

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1585th MEETING SESSION

THURSDAY, JANUARY 11, 2024

The Public Meeting by the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:04 p.m. EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire  
DENNIS LIU, Esquire

The transcript constitutes the minutes from the Public Meeting held on January 11, 2024.

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

2 (4:04 p.m.)

3 CHAIRPERSON HOOD: All right. Good afternoon,  
4 ladies and gentlemen.5 We are convening and broadcasting this public  
6 meeting by videoconferencing.7 My name is Anthony Hood. Joining me this evening  
8 are Vice Chair Miller, Commissioner Stidham, and  
9 Commissioner Imamura.10 We are also joined by the Office of Zoning staff,  
11 Ms. Sharon Schellin, as well as Mr. Paul Young, who will be  
12 handling all of our virtual operations, also, our Office of  
13 Zoning Legal Division, Mr. Ritting and Mr. Liu.14 I will ask others to introduce themselves at the  
15 appropriate time, if required.16 Copies of today's meeting agenda are available on  
17 the Office of Zoning's website. Please be advised that this  
18 proceeding is being recorded by a court reporter and is also  
19 webcast live, Webex and YouTube Live. The video will be  
20 available on the Office of Zoning's website after the  
21 meeting. Accordingly, all of those listed on Webex or by  
22 phone will be muted during the meeting, unless the  
23 Commission suggests otherwise.24 For hearing action items, the only documents  
25 before us this evening are an application, the ANC set down

1 report, and the Office of Planning report. All other  
2 documents in the record will be reviewed at the time of the  
3 hearing.

4 Again, we do not take any public testimony at our  
5 meetings unless the Commission requests someone to speak.  
6 If you experience difficulty accessing Webex, or if you're a  
7 telephone call-in, then please call our OZ hotline number at  
8 (202) 727-0789 for Webex or log-in or call-in instructions.

9 At this time, does the staff have any preliminary  
10 matters?

11 MS. SCHELLIN: No, sir.

12 CHAIRPERSON HOOD: Okay. With that, we'll go  
13 right into our agenda.

14 Okay. First, under final action, Zoning  
15 Commission Case Number 22-35, UM 500 Penn Street, N.E., LLC,  
16 et al., consolidated PUD, related map amendment and air  
17 rights, Square 3592, and Parcel 129/45.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. At the close of the  
20 hearing, the Commission took proposed action and left the  
21 record open for specific requests, and so I do want to say  
22 first that on December 29th at Exhibit 42, the Office of the  
23 Attorney General submitted a request to reopen the record to  
24 allow it to submit a response to the applicant's post-  
25 hearing response.

1                   However, the Commission specifically stated it did  
2 not need anything additional from OAG, so Chairman Hood  
3 denied that request.

4                   So new exhibits since the hearing at Exhibits 38,  
5 40 through 40C, 41, 43, and 43A, are the applicant's post-  
6 hearing submissions. Exhibit 42 is a letter from NCPC  
7 advising this project falls under one of their exemptions  
8 from their review. So this case is ready for the Commission  
9 to deliberate on final action.

10                  Thank you.

11                  CHAIRPERSON HOOD: Thank you, Ms. Schellin.

12                  And I denied that request. I think our  
13 regulations are clear, and I know OAG would know those  
14 probably better than I do. So it's -- it would have been a  
15 back and forth, so unless my colleagues object, I have made  
16 -- I have ruled that we deny that.

17                  Anyway, so let's move forward. Let me ask  
18 Commissioner Imamura if he has any -- would like to start  
19 off on this one.

20                  COMMISSIONER IMAMURA: And I think you make a  
21 great point. There are a couple of things I want to note  
22 with this particular case. One, I think it's pretty  
23 straightforward, but a couple of things are worth  
24 addressing.

25                  There was a PDR issue mentioned in the OP report.

1 I didn't find it incredibly significant, but I found that,  
2 you know, the applicant's commitment is sufficient I think  
3 to meet its obligation under the comp plan to preserve that  
4 PDR (inaudible). So I'm certainly comfortable with that.

5 In regards to OAG's comments, I didn't find  
6 them -- their argument persuasive. And I think that the  
7 applicant's (inaudible) approval for this case don't support  
8 (inaudible).

9 I think that the last argument that the applicant  
10 made for this hearing response -- in the first place, it's  
11 quite interesting, saying that, you know, OAG's position  
12 would have an unintended and undesirable effect and reduce  
13 the amount of affordable housing.

14 You know, so if the District were to take an  
15 aggressive position that OAG is advocating for, it might  
16 push investors and developers away from the District, and it  
17 might do that sort of quietly, and that -- you know,  
18 developers and investors would likely just leave the  
19 District without really announcing it, and just simply stop  
20 pursuing the developments.

21 So I am not fully persuaded by OAG's argument, and  
22 I'm prepared to vote in support of this.

23 CHAIRPERSON HOOD: Thank you very much,  
24 Commissioner Imamura. Great points.

25 Commissioner Stidham, do you have any follow up?

1 Any questions or comments? I mean, any comments on this?

2 COMMISSIONER STIDHAM: No. No. I -- I tend to  
3 agree with Commissioner Imamura.

4 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

5 VICE CHAIRPERSON MILLER: Mr. Chairman, I also  
6 share -- appreciate Commissioner Imamura's comments. And as  
7 I said at proposed action following the public hearing, that  
8 this is an issue which we have agreed to disagree with the  
9 Office of Attorney General's position that the IZ Plus  
10 metric -- their position is that the IZ Plus metric should  
11 apply to PUD cases when it clearly does not currently apply  
12 under our regulations.

13 So the affordable housing set-aside is at the  
14 15 percent level, which is consistent with or greater than  
15 most of the PUDs in the union market area almost -- and it  
16 is almost twice the baseline of eight percent that our IZ  
17 regulations require, which we had a lot of hearings on and  
18 discussion on, and maybe we should have a new case on, if  
19 people want to revisit that issue.

20 So, but it doesn't currently apply to PUDs, and  
21 this does have a 15 percent set-aside. And there were other  
22 public benefits involved with this PUD, as there are with  
23 all PUDs, public amenities, and public benefits, including  
24 in this case they worked very closely with the ANC --  
25 affected ANC in Ward 5, and they increased the three-bedroom

1 units as a result of that.

2 I think they increased the balconies, if I -- as I  
3 recall. I don't know if they increased it, but there was a  
4 substantial, I think half -- there's a lot of public  
5 benefits associated -- and amenities associated with the  
6 project.

7 So I also do share Commissioner Imamura's concern  
8 about the unintended consequences of requiring higher amount  
9 -- much higher amount than has otherwise been required in  
10 PUD cases.

11 So that's it, Mr. Chairman. Thank you very much.

12 CHAIRPERSON HOOD: Okay. To all my colleagues,  
13 great points, and I appreciate Commissioner Imamura giving  
14 us a start on that.

15 I am ready to vote in support of. I don't have  
16 anything to add. I would agree with everything that I've  
17 heard, and I would ask someone that would like to make a  
18 motion to approve final action.

19 Commissioner?

20 COMMISSIONER IMAMURA: I'll make the motion,  
21 Mr. Chairman. I move that the Zoning Commission take final  
22 action on Case Number 22-35, UM 500 Penn Street, N.E., LLC,  
23 et al., consolidated PUD, related map amendment, air rights,  
24 at Square 3592 and Parcel 129/45. Ask for a second.

25 CHAIRPERSON HOOD: I'll second it.

1                   It has been moved and properly seconded. Any  
2 further discussion?

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

5                   MS. SCHELLIN: Commissioner Imamura?

6                   COMMISSIONER IMAMURA: Yes.

7                   MS. SCHELLIN: Commissioner Hood?

8                   CHAIRPERSON HOOD: Yes.

9                   MS. SCHELLIN: Commissioner Miller?

10                  VICE CHAIRPERSON MILLER: Yes.

11                  MS. SCHELLIN: Commissioner Stidham?

12                  COMMISSIONER STIDHAM: Yes.

13                  MS. SCHELLIN: The vote is four to zero to one to  
14 approve final action, Zoning Commission Case Number 22-35,  
15 the minus one being the third mayoral appointee seat, which  
16 is vacant.

17                  Thank you.

18                  CHAIRPERSON HOOD: Let's keep it moving. Let's go  
19 to time extensions. Zoning Commission Case Number 13-08C,  
20 New Congress Heights Partners, LLC, and New Congress Heights  
21 Metro Owner, LLC, two-year PUD time extension at  
22 Square 5914.

23                  Ms. Schellin.

24                  MS. SCHELLIN: Yes, sir. The applicant is  
25 requesting a two-year time extension to December 5th, 2025,

1 to allow the applicant to obtain approval of a modification  
2 of consequence application, which has already been filed and  
3 is on the Commission's second meeting agenda in February.

4 They have also requested a waiver for -- from  
5 Subtitle Z, Section 705.5, which allows no more than two  
6 time extensions, and the second one being for only one year.  
7 So they have asked for a waiver from that rule, because this  
8 is the third time extension for two years, and they are  
9 justifying -- or the applicant's justification for waiving  
10 this is that it will not prejudice the rights of any of the  
11 parties, and -- because the parties support this.

12 And they are stating the extension is needed  
13 because the developers were unable to obtain financing  
14 before December 5th, 2023. And despite that, the  
15 residential developer has shown progress by, one, filing the  
16 modification application, which is Case Number 13-08D, and  
17 they have completed most of the pre-development tasks needed  
18 to begin construction in 2024, and then the office developer  
19 has hired a leasing broker to market the office building.

20 So they believe that this extension will allow  
21 them the time that they need to move forward. So this is  
22 before the Commission to move forward.

23 And I want to say also that this extension will  
24 allow them to also file and obtain the application for a  
25 building permit for the updated PUD project and to start

1 construction for the first building. So that's what is  
2 before the Commission.

3 Thank you.

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

5 I guess what we can do, we can discuss this, and  
6 we can talk about the waiver request and everything, put it  
7 all in -- all together, and whoever makes the motion, if we  
8 could do it in that order.

9 Let me -- let me start with Commissioner Stidham  
10 on the merits of the extension.

11 COMMISSIONER STIDHAM: Looking at the record, they  
12 have made a lot of progress. They have demolished the  
13 buildings, they have prepared architectural plans,  
14 construction drawings, funding. They have received some  
15 funding. Just a whole slew of things.

16 So they've hired a leasing broker, so I think they  
17 show good cause to allow for the extension and the approval  
18 of the waiver. So I am supportive in doing that.

19 CHAIRPERSON HOOD: Thank you, Commissioner  
20 Stidham.

21 Commissioner Imamura, any comments?

22 COMMISSIONER IMAMURA: I agree with Commissioner  
23 Stidham. They are showing good cause, and I think --  
24 appreciate their stick-to-itiveness. I don't have anything  
25 further to add.

1 CHAIRPERSON HOOD: Okay. And Vice Chair Miller.

2 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

3 I also share Commissioner Stidham's views that the criteria  
4 for the time extension have been met in this case, and I  
5 also support the waivers associated with this.

6 CHAIRPERSON HOOD: Well, I've already said all I  
7 had to say on this case. You all just didn't hear it.

8 Sometimes I do the exact opposite of what I'm -- when I get  
9 ready to talk, I'm -- before I'm talking, I'm off mute.  
10 When I get ready to talk, I mute myself. I'm sure a lot of  
11 people like me to do that.

12 I would agree with Commissioner Stidham and all my  
13 colleagues on this, and I will be voting in support. Would  
14 somebody -- what I was saying was, would somebody like to  
15 make a motion? Maybe, Commissioner Stidham, if you'd like  
16 to make a motion.

17 COMMISSIONER STIDHAM: Yes. I -- I can make a  
18 motion. I make a motion to -- for a time extension for  
19 Zoning Case Number 13-08C, New Congress Heights Partners,  
20 LLC, and New Congress Heights Metro Owner, LLC, two-year PUD  
21 time extension at Square 5914.

22 CHAIRPERSON HOOD: Commissioner Stidham, let me  
23 just make sure I'm clear. And that will include the waiver  
24 as well.

25 COMMISSIONER STIDHAM: Yes. Sorry. I should have

1 included the waiver.

2 CHAIRPERSON HOOD: Okay. All right. It has been  
3 moved. Can I get a second?

4 COMMISSIONER IMAMURA: Second.

5 CHAIRPERSON HOOD: It's moved and properly  
6 seconded. Any further discussion?

7 VICE CHAIRPERSON MILLER: And that also -- the  
8 waiver includes the waiver for OP's request for their late  
9 filing of the report, as well as the fact that this is a  
10 third extension. Is it two waivers that we are dealing  
11 with, I think?

12 CHAIRPERSON HOOD: At this point, the --

13 VICE CHAIRPERSON MILLER: I was thinking about  
14 both waivers.

15 CHAIRPERSON HOOD: Yeah. Yeah. I think both  
16 waivers, the waiver request. Whatever needs to be waived  
17 has now been waived. All right.

18 COMMISSIONER STIDHAM: Or it was by consensus.  
19 You guys were okay with that. It's the applicants that you  
20 need to include.

21 CHAIRPERSON HOOD: Yeah. Okay. Any further  
22 discussion?

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

25 MS. SCHELLIN: Commissioner Stidham?

1                   COMMISSIONER STIDHAM: Yes.

2                   MS. SCHELLIN: Commissioner Imamura?

3                   COMMISSIONER IMAMURA: Yes.

4                   MS. SCHELLIN: Commissioner Hood?

5                   CHAIRPERSON HOOD: Yes.

6                   MS. SCHELLIN: Commissioner Miller?

7                   VICE CHAIRPERSON MILLER: Yes.

8                   MS. SCHELLIN: The vote is four to zero to one to  
9 approval final action, Zoning Commission Case Number 13-08C,  
10 the minus one being the third mayoral appointee position,  
11 which is vacant.

12                  Thank you.

13                  CHAIRPERSON HOOD: Okay. Our next case under  
14 hearing action, Zoning Commission Case Number 21-25, Office  
15 of Attorney General, text amendment to Subtitle C, 1003.6,  
16 increase affordable housing benefits for required IZ units  
17 offsite.

18                  And is that Mr. Rodgers or Mr. Kirschenbaum?

19                  Mr. Kirschenbaum.

20                  MR. KIRSCHENBAUM: Thank you. Good evening, Chair  
21 Hood, and members of the Zoning Commission. I am Jonathan  
22 Kirschenbaum with the Office of Planning.

23                  This application was filed by the Office of  
24 Attorney General, and the application proposes to increase  
25 IZ set-aside requirements by at least 20 percent, and lower

1       affordability requirements when an applicant is granted  
2       special exception relief from the Board of Zoning Adjustment  
3       to provide IZ units offsite.

4               To date the petitioner has not provided an  
5       economic impact analysis that the Commission requested over  
6       two years ago on December 16th, 2021. OP does not recognize  
7       set down of the proposed text amendment, because the  
8       petitioner has not demonstrated a deficiency in the existing  
9       regulation, nor a reason to change the policy for offsite  
10      compliance with the IZ regulations.

11              Thus, the proposal is unnecessary, and we also  
12      find that it's inconsistent with the policies of the  
13      comprehensive plan. The IZ program requirements are already  
14      appropriately balanced, so requiring increased set-aside  
15      requirements or deeper affordability without zoning  
16      incentives, like bonus density, goes against the nature or  
17      principles of the program.

18              In addition, increased requirements for offsite  
19      compliance could also result in a concentration of  
20      affordable housing where a mix of market rate housing is  
21      needed and would not further racial equity goals.

22              So, again, we do not recommend set down, and we  
23      are available for questions.

24              Thank you.

25              CHAIRPERSON HOOD: Okay. Thank you,

1       Mr. Kirschenbaum.

2           I am torn on this particular case, and I want to  
3 discuss this, because we particularly asked for an analysis,  
4 as Mr. Kirschenbaum has just mentioned in his report to us,  
5 OAG, two years ago, so we can move forward with this. And  
6 while I think maybe not this one, but the next one, may have  
7 some more merit than this one.

8           But I'm just not sure. The Office of Planning has  
9 filed a report with their own analysis, and that's -- they  
10 have come to the conclusion of denying -- I mean, come to  
11 the conclusion of not supporting it.

12           And I'm just curious, where is the backup data?  
13 Where is the data?

14           So we last, what two years ago? I don't know if  
15 this is necessarily urgent, and I don't even know if this is  
16 the right way. And my concern is, without any backup  
17 information or any -- any trail for me to analyze, then I'm  
18 having a problem even dealing with this.

19           So I'm really not sure whether to allow another  
20 month or to just deny it. That's kind of where I am,  
21 because if we deny it, I think they can come right back.  
22 But if we vote -- if we disapprove it, then it's a whole  
23 'nother gamut.

24           But let's have this discussion about this, because  
25 this has been going on for a while now. And everybody has

1       been here for two years. No, with the exception of  
2       Commissioner Stidham. But let's have this conversation.

3               Let me start with Vice Chair Miller.

4               VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
5       I share your views, and I generally share OP's views in  
6       their report that this particular case is a solution in  
7       search of a problem that doesn't appear to exist in terms of  
8       applicants requesting exemptions from the IZ requirement and  
9       complying instead under economic hardship reasons -- for  
10      economic hardship reasons, and asking that they be able to  
11      comply offsite.

12               I don't think that there are very many cases  
13      beyond one that I recall that was before the Zoning  
14      Commission by Habitat for Humanity where they were already  
15      doing 40,000, but they also were doing -- going to do some  
16      offsite or a financial contribution for offsite housing, as  
17      I recall.

18               So, but on the other hand, and we did request,  
19      both in this case and the next case that is on the agenda,  
20      and, in fact, all of OAG's recommended text amendments,  
21      including one that I supported that we set down, but the  
22      Commission did not support, in the downtown IZ application  
23      case. So we never even had a, yeah, set down hearing.

24               But we asked for an economic analysis from OAG,  
25      which was -- which has never been provided, when they were

1 first proposed by OAG two years ago.

2                   But I think I would be inclined, if they are  
3 asking for a one-month extension, so they can respond to OP,  
4 I would -- we've waited two years to get something from  
5 somebody on this. We got -- we did get OP's response, which  
6 I think is a good response actually in this case.

7                   I think OAG -- I don't mind waiting a month, so we  
8 can hear OAG's response to that, and particularly if they  
9 provide what we asked for two years ago, which was an  
10 economic analysis, because there are unintended consequences  
11 of all of the cases that OAG has recommended we take up in  
12 terms of text amendments.

13                  But I also -- if we do wait, I would want OP to  
14 have the ability not to just have a tit for tat, but just to  
15 have a response to the response, so we have a  
16 professional -- the professional planner's response to  
17 whatever OAG comes back with, since they are -- they are  
18 asking that they be able to respond, hopefully they would  
19 have some economic analysis or data background, as you said,  
20 Mr. Chairman.

21                  So I think that's where I'm inclined to go, that  
22 if -- if we -- if we postpone it for a month for OAG to  
23 respond to OP, that we allow OP to respond to them, and then  
24 we can proceed and decide whether we want to set it down at  
25 all or dismiss it or deny it at that point next month. I

1       guess that's --

2                   CHAIRPERSON HOOD: All right. Thank you.

3                   Commissioner Stidham, any comments?

4                   COMMISSIONER STIDHAM: Yes, sir. I haven't been  
5 here that long, but I -- I feel like if you've waited two  
6 years for this, and it has still not come forward with the  
7 information needed, and OP makes it -- a good point about,  
8 you know, this -- this not really being necessary, you know,  
9 waiting another month isn't really going to change anything  
10 at all. Are we going to be right where we are today in a  
11 month?

12                  So I'm inclined not to give them a month, but  
13 would be willing to, if everyone else feels that they should  
14 have another, but being that I'm new to all of this, and  
15 have not been waiting two years.

16                  CHAIRPERSON HOOD: Okay. Thank you for your  
17 comments, Commissioner Stidham. You're right. You've  
18 haven't been here two years, so we -- we'll make sure that  
19 it's not a real deal before your two years comes up for  
20 this.

21                  All right. Commissioner Imamura, do you have any  
22 comments?

23                  COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
24 You know, I tend to agree with Commissioner Stidham. And I  
25 think the only thing that I really like about this case is

1 the fact that I had been here for two years when it started.

2 So, you know, the one -- there's a statement,  
3 though, in the submission by OAG that struck me, and it's in  
4 the second paragraph. I think it's Exhibit 11, I think.

5 In their letter, they state that they'd like the  
6 ability to respond to OP's recommendations, and restricting  
7 that would be an arbitrary and capricious decision on our  
8 part and would prejudice their position. But, again,  
9 they've had two years, which is ample opportunity to work  
10 with OP on this and to provide the economic analysis that we  
11 asked for.

12 So this is -- sometimes, you know, I'll distill  
13 these issues down to what I'm familiar with best when a  
14 student comes back and says, "I need more time for my  
15 essay," but the semester has already passed and it's over.  
16 So, you know, it's too little too late. You know, some  
17 might ask, what's the harm in an additional 30 days?

18 And if past is prole, we know that there won't be  
19 any additional movement on this other than a tit for tat, as  
20 Vice Chair Miller I think had mentioned. And that's not  
21 helpful or constructive or productive in any way.

22 So if we really want to move this forward, it  
23 requires meaningful engagement on modifying what this text  
24 amendment might look like, but not another response in the  
25 submission, just to go back and forth. I don't find that

1       very helpful for the city, for the Commission, so that's  
2 where I stand, Mr. Chairman.

3                   CHAIRPERSON HOOD: Thank you, Commissioner Miller.  
4 And I appreciate the points that you bring up in the letter,  
5 because there was another point where they said nobody  
6 reached out to them. But the specific directions that I  
7 gave them, and my colleagues obviously agreed at the time  
8 because they did not dispute it, was for them to submit the  
9 documents, the backup data supporting what they are  
10 proposing.

11                  It was not for OP -- to wait on OP's report. OP  
12 should not have had to reach out to them. OAG should have  
13 come up, so -- but I don't want the temperature to rise. I  
14 want us to be -- work together for the best interests of the  
15 city.

16                  So while I am inclined to deny it tonight, we will  
17 give them time to work. I would like to see them work with  
18 E -- with -- I was about to say EPA. I would like to see  
19 them work with Office of Planning. I would like to see them  
20 work together and come back with something that works.

21                  So since we're giving that month off, and this is  
22 not nothing new, we are going to delay it a month. But I  
23 think the letter is so misleading and so inappropriate and  
24 not accurate, and that's what causes the problems. Nobody  
25 is leaving anybody out. Nobody is giving -- not making an

1      arbitrary and capricious to anybody. I think that's a  
2      mischaracterization, and I think that's a false statement.

3              And when I start seeing lawyers do stuff like  
4      that, I start getting a big question mark, and I'll just  
5      leave it at that, because I don't want to raise the  
6      temperature.

7              But I will say I agree. I would really like to  
8      see, though, OAG work with OP, because what OAG doesn't  
9      understand is I think there is some merit, especially -- and  
10     I have the same comments for the next case as well. And  
11     I'll leave it at that.

12              All right. So we will postpone this one until  
13     February -- our February meeting. Ms. Schellin, do we need  
14     to do anything else? Okay.

15              MS. SCHELLIN: I'll put it on for February 8th.

16              CHAIRPERSON HOOD: February 8th.

17              MS. SCHELLIN: Like they requested.

18              CHAIRPERSON HOOD: Okay. Thank you, and thank my  
19     colleagues for the comments.

20              Mr. Ritting?

21              MR. RITTING: Clarifying question. If you're  
22     going to postpone it, Mr. Miller suggested hearing from both  
23     OAG and OP. The letter from OAG just mentions them getting  
24     a bite at the apple, so I'd suggest that you make a decision  
25     about whether you're going to allow OP to provide a response

1 to the response as Mr. Miller suggested. That's it.

2 MS. SCHELLIN: I can set dates if you would like.

3 CHAIRPERSON HOOD: Hold on a second. Let me  
4 clarify that. Hold on one second. Let me clarify that. We  
5 would like for OAG to send in their report, which you asked  
6 for two years ago, and then I -- as Mr. Ritting said, I  
7 would -- as Vice Chair has mentioned, then OP can give us  
8 their analysis on that. Okay?

9 MS. SCHELLIN: Do you want to set the -- set some  
10 dates because --

11 CHAIRPERSON HOOD: Yeah. We can set some dates.

12 MS. SCHELLIN: -- get it in --

13 CHAIRPERSON HOOD: I want to make sure that was --  
14 that was the order. I just want to make sure that's the  
15 order.

16 MS. SCHELLIN: Okay. All right. So working back  
17 from our February 8th meeting, and I would say the 10-day  
18 rule would not apply because this is not a set down report.  
19 We have already had that from OP. So just allowing seven  
20 days for them to provide their report.

21 So if we could get something by January 25th from  
22 OAG, 3:00 p.m., and OP by 3:00 p.m. on February 1st.

23 Thank you.

24 CHAIRPERSON HOOD: Okay. Any other comments,  
25 Commissioners, on this one? Okay. Commissioner Imamura?

1                   COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
2 just wanted to acknowledge Mr. Kirschenbaum. I know that he  
3 had a pretty late night, as we all did, the other day. And  
4 so it's good to see you, Mr. Kirschenbaum, that you're still  
5 alive and well, and thank you for your report this  
6 afternoon.

7                   MR. KIRSCHENBAUM: Thank you very much. I really  
8 appreciate that, and it's, as always, a pleasure being with  
9 the Zoning Commission.

10                  Thank you.

11                  COMMISSIONER IMAMURA: Thank you for the work that  
12 you do on behalf of the city.

13                  MR. KIRSCHENBAUM: Thank you so much.

14                  COMMISSIONER STIDHAM: I definitely second that.  
15 You were definitely in the hotseat for a very long time.

16                  MR. KIRSCHENBAUM: Thank you very much.

17                  CHAIRPERSON HOOD: Mr. Kirschenbaum, I'm going to  
18 take a different approach. You were smiling that night, but  
19 on the 18th, in about three hours, I'm going to look at you  
20 and ask you --

21                  (Laughter.)

22                  COMMISSIONER STIDHAM: Yeah. I don't think any of  
23 us will be smiling.

24                  CHAIRPERSON HOOD: But I do -- I do agree. I  
25 appreciate -- we appreciate all the work that you and

1 everybody at OP does, and across the city, not just OP, but  
2 DDOT. So once I start doing -- let the residents, the ones  
3 who oppose, the ones who support, whatever position, we  
4 appreciate everybody's input. So I'll leave it at that.

5 All right.

6 MR. KIRSCHENBAUM: Thank you.

7 CHAIRPERSON HOOD: Let's keep moving, see where  
8 I'm at.

9 Okay. Oh, okay. The other -- it's the same  
10 thing, but we have to discuss it -- Zoning Commission Case  
11 Number 21-24, Office of Attorney General, text amendment to  
12 Subtitle C, 1003.7.

13 Ms. Schellin. Deeper IZ affordability by reducing  
14 MFI levels. Ms. Schellin.

15 MS. SCHELLIN: OP, since it's set down.

16 CHAIRPERSON HOOD: Okay.

17 MS. SCHELLIN: I get off the hook on some of  
18 these.

19 CHAIRPERSON HOOD: Mr. Rodgers. Goes to  
20 Mr. Rodgers.

21 MS. SCHELLIN: There he is.

22 MR. RODGERS: Good afternoon, members of the  
23 Commission. My name is Art Rodgers, the senior housing  
24 planner for the D.C. Office of Planning. I'm here to  
25 present OP's recommendations on Case 21-24's proposed

1 amendments to lower the inclusionary zoning program income  
2 limits. OP recommends against setting down the proposed  
3 amendment for a public hearing due to the following  
4 conclusions.

5 The applicant has not provided an economic impact  
6 analysis the Commission requested over two years ago on  
7 December 16th, 2021. And OP raised this concern in two  
8 reports filed in April and May of 2022.

9 Beyond the lack of economic analysis, the proposed  
10 amendments are inconsistent with the comprehensive plan for  
11 two reasons. First, the amendments exclude households the  
12 plan sets specific production goals for, including those  
13 between 70 and 80 percent of the median family income, which  
14 IZ is one of the few tools that offers opportunities for  
15 affordable ownership.

16 The amendments also exclude households between 50  
17 and 60 percent of the median family income from  
18 qualifying -- from qualifying for IZ rental units. Combined  
19 this would exclude over 3,100 households currently on DHCD's  
20 waitlist from qualifying for either IZ rental or ownership  
21 units.

22 Second, the proposed amendments fail to provide  
23 the needed incentives to balance the deeper affordability  
24 requirements, despite the comprehensive plan's consistent  
25 use of terms such as balance, incentives, and encourage.

1                   The lack of incentives is also inconsistent with  
2 the common affordable housing practices. OP's report  
3 discusses how additional subsidies are always needed to  
4 achieve deeper affordability. For deeply affordable units,  
5 the preferred method is usually vouchers, providing an  
6 operating subsidy, because this enables the project to  
7 leverage greater private debt, funds the appropriate level  
8 of maintenance on the rent.

9                   OP's report points out that to address this  
10 challenge the District's budget for the local rent  
11 supplement program has grown 25 percent since 2021, and  
12 notes that 20 percent of the extremely low-income households  
13 on DHCD's lottery list say that they do have access to  
14 rental subsidies to help them afford the IZ units.

15                   Similarly, DHCD's home purchase assistance program  
16 makes the IZ ownership units affordable to lower income  
17 purchasers as well.

18                   The proposed amendments, deeper affordability, and  
19 lack of balance -- balanced incentives for market rate  
20 developments will force the developers to either try and  
21 charge more for their market rate units or, if residents --  
22 if residents won't pay those added costs, it will cause  
23 projects to be delayed and supply constricted until the  
24 rents rise sufficiently to support new construction. In  
25 either case, the District becomes a less affordable city.

1                   OP uses an impact on land value of plus or minus  
2 three percent to test how policies like this will have an  
3 impact on development. OP's rough analysis suggests that  
4 the deeper affordability could have a negative impact on  
5 land of between 6 and 17 percent, depending on the size of  
6 the project, with smaller projects experiencing the greater  
7 negative impact.

8                   OP points out the efforts of DHCD to both insulate  
9 IZ tenants from rapid changes in rents and broadening and  
10 deepening the affordability of the IZ program. Over the  
11 past several years, DHCD has made it a policy to limit IZ  
12 rent growth to no more than three percent per year. This  
13 has meant that IZ rents have risen more slowly than changes  
14 in the median family income.

15                  For instance, in 2016, the price schedule was set  
16 at 30 percent of the income limit, which means that only  
17 households right at that income limit would be paying  
18 30 percent of their income on the IZ units. Any household  
19 earning below that 60 percent market would have to pay more  
20 than 30 percent of their income on housing.

21                  Now, with incremental adjustments in the rent  
22 schedule, households earning as low as 52 percent of the  
23 median family income pay 30 percent of their income for the  
24 IZ rents. So this has broadened and deepened the  
25 affordability of the IZ program. In essence, it has

1       achieved the applicant's intent without excluding those who  
2       need affordable housing and without disrupting the  
3       development of needed market rate units.

4               In closing, it's important to recognize that IZ is  
5       one of many tools the District uses to fund affordable  
6       housing, and the IZ program is designed to maximize what it  
7       can achieve through the incentive of the bonus density.  
8       Changes to that balance can disrupt the production of  
9       housing and reduce the overall productivity of the IZ  
10      program.

11              This concludes my testimony, and I would be happy  
12      to answer any questions the Commission may have.

13              CHAIRPERSON HOOD: Thank you, Mr. Rodgers.

14              I do get where Office of Planning is coming from  
15       in the last case and in this case as far as -- and I do get  
16       that we did not get what we asked for two years ago.

17              Let me ask it like this. Have you -- have you all  
18       -- has the Office of Planning had a conversation with the  
19       makers of the text, the Office of Attorney General, about  
20       what they are proposing? Was there ever a discussion? I'm  
21       sure there was. I just can't remember two years.

22              Maybe Ms. Steingasser -- was there ever a  
23       discussion, Ms. Steingasser?

24              MS. STEINGASSER: No. We sent an email out when  
25       these first were filed, and the response we got back was

1       they felt there was a better conversation coming from the  
2       outside. We've never had any engagement of the Commission  
3       as for -- for the environmental -- the economic impact  
4       assessment.

5               We -- after I think we attached two -- two memos  
6       that are in the case file, back in 2022 where we had again  
7       asked for the EIA, did not receive it, and in May we  
8       followed up again. So we -- but we've had no contact, no  
9       indication of when anything would be coming.

10              CHAIRPERSON HOOD: And I'm sure you probably --  
11       you both probably have heard what we did with the last text  
12       amendment, which has a similar map of -- given how we got  
13       here.

14              If this was to -- is there -- if you work together  
15       -- well, I'm trying to figure out how to phrase this,  
16       because obviously in two years it hasn't happened. So I  
17       need to phrase it better.

18              If you -- if you have a conversation about this,  
19       do you think we could come up with something to kind of -- I  
20       mean, I'm not saying get us to where they are, but to get us  
21       to where we can start looking at it and figure out how to  
22       get to the lower -- lower the MFI. Or do you think we can --  
23       - is it worth having another conversation? is my question.

24              MS. STEINGASSER: I'll be honest, sir. No. Our --  
25       - we've done an independent analysis. We took the proposal.

1       We ran the numbers through the same set of matrices that we  
2       had used with the original assessment of the IZ program, and  
3       we found that lowering the MFI in this manner would leave 31  
4       -- 3,150 people would be off -- off the waiting list and  
5       would not be eligible for affordable housing program, and  
6       that the numbers would far exceed the three percent leeway  
7       that we had used for stabilizing land values.

8                   So, no, we -- we don't think there would be a --  
9       this would not be a proposal we would support.

10                  CHAIRPERSON HOOD: Okay. Thank you,  
11       Ms. Steingasser.

12                  After hearing that, I would be inclined just let  
13       them submit what they're going to submit in February, and  
14       I'm going to look -- take an old, hard look at it, and  
15       probably do the same suit that we did with the previous  
16       case, if Office of Planning chooses to respond, but when  
17       Ms. Steingasser tells me from her analysis and Office of  
18       Planning's analysis, Mr. Rodgers and others, that we are  
19       putting 300-and-some-thousand people in -- not 300-and-some,  
20       Lord -- 3,100-some-odd people out of the equation, that's a  
21       non-starter with me. All I'm doing is waiting a month, and  
22       I'll be frankly honest.

23                  So let me hear from others. Vice Chair Miller?

24                  VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
25       And thank you, Mr. Rodgers and Ms. Steingasser, for the

1      Office of Planning report in this case, and Mr. Kirschenbaum  
2      for the report in the last case.

3              And like the last case, I do -- I do share -- I  
4      appreciate that analysis that Office of Planning has  
5      provided, and the report that you presented -- you presented  
6      today. And I share almost all of the points, if not all of  
7      them, that you've made in your analysis.

8              But like the chairman, when an applicant asks for  
9      -- even in this -- in a case like this where we asked for  
10     something two years ago, an economic impact analysis, which  
11     was never provided, but even in this case what -- we -- in  
12     most cases where an applicant has asked for a month or a  
13     short postponement so they can try to work -- see if they  
14     can work something out or provide some additional  
15     information, which hopefully would include the original  
16     information we had requested, I'm inclined to support that  
17     as long as -- and I hate to put more burden on the Office of  
18     Planning, but if they do -- if they do provide something, I  
19     would -- I would want the Office of Planning to have the  
20     opportunity to respond to that report like we did in the  
21     last case.

22              So I would be again reluctantly in support of --  
23     I think this case does have somewhat more merit, just on  
24     principle, than the other case. I don't think IZ is the  
25     solution to lower MFI levels. There are other programs, as

1 the OP report mentions. IZ was never designed to get to  
2 those lower affordable levels. You need a lot more subsidy,  
3 such as the rent -- the local rent supplement program,  
4 voucher program, and other tax -- tax credit programs to  
5 provide the balance that makes these projects work in the  
6 end and come forward in the beginning. Otherwise, they  
7 never will come forward.

8           If you just, you know, go with your heart, of  
9 course we all want to reach deeper affordable levels. But  
10 all that is a long way of saying I'm inclined to support the  
11 applicant, OAG's request for a one-month extension -- one-  
12 month postponement, so they can provide something else and -  
13 - but also give OP an opportunity -- I'm sorry, and for the  
14 workload to respond to whatever OAG comes back with.

15           So I guess that's where I am, Mr. Chairman. Thank  
16 you.

17           CHAIRPERSON HOOD: Okay. Thank you.

18           Commissioner Stidham?

19           COMMISSIONER STIDHAM: I kind of feel like this,  
20 you know, as already stated, is a lot similar to the case  
21 before. It does concern me that this is not consistent with  
22 the comprehensive plan, that this would -- this actually  
23 goes against the goal for more affordable housing. So I  
24 think my response is similar on the last case if -- I don't  
25 feel like a month is going to get us anywhere, but I'm

1 willing to give them a month to see if they can get there.  
2 But I really don't feel this is something that I would like  
3 to support, but I'll give them a month.

4 CHAIRPERSON HOOD: Thank you, Commissioner  
5 Stidham.

6 Let me hold up -- Mr. Liu, did I see you turn your  
7 camera off for a moment?

8 MR. LIU: No. No, I didn't.

9 CHAIRPERSON HOOD: I must be seeing things, then.  
10 Okay. All right.

11 All right. Thank you, Commissioner Stidham.  
12 Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

14 Mr. Rodgers, thank you for your report.

15 Mr. Chairman, we are on repeat again, much like  
16 the previous case, and for the past two years. So, you  
17 know, I don't see any real value in -- or at least I don't  
18 have a lot of high hopes hung on 30 days here. I agree with  
19 Commissioner Stidham.

20 I also agree with Commissioner Miller that OP  
21 ought to have an opportunity to respond if the Commission  
22 does grant OAG another 30 days. But I would say, you know,  
23 they are treading at the moment, and, you know, they need to  
24 come back with something more meaningful, right? It's got  
25 to be sort of that trust here, so two years we've given them

1 an opportunity.

2 I would also say Mr. Rodgers made some -- there  
3 was a word that he used several times in his report, and I  
4 think Vice Chair Miller has made this comment.

5 Mr. Chairman, you've made this comment. I've made this  
6 comment. That I think everybody is in general agreement  
7 with the principle of reaching deeper affordability.

8 However, Mr. Rodgers made the point that -- and in  
9 the report -- that there is a balance to provide that. And  
10 so, you know, that's something that I don't think should be  
11 overlooked. So I am not convinced that OAG should dig in on  
12 its position. That if they want to see the needle move,  
13 that they will have to move from their position and work  
14 with OP on this. It's not the other way around.

15 So if they want to be the driver of this, they  
16 need to move off of their position in order for any  
17 negotiation to take place. So that's where I stand,  
18 Mr. Chairman.

19 CHAIRPERSON HOOD: Okay. Thank you. And I would  
20 hope that -- because I believe if we all work together we  
21 can achieve exactly as Commissioner Imamura -- we all want  
22 deeper affordability. I mean, you know, we sing that all  
23 the time. But the problem I'm having now is when I hear --  
24 what's going to go on about this case for me now, I'm going  
25 to always hear Ms. Steingasser for the next 30 days telling

1       me it's going to be taking out 3,100-some-odd people out of  
2       the -- out of the equation, which is a problem for me.

3               So I'll be thinking about that for the next  
4       30 days.

5               So I think we will give them the next 30 days, and  
6       I will tell you, unless I hear -- unless we have a  
7       compelling case, we will deal with it accordingly in  
8       February.

9               Any other questions or comments?

10              And thank you, Ms. Steingasser and Mr. Rodgers,  
11       for your reports.

12              Any further questions or comments from anybody?

13              Okay. Ms. Schellin, do we need to do dates on  
14       this one?

15              MS. SCHELLIN: Yes. I'd say the same dates, since  
16       we're going to put this on for February 8th, because I'm  
17       assuming you want to hear from OP also.

18              CHAIRPERSON HOOD: Yes.

19              MS. SCHELLIN: So I would say OAG would provide  
20       what the Commission asked for, and their -- what they wanted  
21       to provide by January 25th, 3:00 p.m., and then OP can  
22       respond or provide any supplemental they choose to do so by  
23       3:00 p.m. on February 1st. And we'll put this on for  
24       February 8th.

25              CHAIRPERSON HOOD: Okay. Thank you. Thanks,

1       Office of Planning, again.

2               Let's go to our next case. I think it's our last  
3 case for the day, Zoning Commission Case Number 23-13,  
4 3 Benning Holdco B -- hopefully, I pronounced that -- LLC,  
5 map amendment, at Square 5048W.

6               That must be Ms. Myers. Okay.

7               MS. MYERS: Happy New Year, Commissioners.

8               CHAIRPERSON HOOD: Happy New Year, Ms. Myers.

9               MS. MYERS: The Office of Planning recommends set  
10 down of the applicant's application for map amendment at  
11 Lots 825 through 828, and Square 5048W.

12               The applicant proposes to rezone the property from  
13 RA-1 to MU-7A.

14               Next slide, please.

15               The future land use map indicates that the  
16 property is appropriate for medium density residential and  
17 medium density commercial. The generalized policy map  
18 indicates that the property is designated as a neighborhood  
19 conservation area. The proposed map amendment would not be  
20 inconsistent with these designations.

21               OP does not recommend that IZ Plus be applied in  
22 this case. IZ Plus requires a higher affordable housing  
23 requirement than the standard inclusionary zoning  
24 requirements. However, over 50 percent of the housing in  
25 ANC-7F is affordable. And according to the Mayor's 2023

1       comeback plan, the far northeast and far southeast planning  
2       areas are -- have a -- have a higher level of affordable  
3       housing or a disproportionate amount of the city's  
4       affordable housing. Therefore, OP does not recommend an IZ  
5       Plus requirement in this case.

6               The subject property is within the northeast end  
7       of Ward 7, and in the far northeast and far southeast  
8       planning area. It is an area where close to 90 percent of  
9       the population is Black or African American and has some of  
10      the oldest consistently Black or African American  
11      communities in the District. This planning area experienced  
12      many years of disinvestment, poverty, unemployment, and  
13      crime.

14               In recent years, this area has started  
15      experiencing a significant increase in residential  
16      development and capital improvement projects. To continue  
17      this momentum in a direction desired by community members  
18      and existing business owners, a series of future land use  
19      map changes were recommended by the Ward 7 Economic Advisory  
20      Council during the comprehensive plan update.

21               The subject property's land use designation was  
22      changed as part of this effort. An MU-7A zone would likely  
23      allow the property to be redeveloped with more housing units  
24      than exist on it today. It could also include some retail  
25      in the future. Having housing units in this location near

1 the existing commercial establishment on Minnesota Avenue  
2 could bring new customers to these local businesses.

3 To minimize potential displacement of the existing  
4 residents, OP recommends the Zoning Commission have the  
5 applicant provide a response on how the existing residents  
6 will be relocated.

7 And with that, I will conclude the OP testimony  
8 for this case.

9 Thank you.

10 CHAIRPERSON HOOD: Thank you again, Ms. Myers.  
11 And, again, Happy New Year to you as well.

12 Do we have any questions for Ms. Myers?  
13 Commissioner Imamura?

14 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

15 Ms. Myers, are we aware of any opposition to this  
16 map amendment?

17 MS. MYERS: There is nothing in the record. So I  
18 am not aware of any.

19 COMMISSIONER IMAMURA: Okay. Generally, you know,  
20 my concern often is just urban design, whether these map  
21 amendments are appropriate. And oftentimes when, you know,  
22 we see opposition in the record, it's the typical story of  
23 mass scale, height, density.

24 And then that prompts me to ask, are we looking at  
25 the right zone? And then that's, you know, at the hearing,

1 and then we ask OP to come back and kind of analyze maybe  
2 another zone that might be equally appropriate.

3                   But, in this case, if there isn't any opposition,  
4 I just thank you for your report, and also wish you a Happy  
5 New Year as well.

6                   MS. MYERS: I should mention one thing. In the  
7 applicant's statement, they mentioned that there was some  
8 discussion, I guess a little concern, about the potential  
9 project that could follow up with this case. However, this  
10 is a map amendment, so we have not analyzed any official  
11 project. But I would like to just note that there was a  
12 little bit of perhaps concern about the project that is  
13 being rumored to follow up with this map amendment.

14                  COMMISSIONER IMAMURA: Thank you for that  
15 additional information. So I'll go back and mention, you  
16 know, I have a propensity to ask OP, did you analyze or look  
17 at or, you know, consider what another zone might look like?

18                  So I guess my point about that, Ms. Myers, is  
19 maybe have that in your back pocket if the Commission  
20 decides to set this down. There is opposition and just say,  
21 oh, by the way, this is -- yes, you know, it might look like  
22 this in another zone.

23                  And at least -- I mention this only because the  
24 other night Vice Chair Miller had asked that question, and  
25 so I was really thrilled that he asked that question because

1       it just means that my questions are getting through and  
2       sticking with folks.

3                   So just keep that in your back pocket, if you  
4       will, share that amongst, you know, your peers also at OP  
5       that -- that's my propensity and --

6                   MS. MYERS: I just want to note -- and I  
7       appreciate what you're saying, but this is not an OP map  
8       amendment. This is one that was submitted by a separate  
9       applicant, and so we tend to look at those just as what has  
10      been submitted to us.

11                  COMMISSIONER IMAMURA: Certainly, I know that.  
12       And I fully get that. I think just due diligence, just  
13      having that in your back pocket, because I will ask that  
14      question of both OP and the applicant. So --

15                  MS. MYERS: Understood.

16                  COMMISSIONER IMAMURA: You are all the experts,  
17       and so -- on the city here, do great work on behalf of the  
18       city. So thank you.

19                  That's all I have, Mr. Chairman.

20                  CHAIRPERSON HOOD: Thank you.

21                  Commissioner Stidham, any comments? Okay.

22                  COMMISSIONER STIDHAM: I don't think so. I think  
23       you, for your report -- I think I can support the set down  
24       for hearing.

25                  CHAIRPERSON HOOD: Okay. Thank you.

1 Vice Chair Miler.

2 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

3                   And thank you, Ms. Myers, for your report. And I  
4 join others in wishing you a Happy New Year as well. I  
5 guess -- it's still January, so I guess we can do that all  
6 of January.

7 So I appreciate Commissioner Imamura's question.

8 I think that is appropriate, even though this wasn't  
9 initiated by OP, this map amendment. It's helpful to us to  
10 understand the planning context.

11                   This is a map amendment request, and this is  
12 largely a comprehensive plan consistency analysis, and the  
13 comprehensive plan was changed for this area specifically to  
14 medium -- a medium density designation, as I understand it,  
15 in the last -- or most recent update of the comp plan by the  
16 Mayor and the Council, which seems like the MU-7A zone is  
17 certain -- is compatible with.

24 So the other -- the only other thing I think would  
25 be useful -- not the only other thing, but one other

1       thing -- another thing that would be helpful to have for the  
2 hearing from both the applicant maybe -- mostly from the  
3 applicant I guess, is the update on the relocation or  
4 efforts for the existing tenants on the site.

5           I think they -- the applicant has been working  
6 with those who have been there, and we have information on  
7 that as part of the whole racial equity analysis that we are  
8 required to do as part of our comprehensive plan consistency  
9 analysis. So this fits into the displaced -- the potential  
10 displacement category that we should -- that we -- our own  
11 criteria require us to look into.

12           So we need an update on what has happened with the  
13 pre-existing and any existing tenants that may be on the  
14 site at this time. So that would be helpful to have for the  
15 public hearing, but I do support the set down and I  
16 appreciate Office of Planning's report in this case and the  
17 applicant bringing the case forward.

18           Thank you, Mr. Chairman.

19           CHAIRPERSON HOOD: Thank you.

20           And, Ms. Myers, I, too, want to thank you for your  
21 report, and I appreciate you providing the information about  
22 maybe hearing some concerns about the project. I'm sure  
23 that will be worked out when we get to that. But we are  
24 where we are. I am inclined to -- I'm supportive of setting  
25 this down at this point and moving forward.

1                   So thank you, Ms. Myers, again.

2                   All right. Commissioners, would somebody like to  
3 make a motion for us to set this down? It sounds like we're  
4 all fine with it. At least set it down.

5                   VICE CHAIRPERSON MILLER: I would be happy to make  
6 a motion, Mr. Chairman, that the Zoning Commission set down  
7 Case Number 23-13, 3 -- for a public hearing, 3 Benning  
8 Holdco B, LLC, map amendment, at Square 5048W, and ask for a  
9 second.

10                  COMMISSIONER IMAMURA: Second.

11                  CHAIRPERSON HOOD: It has been moved and properly  
12 seconded. Any further discussion?

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

15                  MS. SCHELLIN: Commissioner Miller?

16                  VICE CHAIRPERSON MILLER: Yes.

17                  MS. SCHELLIN: Commissioner Imamura?

18                  COMMISSIONER IMAMURA: Yes.

19                  MS. SCHELLIN: Commissioner Hood?

20                  CHAIRPERSON HOOD: Yes.

21                  MS. SCHELLIN: Commissioner Stidham?

22                  COMMISSIONER STIDHAM: Yes.

23                  MS. SCHELLIN: The vote is four to zero to one to  
24 set down Zoning Commission Case Number 23-13, as a contested  
25 case, the minus one being the third mayoral appointee, which

1 the seat is vacant.

2 Thank you.

3 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have  
4 anything else on the agenda this evening?

5 MS. SCHELLIN: No, sir.

6 CHAIRPERSON HOOD: Okay. I want to thank everyone  
7 for their hard work, and the Zoning Commission will meet  
8 again -- for some reason -- I already know off the top of my  
9 head for some reason, but anyway, I believe we meet again on  
10 the 18th --

11 MS. SCHELLIN: Yes.

12 CHAIRPERSON HOOD: -- for continuation of Zoning  
13 Commission Case Number 23-02.

14 So with that, I'm going to thank everyone for  
15 their participation tonight, and this meeting is adjourned.

16 Good night. Have a safe and nice weekend and  
17 holiday.

18 (Whereupon, at 5:04 p.m., the above-entitled  
19 meeting was adjourned.)

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REPORTER CERTIFICATE

3                   This is to certify that the foregoing transcript  
4                   In the matter of: Public Meeting  
5                   Before: D.C. Zoning Commission  
6                   Date: 01-11-24  
7                   Place: Remote Link  
8                   was duly recorded and accurately transcribed under my  
9                   direction; further, that said transcript is a true and  
10                  accurate record of the proceedings.

Gary L. Shell

Gary Euell