

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1587th MEETING SESSION

THURSDAY, FEBRUARY 8, 2024

The Public Meeting by the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:00 p.m. EST, 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:

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

This transcript serves as the minutes from the Public Meeting held on February 8, 2024.

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C O N T E N T S

I.	PRELIMINARY MATTERS	
	A. Vote for 2024 Officers	4
VI.	TIME EXTENSIONS	
	A. Z.C. Case No. 21-12A (Square 695, LLC - Two-Year Time Extension @ Square 695)	8
VIII.	HEARING ACTION	
	A. Z.C. Case No. 21-25 (Office of the Attorney General - Text Amendment to Subtitle C Section 1003.6 (Increase Affordable Housing Benefits for Required IZ Units Off-site))	10
	B. Z.C. Case No. 21-24 (Office of the Attorney General - Text Amendment to Subtitle C Section 1003.7 (Deeper IZ Affordability by Reducing MFI Levels))	14
	C. Z.C. Case No. 23-24 (Eckington Mews, LLC - Consolidated PUD & Related Map Amendment @ Square 3524)	23
	D. Z.C. Case No. 06-11Z/06-12Z (George Washington University - Campus Plan Amendment & Modification to Further Processing, Modification of Significance to 1st-Stage PUD, and 2nd-Stage PUD @ Square 57)	32

P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing.

My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Stidham, and Commissioner Imamura. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations; also, our Office of Zoning Legal Division Ms. Hillary Lovick, Mr. Dennis Liu, and Mr. Jacob Ritting. We will ask all others to introduce themselves at the appropriate time.

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live, WebEx and YouTube live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all of those listed on WebEx or by phone will be muted during the meeting unless the Commission suggests otherwise.

For hearing action items, the only documents before us this evening are the application, the ANC Setdown report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the

1 hearing.

2 Again, we do not take any public testimony at our
3 meetings unless the Commission requests someone to speak.
4 If you experience difficulty accessing WebEx or with your
5 phone call in, then please call our OZ hotline number at
6 (202) 727-0789 for WebEx, login, or call-in instructions.

7 At this time, we will take any preliminary
8 matters. Does the staff have any preliminary matters?

9 PRELIMINARY MATTERS

10 MS. SCHELLIN: Staff has no preliminary matters,
11 although there is a preliminary matter on the agenda if you
12 want to go into that.

13 CHAIRPERSON HOOD: Okay. I will start off. I
14 think we are talking about the election of officers.

15 MS. SCHELLIN: Yes, sir.

16 VOTE FOR 2024 OFFICERS

17 CHAIRPERSON HOOD: I will proceed. I will now --
18 let's go ahead and have our election of officers.

19 I will move -- well, not move, but I will just
20 make a -- I will mention, I will make a notation because I
21 don't want to move anything that the officers for the Zoning
22 Commission for 2024 are now up for nomination. And all
23 officers are vacated. We only have two officers: chair and
24 vice chair. So they are vacated.

25 Is there a motion for the officers?

1 COMMISSIONER IMAMURA: I will make that motion.

2 If it pleases the Commission, I move that Chairman Hood
3 remains the chairman for the next cycle and Vice Chair
4 Miller as the vice chair for the Commission. I think that
5 we have a good dynamic going, would recommend that we
6 continue and ask for a second.

7 COMMISSIONER STIDHAM: Second.

8 CHAIRPERSON HOOD: Okay. Thank you both on behalf
9 of Vice Chair Miller and myself.

10 It has been moved and properly seconded. Any
11 further discussion?

12 VICE CHAIR MILLER: I just wanted to thank, even
13 though we don't know what the outcome of the vote will be,
14 thank Commissioner Imamura for making that nomination and
15 Commissioner Stidham for seconding it. And you both
16 contribute to the positive dynamic I think that we have
17 along with our excellent Office of Zoning staff, including
18 the Legal Division and our Secretary Schellin. So I
19 appreciate you, your confidence in us.

20 COMMISSIONER IMAMURA: If I might -- thank you,
21 Vice Chair Miller -- might amend my motion to say that it
22 should be Vice Chair Miller for life and Chairman Hood for
23 life.

24 CHAIRPERSON HOOD: Okay.

25 VICE CHAIR MILLER: My term only goes one more

1 year, the current term.

2 CHAIRPERSON HOOD: It has been moved and properly
3 seconded. Any further discussion?

4 (No response.)

5 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
6 would you do a roll call vote, please?

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: Commissioner Stidham?

10 COMMISSIONER STIDHAM: Yes.

11 MS. SCHELLIN: Commissioner Hood?

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: It's 4 to 0 to 1 to approve
16 Commissioner Hood as chairman for '24-'25 -- or, actually,
17 for '24 and Commissioner Miller for vice chairman. And
18 that's assuming you both have accepted since you voted yes.
19 So we take that as a yes that you have accepted, the minus 1
20 being the third mayoral appointee seat, which is vacant.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 Let me also just thank you as well. I always wait
23 until the vote. I heard the vice chair did this before, and
24 I'm sure -- but I always wait until things are final around
25 here. I'm not saying anything now, but I really appreciate

1 the confidence that you all have in me and the Vice Chair
2 Miller. Let's continue to carry on. I was going to put the
3 caveat for Monday, but I'm going to go ahead and keep a
4 suitor position.

5 But I thank you, Commissioner Imamura and
6 Commissioner Stidham, for your vote of confidence. And you
7 all are definitely an asset to this Commission, and we
8 appreciate it.

9 I always tell people -- and I've said this for
10 years -- we may not always agree, but I always -- I said
11 this I think last week. It's good when we have the
12 dichotomy of the differences because I think that the
13 residents -- you get a better outcome. I believe that
14 firmly.

15 And it is all right to disagree, and it is all
16 right to agree. So thank you both. And thank you, Vice
17 Chair, for your stellar leadership and the staff as well.

18 All right. Ms. Schellin, anything else?

19 MS. SCHELLIN: No, sir, no preliminary matters.

20 CHAIRPERSON HOOD: Okay. I think I need Archie.
21 I've been having some problems over here. Give me one
22 minute.

23 VICE CHAIR MILLER: Thank you, Mr. Chairman, for
24 your leadership.

25 CHAIRPERSON HOOD: Thank you. Okay.

1 TIME EXTENSIONS

2 Case No. 21-12A

3 CHAIRPERSON HOOD: Okay. Time extensions. Zoning
4 Commission case number 21-12A, square 695, LLC, two-year
5 time extension at square 695. Ms. Schellin?

6 MS. SCHELLIN: Yes, sir. The applicant is asking
7 for a two-year time extension. There is an OP report at
8 Exhibit 4 that recommends approval. They said the delay is
9 due to the South Capitol project and the lack of funding.

10 The parties, which were only the ANCs, have been
11 served. And the 30-day requisite time period for them to
12 respond has passed. There's been no responses. So this is
13 ready for the Commission to consider final action.

14 Thank you.

15 CHAIRPERSON HOOD: Thank you, Ms. Schellin.

16 I would just say, Commissioners, I believe that
17 the request is warranted with everything that has been going
18 on, especially in this area of trying to change this area.
19 South Capitol Street has been an ongoing process. I'm sure
20 the Federal and as well as the local have been moving in
21 this area as a whole, as we know from being on the
22 Commission for a while. This has been talked about. So I
23 think this is warranted.

24 And COVID actually set people back actually more.
25 Everybody says maybe a year or so, but I think it's even

1 more than that. So we're seeing the residuals.

2 So I don't have any issues with this. Let me hear
3 from others. Commissioner Imamura?

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

5 I'm in agreement with your assessment. And I
6 agree that the impact of COVID, that it cascades much
7 farther than just a year or two. So I think this is pretty
8 straightforward. I am prepared to vote in support.

9 CHAIRPERSON HOOD: Okay. Commissioner Stidham?

10 COMMISSIONER STIDHAM: I agree also and have
11 nothing else to add.

12 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

13 VICE CHAIR MILLER: Yes. I concur with my
14 colleagues that good cause has been shown for that time
15 extension.

16 CHAIRPERSON HOOD: Okay. So I would move that we
17 approve as requested. The request for I believe -- I am
18 going to read this, a request for a two-year extension on
19 the deadline to file a building permit application until
20 February the 4th, 2026 and to commence construction a year
21 later, by February the 4th, 2027. And that is my motion and
22 ask for a second.

23 COMMISSIONER STIDHAM: Second.

24 CHAIRPERSON HOOD: It has been moved and properly
25 seconded. Any further discussion?

1 (No response.)

2 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
3 would you record the vote, please?

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Stidham?

7 COMMISSIONER STIDHAM: Yes.

8 MS. SCHELLIN: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Yes.

10 MS. SCHELLIN: Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Staff records the vote 4 to 0 to 1
13 to approve final action, Zoning Commission case number 21-
14 12A, the minus 1 being the third mayoral appointee seat,
15 which is vacant. Thank you.

16 CHAIRPERSON HOOD: Thank you.

17 HEARING ACTION

18 Case No. 21-25

19 CHAIRPERSON HOOD: Next, let's go to hearing
20 action, Zoning Commission case number 21-25, Office of the
21 Attorney General text amendment to Subtitle C 1003.6, the
22 increase affordable housing benefits for required IZ units
23 off-site. And I believe that may be Mr. Kirschenbaum.

24 MR. KIRSCHENBAUM: Good evening. I'm Jonathan
25 Kirschenbaum with the Office of Planning.

1 We don't have a -- you know, this is a supplement
2 setdown report, where we continue to affirm that we don't
3 recommend setdown, but we don't have any sort of additional
4 presentation.

5 CHAIRPERSON HOOD: Okay.

6 MR. KIRSCHENBAUM: Beyond what we gave to the
7 Commission two weeks ago or three weeks ago.

8 CHAIRPERSON HOOD: Okay. All right. Thank you.

9 Let me just start off with this. I do know that
10 we have some letters, but this is a companion case. My
11 issue is we have asked a while back for OAG, especially on
12 this one, maybe not the other one as much for me, but we
13 asked for an analysis. We didn't get analysis. We did get
14 a letter telling us what our job is, which I know what we're
15 supposed to be doing, but I wanted an analysis because I
16 always look at unintended consequences.

17 I know there's another fact of that if we do this,
18 then this is what we would be doing or I guess kind of what
19 I wanted was an analysis so I could balance the two. That
20 has not been given yet. We have been asking for it for a
21 while. While it may be some validity here, you just don't
22 give me the backup documentation to go along with it.

23 So that is where I am, but let me hear from
24 others. Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

1 I am in agreement, and I agree that, you know, the
2 unintended consequences here, I think the underlying
3 principles of the IZ program could be undermined, but, you
4 know, this recommendation and prevent sort of -- I mean, the
5 intent, really, is to prevent economic hardships in an
6 applicant. And this very well could cause that. And I
7 remain unconvinced that setting this down would yield any
8 additional information that would persuade me otherwise.

9 CHAIRPERSON HOOD: Thank you. Well said.
10 Commissioner Stidham?

11 COMMISSIONER STIDHAM: Thank you, Chair.

12 I agree with Commissioner Imamura. I am just not
13 seeing the need for this or read and support not setting
14 this down as well.

15 CHAIRPERSON HOOD: And Vice Chair Miller? Now,
16 Vice Chair Miller, I just -- I love kids. You all forgive
17 me. Vice Chair Miller?

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

19 I concur with my -- with you, Mr. Chairman, and my
20 colleagues' comments and agree with the Office of Planning
21 in this case that the applicant has not demonstrated a
22 deficiency in the existing regulations regarding off-site
23 housing, which has been rarely exercised under the special
24 exception process that we established and the -- and so I
25 don't think there is a reason to change the policy at this

1 time. I think it is, as someone has said, a solution in
2 search of a problem. So I agree that we should not set this
3 down.

4 COMMISSIONER IMAMURA: Mr. Chairman, you are on
5 mute.

6 CHAIRPERSON HOOD: I believe I need Archie over
7 here to help me. Give me one moment. My files closed.
8 Okay. All right.

9 So thank you all for the discussion. I would move
10 -- let me just say I am inclined to I believe -- Ms. Lovick,
11 can you help me? I am inclined to deny this setdown. I
12 guess that's the way we need to go. Any objection to that?
13 Oh, Mr. Ritting, any objections? Is that the way we --

14 MR. RITTING: That's correct. The way I
15 understand the comments from the Commission is that you
16 disagree with the substance. So the appropriate motion is
17 to deny.

18 CHAIRPERSON HOOD: Okay. Thank you. All right.

19 With that, I would move that we deny, as we
20 discussed, for the reasons we discussed, Zoning Commission
21 case number 21-25 and not add anything else to it other than
22 what we discussed, that we deny it the way it has been
23 presented to us, Zoning Commission case number 21-25, and
24 ask for a second.

25 VICE CHAIR MILLER: Second.

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

3 (No response.)

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

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes to deny.

12 MS. SCHELLIN: Commissioner Stidham?

13 COMMISSIONER STIDHAM: Yes.

14 MS. SCHELLIN: The vote is 4 to 0 to 1 to deny
15 setdown for Zoning Commission case number 21-25, the minus 1
16 being the third -- yes, the third mayoral appointee seat,
17 which is vacant.

18 CHAIRPERSON HOOD: Okay. Let me also apologize to
19 the public if you hear a noise in my background. I am
20 having some work done. And yes, I do have my DOB permits.
21 So let me see here. I'll try to cut the noise down as much
22 as possible. Okay. Thank you.

23 Case Number 21-24

24 CHAIRPERSON HOOD: Next, let's go to Zoning
25 Commission case number 21-24, Office of the Attorney

1 General text amendment to Subtitle C 1003.7, Deeper IZ
2 Affordability by Reducing MFI Levels. Ms. Steingasser?

3 MS. STEINGASSER: Chairman Hood, Commissioners,
4 this also is a follow-up to a case we recommended not be set
5 down in January. And we reviewed the information provided
6 by the applicant and continued to find that there is not a
7 supportable economic impact analysis. And we continue to
8 recommend it not be set down.

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

11 As everyone knows, this is where I kind of have a
12 problem again about the analysis. I would love for us to
13 look into this MFI levels, but I don't know what the issue
14 is because I am always asking applicants to go from zero to
15 30 percent in MFI. So you know I am in tune with this, but,
16 again, the Office of -- I had asked for a while now that the
17 Office of Attorney General work with the Office of Planning,
18 you all work together.

19 And I get it is our job. I get that I saw in the
20 letter from OAG. But I'd like lower MFI levels, but we just
21 have to make sure that we have that analysis because, again,
22 as stated previously, the unintended consequences. And it's
23 while we're curing -- it's just like taking medicine. I've
24 said this before. You're curing one thing, and then you're
25 getting ready to disturb something else. And it's unfair to

1 basically make a decision and waste everyone's time in the
2 blind. That's where I am. Even though I like the concept,
3 I wish that we could work together as governments and
4 residents and try to lower the MFI levels. I'm all for it.
5 But this is not necessarily the way that I think that we can
6 move forward. I mean, I am all for the MFI lower levels but
7 not without having an analysis so I can analyze and we can
8 take time and digest what some of the unintended
9 consequences may be and see which one outweighs the other.

10 So that's where I am. Let me go to Commissioner
11 Imamura.

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

13 Again I'm in agreement with you. You know, the
14 funny thing is that we have asked for the economic impact
15 study for quite some time. So in order to move this
16 conversation forward, I would think that OAG would want to
17 provide that additional information. And, yet, they have
18 provided other information but that.

19 So, you know, I think I started to say that the
20 Commission is open to conversations, but we have asked for
21 this, and they haven't delivered on it. So it's very
22 difficult to consider moving this forward. I am prepared to
23 -- I don't think a hearing is necessary about any additional
24 information that I need to make a decision.

25 CHAIRPERSON HOOD: Okay. Thank you.

1 Commissioner Stidham?

2 COMMISSIONER STIDHAM: Thank you, Chair.

3 I agree with your assessment and the assessment of
4 the Office of Planning and support not setting this down.

5 CHAIRPERSON HOOD: Thank you.

6 And Vice Chair Miller?

7 VICE CHAIR MILLER: Thank you, Mr. Chairman.

8 And I concur with your comments, Mr. Chairman, and
9 those of my colleagues. I appreciate the additional
10 information that was provided by the applicant, Office of
11 Attorney General. However, I think the Office of Planning
12 supplemental report -- it was not an economic impact
13 analysis, as requested, as Commissioner Imamura and you have
14 pointed out.

15 And the IZ program is based on a lot of economic
16 impact analysis, including the changes we made to the MFI
17 levels a few years ago. And it is designed to be able to
18 work without subsidies. It is a market-based approach. The
19 subsidies that the District Government provides through the
20 local housing rent supplement program, the Housing Choice
21 vouchers, and the Federal low-income tax credit program,
22 that has been used in conjunction with inclusionary zoning,
23 increasingly more recently I would say in the past few
24 years, to get at lower levels that we have been pushing for.
25 But you need those subsidies, which are limited in their

1 availability. They are competitive. And they are designed
2 to get at the lower-income levels. The inclusionary zoning
3 is really designed to get to those middle and moderate and
4 not quite as low income levels. And it's offset, the IZ
5 program is offset, by the additional density that is
6 provided. And there was nothing in the OAG report that
7 showed any additional bonus that would be given for
8 requiring those deeper affordability levels.

9 So I appreciate the Office of Planning's February
10 1st supplemental report, again Exhibit 15. I found their
11 arguments -- I was ambivalent about this when we discussed
12 this a few months ago, was hoping we would get more economic
13 impact analysis from OAG. But I think Office of Planning in
14 their brief report makes a compelling case as to why these
15 changes could harm the existing IZ program. OP didn't do a
16 separate economic impact analysis. That is not their
17 responsibility, but they did say that they did a rough
18 economic analysis of the applicant's proposed amendments,
19 which suggested that the impacts would be large enough, at a
20 minimum, to slow housing development altogether and thereby
21 reduce the productivity of the IZ program.

22 We are in a sensitive economic climate. And we
23 certainly, the commercial sector is certainly, suffering.
24 We don't want the residential market to have any other
25 additional impediments thrown its way for the production of

1 housing, which is what triggers the IZ production, the
2 inclusionary zoning production.

3 So I also found it compelling, the Office of
4 Planning's argument that those deeper levels would actually
5 end up excluding thousands of households who are currently
6 eligible and have taken advantage of the inclusionary zoning
7 program. Yes, they are at the -- they would be at that
8 higher level, but it's still within our existing median
9 family income levels of 60 percent and 80 percent, not
10 greater than 60 percent and 80 percent. And, as the Office
11 of Planning pointed out, in the last three years, on page 3
12 of their report, IZ production has increased overall. And
13 there is a greater percentage, much greater percentage, than
14 there was from the early years of the IZ program of lower-
15 income level being benefitted from the program in the last
16 three years, according to Office of Planning's report. The
17 production of units had 50 percent MFI. And 60 percent of
18 MFI have increased and now represent the overall majority of
19 IZ production at 66 percent. And we know from our
20 recollection of the number of cases where they have provided
21 lower than the 50 to 30 percent, of course, with the
22 subsidies that they were able to take advantage of.

23 So conceptually, I understand where OAG and the
24 public and where we wanted to be able to go, but without an
25 economic impact analysis that shows that we wouldn't be

1 hurting housing production generally, which would then hurt
2 the production of IZ units specifically, I can't support
3 this at this time. So I am not in favor of setting it down
4 at this time.

5 Thank you.

6 CHAIRPERSON HOOD: Thank you, Vice Chair and all
7 my colleagues.

8 I will just add a little more, probably repeating
9 a lot of what Vice Chair Miller said. And I noticed in the
10 OAG letter, they spoke about how OP just showed up after two
11 years. No, that was not how that worked. How that worked
12 was we had asked OAG -- and I hate to get into this, but I
13 need to set the record straight. And we need to stop
14 pointing at governments and at residents. And let's just
15 work together because while I am planning on voting to deny
16 this, I also want Office of Planning, OAG, and the residents
17 -- let's continue to try to find ways to get this so we
18 don't do harm to the already existing IZ program, so we
19 don't exclude households. And I think this report, we don't
20 conflict with the IZ and affordable housing practices.

21 I think this is something that I needed to see,
22 but I understand the Office of Planning's analysis they had
23 planned of the District of Columbia. But OAG had some other
24 impacts that they believe or analysis that they had that
25 they never gave us. So I have nothing else to go on.

1 And I appreciate the work here. And I think
2 Office of Planning has made the case why holding it for two
3 years from what I am seeing here in this report or the Vice
4 Chair just went through. I am prepared to deny this and not
5 only just hold it for two years. We shouldn't have just
6 even dealt with it because this actually throws -- what all
7 the people who have come before me and come before us and
8 even the people at Office of Planning that helped us get to
9 this point, we're throwing that all out and getting ready to
10 mess up.

11 So I would still encourage, though. Saying all of
12 that, I still want us to try to always continue to find
13 ways, Ms. Steingasser -- and I'm sure we will -- of getting
14 lower MFI the right way if we can. And, as the vice chair
15 said, I understand right now it's a real delicate time. So
16 I'll just leave it at that.

17 Any other comments?

18 (No response.)

19 CHAIRPERSON HOOD: Would someone like to make a
20 motion? Let me go to Commissioner Imamura. Would you like
21 to make the motion?

22 COMMISSIONER IMAMURA: Yes, I can, Mr. Chairman.
23 All right. I move to deny Zoning case number 21-24, Office
24 of the Attorney General text amendment, Subtitle C 1003.7,
25 deeper IZ affordability by reducing MFI levels and ask for a

1 second.

2 CHAIRPERSON HOOD: I'll second it. For now, I'll
3 second it.

4 It has been moved and properly seconded. Any
5 further discussion?

6 (No response.)

7 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
8 would you do a roll call vote, please?

9 MS. SCHELLIN: Commissioner Imamura?

10 COMMISSIONER IMAMURA: Yes.

11 MS. SCHELLIN: Commissioner Hood?

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Miller?

14 VICE CHAIR MILLER: Yes.

15 MS. SCHELLIN: Commissioner Stidham?

16 COMMISSIONER STIDHAM: Yes.

17 MS. SCHELLIN: The vote is 4 to 0 to 1 to deny
18 Zoning Commission case number 21-24, the minus 1 being the
19 third mayoral appointee seat, which is vacant.

20 CHAIRPERSON HOOD: Let me just make it clear. As
21 I stated to Ms. Steingasser and others, let's work together
22 as a city, and let's get it done because I believe we can
23 get lower without a whole lot of unintended consequences.
24 So let's figure it all out.

25 Okay. All right. Thank you.

1 Case No. 23-24

2 CHAIRPERSON HOOD: Let's move to the next hearing
3 action item. This is Zoning Commission case number 23-24,
4 Eckington Mews, LLC, consolidated PUD and related map
5 amendment at square 3524. Mr. Jessick?

6 MR. JESSICK: Thank you, Chairman and members of
7 the Commission.

8 The Office of Planning recommends that the
9 Commission set down this consolidated PUD and related map
10 amendments. The applicant proposes a PUD comprised of
11 rowhouses for zoning purposes would be a single multifamily
12 building. The project would largely conform to the zoning
13 parameters of the existing RF-1 zone, but the RA-2 zone is
14 requested in order to utilize an unusual site, which today
15 is comprised partially of alley lots and would be difficult
16 to develop under the RF-1 zone.

17 In addition to the standard PUD design
18 flexibility, the application requests flexibility from the
19 minimum PUD area as well as certain IZ provisions. The
20 Commission can grant area flexibility pursuant to Subtitle X
21 301.2. And if this case is set down, OP will review with
22 DHCD the request for IZ flexibility and provide a
23 recommendation on those prior to the public hearing.

24 Next slide, please, Mr. Young. So, again, the
25 project would be largely in line with the perimeters of the

1 existing zone. Total floor area would be just slightly over
2 the effective FAR of the RF-1 zone. And the proposed height
3 would actually be less than that permitted in the RF-1. And
4 both height and FAR would be well below the maximum
5 permitted in the RA-2 PUD.

6 Next slide, please. And regarding the
7 comprehensive plan, the future land use map identifies the
8 site as appropriate for local public facilities, or LPF. It
9 does not appear that the property was used in the past for
10 local public uses and that the subject site was given its
11 designation only because it was adjacent to the educational
12 campus to the north. The surrounding rowhouse neighborhood
13 is designated for moderate density residential uses.

14 The plan states that the future land use map is
15 intended to be soft-edged and not follow parcel boundaries
16 and also that any redevelopment of LPF areas should be
17 compatible with the surrounding context. Redevelopment of
18 the subject site in the manner of a rowhouse project would
19 be compatible with the adjacent neighborhood and would not
20 be inconsistent with the intent of the future land use map.
21 Also, the proposed zone would be appropriate as the plan
22 states that RA-2 is a zone compatible with the adjacent
23 moderate density residential designation.

24 And we also evaluated the project's relationship
25 to the comp plan's written policies through a racial equity

1 lens. And we feel that there are a few key areas where the
2 project would advance the plan's goals regarding equity.
3 Those include, of course, the provision of both market rate
4 and affordable housing and in this case especially provision
5 of family-sized units.

6 And this project would provide more IZ floor area
7 that required. They're providing 16 percent where 10
8 percent is required. The project would also in conformance
9 with comp plan and small area plan policies reinforce the
10 neighborhood fabric by creating compatible infill housing.
11 And developing the vacant portion of the lot could also help
12 to improve safety and appearance in the area.

13 We often talk about equity in transportation
14 access. And when you have residents near transportation
15 options, they can get to employment easier. Here you have
16 good access to Metro and bus, and the site is in a walkable
17 and bikeable neighborhood. And all of those modes would
18 help provide options for residents reaching employment
19 destinations, either locally or citywide.

20 And a full analysis against the criteria of the
21 Zoning Commission's racial equity tool can be found in our
22 report, including economic and demographic data and data
23 trends for the planning area. But, in summary, when
24 evaluated through a racial equity lens, the project would
25 not be inconsistent with the comprehensive plan.

1 Just quickly to touch on design, OP generally
2 supports the design of the project, including the overall
3 massing, the rowhouse form, the pedestrian mews, and the use
4 of brick. And we greatly appreciate the commitment to
5 sustainability. We did ask the applicant to examine ways to
6 incorporate solar panels and rooftop access on all of the
7 rowhouses, and we will also work with the design team at
8 Office of Planning to find ways to potentially add detail
9 and visual interest on the south facade of the rowhouses
10 that face their neighbors across the alley.

11 That concludes my verbal testimony, but, again, OP
12 recommends setdown of the application. And I would be happy
13 to take any questions. Thank you.

14 CHAIRPERSON HOOD: Thank you, Mr. Jessick. I
15 appreciate you bring this forward. For years, having went
16 to school in McKinley, I've always wondered about this area.
17 And now here it is.

18 I will say that the traffic in this area, you
19 know, when we get to the hearing -- I don't have a problem
20 with setting this down. I'm sure others will have other
21 comments. But I really want to make sure that we analyze
22 and look at traffic in this area. I just want to see how it
23 is all going to work because I know how it works without it.
24 And I just want to see how.

25 One thing about this city, we all adapt to

1 whatever happens for the most part. We learn to adapt. We
2 might push back on it, but we learn to adapt.

3 But the thing is the traffic is one issue. And I
4 am just curious. The surrounding neighbors, I want to make
5 sure that they have been vetted. I'm sure all of that
6 the -- I want to make sure that the engagement piece and the
7 conversations are being had.

8 So those are all my comments. Let me hear from
9 others. Commissioner Imamura?

10 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
11 Mr. Jessick, as always, thank you for your report.

12 On a most fundamental level in terms of design, I
13 certainly support OP's request for more detail, particularly
14 about the detail with the facade, maybe demonstrations. I
15 also want to ask kind of out of the gate sort of our
16 standard question of, are you aware of any opposition to the
17 proposal?

18 MR. JESSICK: I'm not aware of any opposition at
19 this point. The applicant has been doing a lot of outreach.
20 And I believe already in the record, there is a letter of
21 support from the Eckington Civic Association. But no, I'm
22 not aware of any opposition at this point in time.

23 COMMISSIONER IMAMURA: Okay. Thank you, Mr.
24 Jessick. Just a couple of more comments and questions -- or
25 comments, rather.

1 If we do decide to set this down, you know, I'm
2 interested in the applicant providing a better or more
3 detailed explanation about why the IZ program is structured
4 for the purchase of the two-unit stacks. I guess I can't
5 quite wrap my head around that, if it is a program issue or
6 what that is exactly. So I would like a little more
7 clarification why we are emphasizing IZ units on one side
8 and not the other and then why a mixed structure of the IZ
9 unit, renters versus the market rate -- or market unit
10 owners, won't create a long-term challenge.

11 So I don't know. I'm open to setting this down.
12 I'm not convinced yet. I think I need more information
13 about that and then, also, you know, what the applicant is
14 doing to help either relocate or retain the renters that are
15 there now. That's kind of fundamental there, too. So I
16 would just like a little more information about that.

17 Outside of that, Mr. Chairman, I don't have any
18 other questions or comments. Again, Mr. Jessick, thank you
19 for your work on this case and for the work that you do on
20 other cases on behalf of the District and the residents.

21 CHAIRPERSON HOOD: All right. Thank you.

22 Commissioner Stidham, any questions or comments?

23 COMMISSIONER STIDHAM: No, sir. I agree with what
24 Commissioner Imamura already indicated were additional needs
25 for the hearing.

1 And thank you, Mr. Jessick, for your report.

2 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman.

4 Yes, thank you, Matt Jessick, for your
5 comprehensive setdown report on this case. I agree with all
6 of the recommendations that you make in that report about
7 whether it is -- regarding the design aspects of the
8 project.

9 And I agree with the -- you have said you are
10 going to do work with -- you are going to do further
11 analysis with DHCD about the flexibility that was requested
12 for inclusionary zoning that Commissioner Imamura discussed.
13 I share his concern about that flexibility and your concern
14 about that flexibility. So I think we do need more
15 information, not only from DHCD but from the applicant as to
16 why that is absolutely necessary.

17 We typically have not allowed for concentration of
18 IZ units or for allowing a different structure for market
19 rate versus rental in the same project. It is either all
20 ownership or it's all rental but not one being one and the
21 other being the market rate being the other, the affordable
22 units being one type, such as rental, and the market being
23 ownership. So we do need more information on all of that.

24 But there are a lot of good aspects to this
25 development, including the sustainability environmental

1 aspects, although there are some improvements that can be
2 made that OP pointed out in terms of the rooftop, solar
3 panels, and the higher-than-minimum required set-aside of
4 the inclusionary zoning units at 16 percent, 16-plus
5 percent, instead of the 8 to 10 percent that would be
6 minimally required, and the family-sized units. That is
7 very important for this neighborhood and all neighborhoods
8 throughout the city.

9 And yes, I agree with the chairman that more
10 information -- and we'll get DOT's report about the traffic
11 and more information from the applicant about the traffic
12 calming or mitigation measures that may be necessary for
13 this project to be successful.

14 So I am prepared to set it down. And thank you
15 for bringing it forward. I appreciate it. I agree with the
16 comments of my colleagues. Thank you.

17 CHAIRPERSON HOOD: All right. Thank you all.

18 And, again, Mr. Jessick, I want to join in with
19 the chorus of thank yous, as always, for your report. Mr.
20 Jessick, how long have you been around OP? How long have
21 you been -- you've been around as long as I have.

22 MR. JESSICK: Not quite as long as you, Mr.
23 Chairman, but 18 years as of a couple of days ago.

24 CHAIRPERSON HOOD: One thing, when I first met you
25 -- you know, Hood does some crazy stuff, but when I first

1 met you, one thing you did was early on, we were having
2 problems getting reports from other agencies. And you broke
3 that mold. I have to get at you. Every time I see you, I
4 think about that. I just want you to know that. So,
5 anyway, so continue that, even on this case.

6 MR. JESSICK: We'll try. We'll try.

7 CHAIRPERSON HOOD: All right. Thank you. Thank
8 you for all you do as well. All right.

9 Okay, Commissioners. Who would like to make a
10 motion?

11 VICE CHAIR MILLER: I would move, Mr. Chairman,
12 that the Zoning Commission set down case number 23-24,
13 Eckington Mews, LLC, set down for a public hearing, case
14 number 23-24, Eckington Mews, LLC, consolidated PUD and
15 related map amendment at square 3524 and ask for a second.

16 COMMISSIONER IMAMURA: Second.

17 CHAIRPERSON HOOD: It has been moved and properly
18 seconded. Any further discussion?

19 (No response.)

20 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin,
21 would you do a roll call vote, please?

22 MS. SCHELLIN: Yes. Commissioner Miller?

23 VICE CHAIR MILLER: Yes.

24 MS. SCHELLIN: Commissioner Imamura?

25 COMMISSIONER IMAMURA: Yes.

1 MS. SCHELLIN: Commissioner Hood?

2 CHAIRPERSON HOOD: Yes.

3 MS. SCHELLIN: Commissioner Stidham?

4 COMMISSIONER STIDHAM: Yes.

5 MS. SCHELLIN: The vote is 4 to 0 to 1 to set down
6 Zoning Commission case number 23-24 as a contested case, the
7 minus 1 being the third mayoral appointee seat, which is
8 vacant. Thank you.

9 CHAIRPERSON HOOD: Thank you.

10 Case No. 06-11Z/06-12Z

11 CHAIRPERSON HOOD: I think the last case we have
12 is Zoning Commission case I think -- is this -- no, no. I
13 was going to call the same one. I'm sorry. One moment.
14 Okay.

15 Zoning Commission case number 06-11Z/06-12Z. This
16 is the George Washington University campus plan amendment
17 and modification to further processing, modification of
18 significance to 1st-stage PUD and 2nd-stage PUD at square
19 57. And I believe the only thing we have before us in this
20 case is the modification of significance to the 1st-stage
21 and 2nd-stage PUD. Mr. Jessick again.

22 MR. JESSICK: Yes. Thank you again, Mr. Chairman
23 and members of the Commission.

24 George Washington University is seeking to
25 renovate a portion of the Smith Center and expand the floor

1 area by just under 1,500 square feet in order to accommodate
2 a new basketball practice court. This small expansion would
3 be on the north side of the building and would bump out the
4 facade by nine feet.

5 In order to accomplish this, because of the hybrid
6 campus plan/PUD that governs the university, the applicant
7 has submitted a variety of applications, including a campus
8 plan amendment and a modification to an approved further
9 processing. Those do not require a setdown.

10 And, then, as you mentioned, Mr. Chairman, a 1st-
11 stage PUD modification and a 2nd-stage PUD, those do require
12 a setdown. And we are recommending this evening that the
13 Commission set them for a public hearing. And then all of
14 those applications could be heard together at the same time.

15 This may look familiar to you. The Commission set
16 down this exact same application in June of 2020. Those
17 were applications 0611S and 0612S. But the project was
18 postponed as a result of COVID. So the university is back
19 to redo the application.

20 Next slide, please, Mr. Young. The Commission is
21 probably aware of the location of the Smith Center within
22 the campus and the neighborhood. Again, the expansion would
23 be on the north side, the G Street side of the building, a
24 very small addition extending the facade by nine feet. The
25 total floor area would be expanded by, as you see there,

1 1,485 square feet, a small percentage given the total size
2 of the Smith Center.

3 In terms of the comprehensive plan, both of the
4 land use maps identify the area as appropriate for
5 institutional uses, and the proposal would be in line with
6 that designation.

7 And, then, in terms of racial equity, we
8 anticipate small but positive impacts. There could be
9 ancillary benefits to the economic and cultural environment
10 in the neighborhood. And the application also cites
11 potential benefits regarding streetscape, accessibility,
12 opportunities for students, and sustainability. So the
13 proposal would not be inconsistent with the comprehensive
14 plan, including when viewed through a racial equity lens.

15 That concludes my verbal testimony, but I am
16 available for any questions. Thank you.

17 CHAIRPERSON HOOD: Thank you, Mr. Jessick.

18 Let's see if we have any questions. Let me go to
19 Commissioner Stidham first. Any questions or comments?

20 COMMISSIONER STIDHAM: No questions or comments.
21 Thank you for the report. This feels like a very simple,
22 minor change.

23 CHAIRPERSON HOOD: Okay. Thank you.

24 Our Vice Chair Miller, any questions or comments?

25 VICE CHAIR MILLER: Thank you, Mr. Chairman.

1 Thank you, Mr. Jessick, for your report. And
2 congratulations on reaching 18 years with the Office of
3 Planning. We have all benefitted from your experience and
4 wisdom in these cases, even when we disagree. We appreciate
5 all the work that you do.

6 I don't have any questions. I think this is
7 pretty straightforward. I am trying to recall. So it's to
8 consolidate the basketball practice into the Smith Center,
9 instead of the teams having to use the Lerner Health and
10 Wellness Center for their practice and disrupt other
11 students' and staff use of that facility. And that all
12 makes sense.

13 In terms of the natatorium, I think there is a
14 swim center on the Mount Vernon campus of George Washington
15 University. I just would be interested in where the swim
16 team is going. I assume that maybe they use the Mount
17 Vernon campus regularly anyway and there are shuttle buses
18 that GW provides between the Mount Vernon campus on Foxhall
19 Road and the Foggy Bottom campus.

20 So I just was on behalf of whoever is using that
21 swim natatorium currently, I just wanted to have information
22 in the public record. And I am sure the applicant -- they
23 may have already provided it as to where that is going to be
24 provided. I think it is on the Mount Vernon campus, but I
25 was just curious, curious about that.

1 I have no questions, Mr. Chairman. Thank you very
2 much.

3 CHAIRPERSON HOOD: Thank you.

4 And Commissioner Imamura?

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

6 And again thank you, Mr. Jessick.

7 I think this is pretty straightforward. It is
8 limited in scope. I am guessing, Mr. Jessick, because it is
9 limited in scope, that might be why OP didn't include any
10 disaggregated race or ethnicity data in your report. I am
11 not suggesting that it needs to be in there, but I just want
12 for the record that that is why --

13 MR. JESSICK: Yes, you're correct, Mr. Imamura.
14 Given the nature of this application, we felt that that
15 would not be applicable in this case.

16 COMMISSIONER IMAMURA: I couldn't agree more. I
17 am glad we have got that in the record for the public should
18 they have any questions.

19 Mr. Chairman, I don't have any other questions or
20 comments and am prepared to set this down.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 And, Mr. Jessick, I am going to be asking at the
23 hearing, like I did with the Georgetown Hoyas. I asked them
24 about their record and if it was feasible to even move
25 forward with something like this and were they winning. I

1 haven't been keeping up with GW. Some of those guys are
2 pros now, and they still remember that.

3 So I am just curious to the record. I want to
4 know what the record is. I know they had a good year a
5 couple of years back, but I haven't heard much about them.
6 Maybe I'm just not up on them. But that will be a question
7 I am going to ask. It has nothing to do with zoning, but
8 that is just a question I am going to ask. All right.

9 I don't know, Vice Chair. Do you know? Anybody
10 know what kind of record they have? Do they need this space
11 for practice?

12 VICE CHAIR MILLER: I have not followed the team
13 this year. So no, I can't shed any light on that. Sorry.

14 CHAIRPERSON HOOD: All right. Well, thank you,
15 Mr. Jessick.

16 Would somebody like to make a motion?
17 Commissioner Stidham?

18 COMMISSIONER STIDHAM: I would like to move that
19 Zoning case number 06-11Z/06-12Z, George Washington
20 University campus plan amendment and modification to further
21 processing, modification of significance to 1st-stage PUD
22 and 2nd-stage PUD at square 57 be set down.

23 CHAIRPERSON HOOD: Is there a second?

24 COMMISSIONER IMAMURA: Second.

25 CHAIRPERSON HOOD: Okay. It has been moved and

1 properly seconded. Thank you both.

2 Any further discussion?

3 (No response.)

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

6 MS. SCHELLIN: Commissioner Stidham?

7 COMMISSIONER STIDHAM: Yes.

8 MS. SCHELLIN: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Yes.

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRPERSON HOOD: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIR MILLER: Yes.

14 MS. SCHELLIN: The vote is 4 to 0 to 1 to set down
15 Zoning Commission case number 06-11Z/06-12Z. Actually, it's
16 only the PUD portion that is being set down as the campus
17 plan portion does not need to be set down. And that is
18 being set down as a contested case, the minus 1 being the
19 mayoral appointee seat, which is vacant. Thank you.

20 CHAIRPERSON HOOD: Thank you.

21 And I will add when the Georgetown case came, I
22 remember offering the Georgetown up, asking the guys if they
23 wanted to play the five commissioners. And GW is going to
24 get off because it is only four of us. So we can't fill the
25 court. So I just wanted GW to understand the only reason

1 I'm not offering them up, because we're missing a
2 commissioner. I'll leave it at that. All right.

3 Do we have anything else, Ms. Schellin?

4 CHAIRPERSON HOOD: Okay. The Zoning Commission
5 will meet again on Monday, February the 12th, a continuation
6 of Zoning Commission case number 23-02, on these platforms,
7 at 4 p.m. So everyone get some rest and have a great
8 weekend.

9 This meeting is adjourned. Good night.

10 (Whereupon, the meeting was adjourned at 4:52
11 p.m.)

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REPORTER CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Meeting No. 1587

Before: D.C. Zoning Commission

Date: 02-08-2024

Place: Videoconference

was duly recorded and accurately transcribed under my

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Lee Ann Tardieu

Lee Ann Tardieu