developed there would be some  
4 physical improvements to the public realm as well and certainly  
5 just by, you know, being located where it is, it is transit  
6 accessible which gives, you know, people the option of owning a  
7 car and they certainly have more access to employment  
8 opportunities and other amenities that the District, or the  
9 region has.

10 Next slide, please. So it is a little more difficult  
11 to identify what potential inconsistencies may be related to the  
12 map amendment because there's not a specific project. We do know  
13 that in this case it is unlikely that the Applicant will be re-  
14 using the existing building on the site so one potential  
15 inconsistency is that, you know, the building would not be  
16 rehabilitated. It would probably just be demolished for a new  
17 development and then there is also the issue with minimizing off-  
18 street parking. One thing that we do know is that increased  
19 density residences are probably going to increase traffic to a  
20 certain extent. That is just a by-product of any sort of  
21 development and so those are potential inconsistencies that we're  
22 working with for this particular map amendment but there are a  
23 lot of other policies that outweigh those. In particular there's  
24 consistency with the future land use map which does, you know,  
25 designate this as medium density having a higher FAR than the NC-

1 16 zone has.

2           There's also consistency with the housing equity report  
3 and the production of additional housing and vertical housing as  
4 well as the Mayor's D.C. Comeback Plan.

5           So if we can go to the next slide. Thanks. As for  
6 the finale we found that the proposed map amendment should not  
7 be inconsistent with the comprehensive plan and when it's  
8 evaluated through a racial equity lens and any consistencies are  
9 outweighed by policies that were uploaded on the previous slide  
10 as well as the future land use map and generalized policy map.

11           So that concludes my presentation. I'll be happy to  
12 answer any questions that you have.

13           MS. BATTIES: And that concludes the Applicant's  
14 presentation (indiscernible).

15           CHAIRPERSON HOOD: Thank you very much, Ms. Elliott and  
16 Ms. Batties. Let's see if we have any questions. I'm going to  
17 do it like this tonight. Does any of my colleagues have any  
18 questions or comments, and who would like to start first if you  
19 have some?

20           Okay. Commissioner May.

21           COMMISSIONER MAY: Just one quick one. So no  
22 residential displacement but there are some businesses that would  
23 be displaced by this?

24           MS. BATTIES: There are two tenants right now whose  
25 leases will expire at the end of 2024 and so there won't be any

1 displacement before then. There won't, the building will be  
2 redeveloped and there will be more retail -- be replaced by new  
3 retail space along with residential.

4 COMMISSIONER MAY: Right. So what are the businesses  
5 that are there right now?

6 MS. BATTIES: There's a convenience store and a  
7 dentist's office.

8 COMMISSIONER MAY: Right. Yes, it's an interesting  
9 spot; right? I mean, so much of H Street has been redeveloped  
10 with large pretty new buildings and, you know, the businesses  
11 that were there, and it was largely businesses because it was  
12 -- it's been historically like two or three story buildings being  
13 replaced by very large buildings with much more significant  
14 retail space and certainly more housing. But the, you know, the  
15 businesses that have been there for a very long time are feeling  
16 the economic pressure and slowly are moving out over time.

17 Is there -- to what extent is that issue addressed  
18 within comprehensive plan policies where, I mean, like how far  
19 do you think the comp plan can possibly go to retain the existing  
20 businesses?

21 MS. BATTIES: I'm going to ask Brandice to address that  
22 question, answer that question.

23 COMMISSIONER MAY: All right. I don't know the answer,  
24 it may not even be there, I don't know.

25 MS. ELLIOTT: I mean, it certainly encourages too. I



1 can't point to any specific policies but if you want to give me  
2 a minute I can see.

3 COMMISSIONER MAY: Like, yes, you might (indiscernible)  
4 that --

5 MS. ELLIOTT: Right.

6 COMMISSIONER MAY: -- I don't know, and the other thing  
7 about this is we don't have anything in writing from the ANC but  
8 I think there was something at their meeting earlier this month.  
9 Did that meeting happen?

10 MS. BATTIES: Yes, and they voted on the consent agenda  
11 to support the application, so.

12 COMMISSIONER MAY: But we don't actually have anything  
13 on the record from them?

14 MS. BATTIES: No.

15 COMMISSIONER MAY: Okay. That's it for me.

16 CHAIRPERSON HOOD: Okay. Who would like to go next?  
17 Commissioner Imamura.

18 COMMISSIONER IMAMURA: I'll be consistent, Mr.  
19 Chairman. I'll make the next question for Ms. Elliott.

20 I was studying the slide deck, just another just  
21 graphically at the slide deck (indiscernible) and your walk-  
22 through, and you might have mentioned this. I just wanted to  
23 ask if you could repeat it. I know you reached out the H Street  
24 Main Street non-profit. Again, can you reiterate what you heard  
25 back from them or have you heard back from them and, if so what

1 was the input and respond to it?

2 MS. BATTIES: We did not hear back from them,  
3 Commissioner Imamura, but we did reach out to them on multiple  
4 occasions.

5 COMMISSIONER IMAMURA: Okay. I guess, Ms. Batties,  
6 what is the plan to connect with them?

7 MS. BATTIES: Well, I mean we can only continue to, I  
8 mean, we can continue to reach out but I don't know how we would  
9 make them respond. I can just tell you that from meeting with  
10 the new Single Member District representative, there has not been  
11 any opposition to this application. I think Commissioner May  
12 touched on this area. People want to see the sites in the area  
13 kind of redeveloped and cleaned up recognizing that there are lot  
14 of dynamics around the site. You have new developments, you have  
15 long term residents, but a lot of the activity there is not  
16 desirable and so some of that is addressed with redeveloping and  
17 cleaning up the sites.

18 COMMISSIONER IMAMURA: Sure. All right. I'm satisfied  
19 with the response. Thank you, Ms. Batties. Thank you, Ms.  
20 Elliott, for your presentation. Mr. Chairman, I yield back.

21 CHAIRPERSON HOOD: And Vice Chair.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
23 you Ms. Batties and Ms. Elliott for your presentation of the  
24 Applicant's request for a map amendment which I think my fellow  
25 commissioners have covered the couple of areas that I was going

1 to ask about.

2 I would just note what's noted in the record and what's  
3 been stated here today in your testimony that this is, you know,  
4 largely a zoning consistency case and that zoning being whether  
5 it's not inconsistent with the comprehensive plan and you pointed  
6 out all the policies where this map amendment would support those  
7 policies and so yes, I would just note that the, you know, I  
8 think it's the DDOT report that said that the NC, the proposed  
9 NC -- so, yes. It's mapped on the comp plan and future land use  
10 map as medium density residential and medium density commercial  
11 and certainly the NC-17 fits into the proposed NC-17 mapping and  
12 DDOT, as I started to say, notes that that zone would allow for  
13 approximately due to the density and the IZ bonus plus and  
14 everything, would allow approximately 11 more residential units  
15 on the property than the maximum allowed in the NC-16 zones 33  
16 units versus 22 units with the first floor retail and I think  
17 the OP report says that up to, if they did the maximum number of  
18 housing units allowed, that it could provide up to six additional  
19 affordable housing units.

20 If I misstated anything, Ms. Elliott and Ms. Batties,  
21 you can correct me but it's because of the additional housing  
22 largely and the consistency with the comp plan and the IZ Plus  
23 designation that will go with the map amendment that I'm  
24 supportive of this going forward and hearing that the ANC did  
25 approve it at its July 13th meeting it would be nice, not nice,

1 | it would be good for our record and the order if there was  
2 | something from the ANC before we get to a final vote. I think  
3 | this is a two vote case so there's time to maybe to just have,  
4 | even if it's the minutes of the ANC meeting on the ANC stationery  
5 | just to add that there by your own statement, so.

6 | I appreciate your bringing it forward and I have no  
7 | other questions at this time, Mr. Chairman. Thank you.

8 | CHAIRPERSON HOOD: Ms. Batties, let me ask you this  
9 | first. How do you pronounce your last name because I've been  
10 | pronouncing your name a certain way and I heard it the other day,  
11 | somebody pronounced it differently and I wanted to make sure, as  
12 | Ms. Elliott knows, I can mess up some names. I don't know, did  
13 | I mess it up or the other person who announced your messed it  
14 | up? So how do you pronounce your last name?

15 | MS. BATTIES: [Batt-ees].

16 | CHAIRPERSON HOOD: Oh, so I've been, okay, so it was  
17 | the other person and I'll leave it at that.

18 | I do have a question about the Main Street. Now I  
19 | think in September, as you all know, they're having a big thing  
20 | they have -- I don't know the dates in September. I think that  
21 | would also be a good time to also do further engagement and I  
22 | know you might not catch people who are around but I think you  
23 | all may have, and I'm just recommending, have a table or work  
24 | with ANC and you all should have a presence, especially when  
25 | you're doing this development just to kind of explain to the

1 community because, you know, I think that'll go a long way. Mr.

2 --

3 MS. BATTIES: Zemal? (Phonetic).

4 CHAIRPERSON HOOD: No. Let me get his name. Anwar,  
5 Anwar Saleem.

6 MS. BATTIES: Oh.

7 CHAIRPERSON HOOD: Yes.

8 MS. BATTIES: Yes. We reached out to him and I thought,  
9 and I looked at his name and I thought of you, Mr. Chairman,  
10 knowing how you like us to work with the community. I requested  
11 that we specifically connect with him but I will try again.

12 CHAIRPERSON HOOD: Okay. He has done wonders on H  
13 Street. The last time I had run in to him he mentioned they were  
14 in the process of planning that day which is jam packed. I think  
15 it's in September. Hopefully I have my facts right. I may be  
16 incorrect but I think he said it's in September.

17 Also I have a question. The presentation that was  
18 presented to the ANC, the last slide said questions. What were  
19 some of the questions that you got when you presented to the ANC,  
20 or did you get any, or whomever presented it?

21 MS. BATTIES: Brandice.

22 MS. ELLIOTT: Certainly. Thank you, Mr. Chair. The  
23 questions that we got were predominantly about providing jobs to  
24 the neighborhood. I mean, that seemed to be the biggest concern  
25 that they had. There were just some utilitarian type questions

1 about how to use the tool because it, you know, especially at  
2 the time it hadn't been, you know, out in the world for very long  
3 and so, you know, we were teaching them what we knew in that  
4 moment and hopefully giving them some guidance so they know how  
5 to use it for future projects. I think that that was a large  
6 part of that presentation. But their questions were  
7 predominantly related to the provision of employment.

8 CHAIRPERSON HOOD: All right. Thank you, and thank you  
9 for all the work that you have done to get us to this point. Any  
10 follow-up questions, colleagues? Not seeing any.

11 Ms. Ackerman, do we have anyone here from, I think it's  
12 6A?

13 MS. ACKERMAN: No, we do not.

14 CHAIRPERSON HOOD: Okay. I'll read their report, we'll  
15 get that. Let's go to other government agencies. Do we have  
16 anyone from any other government agencies besides DDOT and Office  
17 of Planning?

18 MS. ACKERMAN: No.

19 CHAIRPERSON HOOD: Okay. let's go, do we have anyone  
20 here from DDOT? I think we do.

21 MS. ACKERMAN: I do not see anyone from DDOT but I see  
22 two people from OP.

23 CHAIRPERSON HOOD: Okay. Let's go to the Office of  
24 Planning then, and I'll do the DDOT report. Ms. Thomas and Mr.  
25 Lawson.

1 MS. ACKERMAN: Yes.

2 MS. THOMAS: Good afternoon, Mr. Chair and members of  
3 the Commission. Karen Thomas with the Office of Planning and the  
4 Office of Planning tonight is recommending approval of the map  
5 amendment from NC-16 to NC-17 zone for the 8,500 square property  
6 at the southwest corner of 8th and H Street, N.E. This proposal  
7 would not Be inconsistent with the comp plan and as viewed through  
8 the racial equity lens, and it's appropriate for is Plus.

9 Next Slide. The NC-16 zone permits moderate density  
10 and the NC-17 zone would permit both moderate and medium density  
11 mixed use development. But the NC-17 ups the maximum FAR from  
12 3.0 in the NC-16 to 4.2 FAR for the provision of IZ units while  
13 still allowing for a range of ground floor commercial uses within  
14 the same use category as the NC-16. The generalized policy map  
15 identifies H Street as a main street mixed use corridor and the  
16 density is guided by the property's future land use map  
17 designation.

18 Next slide. In considering the Commission's racial  
19 equity tool, the NC-17 zone paired with IZ Plus is consistent  
20 with the density as guided by the FLUM and the comp plan policies  
21 that call for more levels of housing affordability in corridors  
22 with access to the opportunities, services and amenities. The  
23 potential affordable housing unit that could be created under the  
24 requested NC-17 zone are higher than if the property was not  
25 rezoned and as the Applicant well pointed out here this evening,

1 redevelopment with an increased FAR offers opportunity to  
2 increase housing and affordable housing within a mile of a metro  
3 station and along a priority transit corridor including the  
4 streetcar line allowing for affordable housing through an IZ Plus  
5 set-aside requirements has the potential to benefit non-White  
6 populations as we can see that the planning area has a higher  
7 medium income than District-wide and it is not as cost burdened.  
8 So this makes it harder for lower income residents who typically  
9 have a higher cost burden as recognized in the framework elements  
10 Section 206 which states that residents of color are majority of  
11 lower income households in the District and therefore face a  
12 disproportionate share of the problems caused by housing  
13 insecurity. Thus, the increased square footage afforded through  
14 the NC-17 would contribute towards the City-wide housing goals.

15           The updated 2023 projections for the District's housing  
16 equity report states that a Capitol planning area needs to meet  
17 the 2025 affordable housing goals for the area which is about  
18 1,400 units and it has the third highest production goal of any  
19 planning area, but as of 2023 it is identified as having the  
20 third lowest percent of progress towards that goal of all the  
21 planning areas.

22           So in conclusion, since a map amendment application's  
23 only considered consistency with the comp plan and not a specific  
24 development proposal, given the increase in maximum FAR permitted  
25 by the zone change, it is likely that under most developments in



1 areas that the set-aside requirement could provide up to six  
2 units and as the Applicant pointed out here tonight, we are in  
3 support that any inconsistencies are outweighed by the District's  
4 policies reflected in the comp plan. So OP is asking that the  
5 Commission approve the map amendment based on information  
6 included in our report and provided by the Applicant here tonight.

7 Thank you, and I'm happy to take any questions.

8 CHAIRPERSON HOOD: Thank you, Ms. Thomas, for your  
9 report. Let's see if we have any questions or comments.

10 Commissioner May.

11 COMMISSIONER MAY: No. Thank you.

12 CHAIRPERSON HOOD: Commissioner Imamura.

13 COMMISSIONER IMAMURA: I do not. Thank you, Ms. Thomas,  
14 for your report.

15 CHAIRPERSON HOOD: Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Ms. Thomas, for your  
17 report. I realize this is a map amendment that your office didn't  
18 generate, is that correct? I mean, it came from a private party;  
19 right?

20 MS. THOMAS: That's correct.

21 VICE CHAIR MILLER: So you may not have done this  
22 evaluation, but I'm just wondering about the other properties  
23 along this block of H Street that are still -- that are in the  
24 NC-16, the same NC-16 existing zone that this property is in and  
25 they're in the same comp plan land use map designation medium

1 density residential and commercial. Do you anticipate that those  
2 will be remapped at some point as well or are they already  
3 redeveloped? I didn't quite catch the pictures, and don't  
4 remember.

5 MS. THOMAS: I don't have the full picture in front of  
6 me here right now. Let me just take a look at it. But just off  
7 the top of my head, a lot of the properties within the, let's  
8 see, where are we, at 8th going east, they already have been  
9 redeveloped to a PUD. We also have across H Street between 7th  
10 and 8th, that's a larger -- that's The Apollo Whole Foods PUD  
11 thereabouts. A significant amount of PUD activity but we also  
12 have smaller development that comes from BZA.

13 I can't anticipate right now any other map amendments.  
14 I haven't seen any but it is possible for some of the small  
15 properties, but a huge bit of the development around this corridor  
16 is most likely PUD, PUD oriented, and then with the smaller ones  
17 it might be BZA.

18 VICE CHAIR MILLER: Okay. Well, I appreciate that  
19 context that you just provided. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair and  
21 thank you Ms. Thomas. I don't have any questions. Let's see,  
22 Ms. Batties, do you have any questions of the Office of Planning?

23 MS. BATTIES: No, I don't. Thank you, Ms. Thomas.

24 CHAIRPERSON HOOD: Okay. So, Ms. Thomas, thank you for  
25 your report. Appreciate it, as always.

1           The DDOT report I will just mention is our Exhibit No.  
2 22. They call it the Summary of DDOT Review which I'm sure the  
3 Applicant reviewed and that's in the record. I won't read all  
4 that. They have a continued coordination statement in here as  
5 well and then they have a recommendation, which is what I will  
6 read. "DDOT has no objection to the approval of the requested  
7 map amendment."

8           All right. So let's move on, Ms. Ackerman, do we have  
9 anyone who's here to testify in support, opposition or undeclared  
10 in any one of those categories in this case tonight?

11           MS. ACKERMAN: No, we do not.

12           CHAIRPERSON HOOD: Okay. Not hearing anyone. Ms.  
13 Batties, do you have any rebuttal or any, well any rebuttal?

14           MS. BATTIES: No, I don't. Thank you.

15           CHAIRPERSON HOOD: Okay. Would you give us your  
16 closing, please?

17           MS. BATTIES: Well, we have nothing further to present.  
18 We respectfully request that the Zoning Commission support the  
19 recommendation of the Office of Planning and DDOT, and take  
20 proposed action in support of the application. We note that the  
21 report from the ANC was requested and we will work to get that  
22 for final action. Mr. Chair, I will personally reach out to H  
23 Street Main Street to see how we can work with them, continue to  
24 work with them.

25           CHAIRPERSON HOOD: Okay. Thank you, Ms. Batties, for

1 looking for the ANC letter and I will personally be at H Street  
2 and I will drop by your table to make sure you're all out there.  
3 All right, so -- I'm just joking.

4 All right. Colleagues, you've heard the request for  
5 Ms. Batties and they, I think one of our, my colleagues including  
6 I myself, about the ANC letter. They want to get an ANC letter.  
7 This is a two vote case.

8 Let me hear from my colleagues. What is your pleasure  
9 with this particular situation?

10 Commissioner May.

11 COMMISSIONER MAY: I'm fine moving forward based on  
12 what we've heard tonight but I would like to get the ANC report  
13 on the record.

14 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

15 COMMISSIOENR IMAMURA: Likewise, thank you, Mr.  
16 Chairman. I'm prepared to move forward in support.

17 CHAIRPERSON HOOD: And Vice Chair Miller.

18 VICE CHAIR MILLER: I concur, Mr. Chairman. Thank you.

19 CHAIRPERSON HOOD: Okay. Would one of you all like to  
20 make the motion, proposed?

21 VICE CHAIR MILLER: I move that the Zoning Commission  
22 take proposed action on case No. 23-05 775 Holdings, LLC, a map  
23 amendment from NC-16 to NC\_17 at Square 890, Lot 69 that's at  
24 8th and H Street, N.E. So it's a map amendment from NC-16 to  
25 NC-17 with the IZ Plus designation and ask for a second.

1 COMMISSIONER IMAMURA: Second.

2 CHAIRPERSON HOOD: Okay. It's been moved and properly  
3 second. Any further discussion? Not hearing any, Ms. Ackerman,  
4 could you do a roll call vote, please?

5 MS. ACKERMAN: Yes. Commissioner Miller?

6 VICE CHAIR MILLER: Yes.

7 MS. ACKERMAN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. ACKERMAN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. ACKERMAN: Commissioner May?

12 COMMISSIONER MAY: Yes.

13 MS. ACKERMAN: Case 23-05 has been approved for  
14 proposed action at four to zero to one.

15 CHAIRPERSON HOOD: Okay. Thank you, Ms. Ackerman. Ms.  
16 Ackerman, do we have anything else before us this evening?

17 MS. ACKERMAN: No, we don't.

18 CHAIRPERSON HOOD: Okay. Thank you. I just have an  
19 announcement. The Zoning Commission will meet again July the  
20 27th. This is our regular meeting, various agenda items will be  
21 on the agenda, and we will be meeting on the same platforms at 4  
22 p.m.

23 Also on July the 31st I expect to see Ms. Batties, Mr.  
24 Cohen and others, I'll take a roll call on that date. We have  
25 something special planned for the 31st at 4 o'clock. So far I

1 have on my list Mr. Avitabile and Ms. Batties. Expect to see  
2 you all join us for our special event on the 31st, which is next  
3 Monday.

4 So with that, I want to thank everyone for their  
5 participation this evening and appreciate all the work that  
6 everybody's been doing, the Applicant as well as the community.  
7 With that this hearing is adjourned.

8 Good night.

9 (Whereupon, the above-entitled hearing was adjourned.)  
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: ZC

Date: 07-24-2023

Place: Teleconference

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

---

JULIE SOUZA