

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

CASE NUMBER: 22-31

SIM DEVELOPMENT, LLC

VIA WEBEX

MONDAY, MARCH 4, 2024

The Public Hearing 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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, Esquire

This transcript serves as the minutes from the Public Hearing held on March 4, 2024.

Diversified Reporting Services, Inc.

1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

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P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is March the 4th, 2024. We are convened and broadcasting this public hearing by videoconferencing.

My name is Anthony Hood. And I am joined by Vice Chair Miller and Commissioner Imamura, also joined by the Office of Zoning staff Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations; and our counsel of Office of Zoning Legal Division, Mr. Dennis Liu. We will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are WebEx and YouTube Live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of signup, all participants will complete the oath or affirmation required by subtitle Z-48.7. Accordingly, all those listening on WebEx or by phone will be muted during the hearing. And only those who have signed up to participate or testify will be unmuted at the

1 appropriate time. When called, please state your name
2 before providing your testimony. When you are finished
3 speaking, please mute your audio. If you experience
4 difficulty accessing WebEx or with your telephone call-in or
5 have not signed up, then please call the OZ hotline number
6 at (202) 727-0789.

7 If you wish to file written testimony or
8 additional supporting documents during the hearing, then
9 please be prepared to describe and discuss it at the time of
10 your testimony.

11 The subject of this evening's case -- I think we
12 are reconvening -- is Zoning Commission case number 22-31,
13 SIM Development, LLC, map amendment at square 5868, lots
14 1034 and 1014, 2652 through 2666 Martin Luther King Jr.
15 Avenue, Southeast.

16 Again, today's date is March 4th, 2024. And, if
17 you all may recall -- Ms. Schellin will help me if I don't
18 capture it correctly -- we started this hearing, and we
19 needed to have further community engagement, and which I
20 believe that has taken place.

21 So the hearing will be conducted in accordance
22 with provisions of 11Z DCMR Chapter 4 as follows:
23 preliminary matters. The applicant has up to 60 minutes.
24 The applicant probably can do this in 20 to 30 minutes, no
25 more than 30 minutes, but if they need to, they have up to

1 60; report of other government agencies; report of the
2 Department of Transportation and Office of Planning; report
3 of the ANC -- in this case, I believe it was ANC-8C --
4 testimony of organizations, five minutes; individuals, three
5 minutes. And we will hear in the following order: from
6 those who are in support, opposition, and undeclared. Then
7 we have rebuttal and closing by the applicant. Again, the
8 OZ hotline number is (202) 727-0789 for any concerns during
9 this proceeding.

10 At this time, the Commission will consider any
11 preliminary matters. Does the staff have any preliminary
12 matters?

13 PRELIMINARY MATTERS

14 MS. SCHELLIN: Just a couple of quick things. As
15 the Commission knows, this hearing was originally started
16 October 16th, 2023. And the Commission decided to postpone
17 the hearing, requesting the applicant to further explain the
18 map amendment to ANC-8C and talk to OP about possible
19 alternative zones. The hearing was rescheduled for December
20 18th, but the Commission granted a postponement to tonight.

21 Since then, there is a letter in support from Ward
22 8 council member at Exhibit 26 and OP supplemental report at
23 Exhibit 27. We have not received an ANC report, although
24 this afternoon, ANC-8C01 I believe submitted some testimony.
25 But, as the Commission knows, an SMD is called at the time

1 of the individuals in support as we do not have a report
2 authorizing anyone to speak on behalf of the full ANC.

3 Other than that, the applicant has advised that
4 they plan to take about 20 minutes to do their presentation.
5 That's all I have right now.

6 CHAIRPERSON HOOD: Okay. Before we bring everyone
7 up, I just want to send our condolences to Ms. Schellin --
8 as you can seem, she's still with us -- on the loss of her
9 dad. We want to keep her in our prayers and thoughts today.
10 And we appreciate all she does. And especially during this
11 difficult time, she's still here. One thing about it, we
12 all have a chance. So just keep her in your prayers and
13 thoughts. Okay?

14 All right. Ms. Schellin?

15 MS. SCHELLIN: Thank you.

16 CHAIRPERSON HOOD: And thank you for sticking it
17 out. We appreciate you. All right.

18 Let's bring everybody up. All right. Mr. Brown,
19 we're going to turn it over to you. Got everything
20 together? Let's get it going. I know you have got it
21 together today.

22 APPLICANT CASE

23 MR. BROWN: Yes, we do. Chairman Hood, members of
24 the Commission, Patrick Brown from Greenstein DeLorme and
25 Luchs, on behalf of the applicant.

1 Before marching forward, I just want to -- there
2 are three things that I think are significant to mention to
3 kind of tailor our presentation. First, we've worked very
4 closely with the Office of Planning and modified our
5 application to rezone the property from RA-1 to a
6 combination of MU-8A and RA-2, with the dividing line
7 between the zone boundaries measured 80 feet from Dunbar
8 Road. And that is a close approximation to the maps in the
9 future land use map and the general policy map, although
10 those two don't have dimensions on it. I would note -- and
11 Ms. Thomas will certainly speak to it -- that OP has
12 supported that.

13 The second is, we've given you an update on
14 interactions with ANC-8C. And you'll see in my presentation
15 as well as the record before that we've been back to ANC-8C
16 on November 8th and presented a massing concept plan
17 biometric study that we have filed in the record in the
18 final version here, but the ANC has not taken action and has
19 not agreed to put the matter in the calendar for January or
20 February.

21 And, then, the last is we have our architect here,
22 who -- Mr. Ali, who can walk you through, as needed, the
23 massing concept plan. It's just that: a concept. It is
24 not a development plan but just takes into account the site,
25 the topography, and the split zone we're proposing to give

1 an idea about development that might occur.

2 Mr. Ali has got the flu, but he's here. So
3 hopefully we can focus his attention where needed.

4 If I could just -- and Mr. Mahari, who is the
5 applicant for SIM, testified previously about his
6 acquisition of the site and the difficulties in the tax
7 sale. As we went through in some detail last time, the site
8 has a larger frontage on Martin Luther King and a smaller
9 frontage about 300 feet away on Dunbar Road, which looks
10 more like a rural path than a District of Columbia road.
11 And the topography drop from Martin Luther King to Dunbar is
12 about 40 feet, which creates planning challenges. We have
13 presented the future land use map and general policy map.
14 Both the MU-8A for the mixed use on the FLUM and general
15 policy map are appropriate as well as the RA-2 for moderate-
16 density residential along Dunbar Road.

17 Mr. Young, my PowerPoint presentation, if you
18 could pull that up? And if we could just start scrolling
19 through? There. Stop right there. You'll see here the
20 site with the boundary at 80 feet depth from Dunbar Road to
21 the right, RA-2 to the left, fronting on Martin Luther King,
22 MU-8A. And we'll discuss further in more detail the massing
23 plan.

24 If we could advance, Mr. Young? Keep going. Keep
25 going. Keep going. It gives an aerial view, rowhouses

1 along the bottom on Pomeroy Road and higher-density multi-
2 family housing as you proceed up towards Stanton Road along
3 Martin Luther King.

4 Next slide, please. Next slide. Next slide. I
5 would point out that on the other side of -- this looks like
6 a country road. To the right is the properties fronting on
7 Martin Luther King. To the left is Federal land and the
8 Suitland Parkway.

9 Another slide, please. It looks like a country
10 road as you proceed from Stanton Road up to Pomeroy, Dunbar
11 Road. Keep going. Keep going. That's the front of my
12 truck. And there where the cars are is Pomeroy Road,
13 significance that from Pomeroy Road to this site, DDOT has
14 required that the applicant -- whoever, the future
15 developer, improve Dunbar Road to its DDOT roadway
16 specifications to provide access to the site because access
17 on Martin Luther King would be restricted. So you're
18 looking at the roadway area that will need to be created to
19 DDOT standards.

20 Next slide. This is looking from Pomeroy down
21 towards Stanton Road. And the site is on the left.

22 Next slide. Mr. Mahari is certainly here and
23 available. I don't think it's necessary to repeat his
24 testimony. If you had any questions for him, he would
25 certainly be available to answer them.

1 Next slide, please. The future land use map. And
2 you will see the distinction between the mixed-use,
3 moderate-density commercial and residential on Martin Luther
4 King and, then, the moderate-density residential on Dunbar
5 Road. We've attempted to approximate that dimension at 80
6 feet.

7 Next slide. Next slide. The same is true with
8 the generalized policy map. The Main Street mixed-use
9 corridor focused on Martin Luther King and what we've
10 requested for MU-8A along Martin Luther King.

11 Next slide. And I've gone through, both in my
12 presentations and in the Office of Planning's reports, which
13 were very thorough, compliance with the citywide elements:
14 land use.

15 Next slide. Housing.

16 Next slide. Transportation.

17 And next slide. And, then, also, with the area
18 elements, the far Southeast/Southwest area, Congress Heights
19 small area plan, and the improved connectivity and safety by
20 property owners. I mean, the focus of this site is --
21 although it provides for valuable or needed mixed use along
22 Martin Luther King, the real advantage for this map
23 amendment is the multi-family residential that will be
24 permitted in an infill site in an area that's been long
25 vacant and quite, frankly, a very difficult site to improve.

1 And next slide, please. And I think that the
2 health, safety, and general welfare benefits speak for
3 themselves.

4 Next slide. And, certainly, I don't think we've
5 been able to identify, either on our own or through the
6 Office of Planning, any adverse consequences for
7 redeveloping this vacant site.

8 Next slide. We detailed, both through OP and our
9 reports, the support for racial equity citywide in this area
10 and Congress Heights.

11 Next slide. Mr. Bello, who's been the primary
12 leader in the community engagement, is on the line and
13 available to testify, but I've outlined from the beginning
14 notice of intent to the latest, February 14th, where we
15 requested but were not invited to appear on the ANC agenda,
16 the history here. Quite a bit of effort has gone into
17 dealing with the ANC but has not produced any kind of formal
18 action by them.

19 Next slide. This is more detail on the racial
20 equity evaluation.

21 Next slide. Next slide. And the question of IZ
22 Plus exemption, OP has recommended the exemption based on
23 the disproportionate level of affordable housing in this
24 planning area. And we request the IZ Plus exemption. This
25 will, of course, be subject to IZ.

1 Next slide. We can go through -- I don't know how
2 much detail, Chairman Hood, you would like to see or
3 discuss.

4 CHAIRPERSON HOOD: Mr. Brown, whatever your
5 presentation is, if we have questions, we will -- just do
6 your presentation. And we'll -- whatever it is.

7 MR. BROWN: Mr. Ali, are you there?

8 CHAIRPERSON HOOD: I don't know. Let me just say
9 this. I don't necessarily -- I think you're doing, like, a
10 massing. I would rather do that. I don't like to talk
11 about projects when we're doing map amendments because that
12 gets the community and everybody confused. And they start
13 looking at us like, "Project?" I just mentioned this last
14 week.

15 So you can go ahead. And he can do it. But let's
16 not talk about a project.

17 MR. BROWN: Well, and we were very specific in our
18 dealings with the ANC and also in our submissions to you and
19 the Office of Planning that we were not presenting a
20 proposed project.

21 CHAIRPERSON HOOD: Okay.

22 MR. BROWN: And we were requested by the Zoning
23 Commission to provide some volumetric information, which we
24 did and we can walk through quickly. But this is not a plan
25 for development.

1 CHAIRPERSON HOOD: Okay. Let's do that, Mr.
2 Brown. That sounds good. Thanks.

3 MR. BROWN: So if we could, next slide. And,
4 again, a massing study concept plan. This shows from Martin
5 Luther King where the building will have some ground floor
6 retail and retail service commercial and then residential
7 above.

8 Next slide. And this just gives you an idea of
9 the building stepping down in the drop-in topography from
10 Martin Luther King to Dunbar. One of the challenges is the
11 topography, but, also, all of the area in the rear is all --
12 counts as FAR, so the need to step down the building as you
13 go to Dunbar and, then, also, the split zone boundary along
14 Dunbar.

15 Next slide. Is this neighborhood context.

16 Next slide. And context.

17 Next slide. Some aerial views.

18 Next slide. Next slide. And, again, this showing
19 the context of, again, working with the site on Martin
20 Luther King and stepping down to Dunbar in a way that, one,
21 utilizes the available FAR and also provides access to the
22 rear for parking from Dunbar.

23 Next slide. Again showing the zone boundary
24 between MU-8A and RA-2 and the stepping down of the
25 building. And you'll see the green, the underground parking

1 access from Dunbar.

2 Next slide. Again, the same showing in the
3 context of particularly the houses on Pomeroy, rowhouses,
4 and also the relationship between the concept and the
5 rowhouses on Pomeroy.

6 Next slide. Again, showing the relationship
7 between houses on Pomeroy and the concept.

8 Next slide. Again, showing the division between
9 the two zones and the proposed access from Dunbar to the
10 building and the parking.

11 Next slide. And the parking levels.

12 Next slide. Just a typical concept for a floor
13 plan, again not a plan but just a concept.

14 Next slide. The same. I think that's -- Mr.
15 Young, is that the last slide in the pack?

16 MR. YOUNG: Yes, it is.

17 MR. BROWN: Yes. I think I'll stop there for the
18 moment and open it up for questions. We've got Mr. Mahari,
19 Mr. Bello, and the architect should be there as well.

20 CHAIRPERSON HOOD: Okay. Thank you, Mr. Brown.

21 Let's see if we have any questions or comments.
22 Commissioner Imamura?

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

24 Not very many questions or comments. I am glad,
25 Mr. Brown, that -- kept the guard rails up. Your

1 discussions with the ANC regarding this, the illustrations,
2 were not specific to a project but just general volumetric
3 and sort of conceptual massing. I was a little worried when
4 I saw the front cover, that elevation. It looked a little
5 more polished, but after taking a look at the other
6 drawings, they were a little rough, sort of SketchUp models,
7 which are pretty rudimentary. So I think it served its
8 purpose. And it's good that they were rudimentary.

9 I appreciate the additional effort to work with
10 the community and OP on step-down. What I heard was that
11 the FAR was really driving that step-down in the RA-2 zone
12 or what is proposed for the RA-2 zone. Is that right? Is
13 that what I understood you to say?

14 MR. BROWN: I'll let others add to it, but that's
15 one of the factors involved, the topography, how FAR is
16 calculated, and also an eye toward the relationship with the
17 adjoining buildings on Pomeroy.

18 COMMISSIONER IMAMURA: Okay. I appreciate the
19 section, too, to illustrate the homes on Pomeroy and what
20 that looks like against the building scheme, what could be
21 the building scheme.

22 Now, I guess what's helpful about this is that, as
23 I've said before, you kept it rudimentary, but, now, you
24 know, the expectations out there with the community that the
25 way this is massed, something similar is the expectation I

1 would imagine for you the community. I would also expect
2 that as -- if a project should develop, which it will, that
3 you adhere to sort of your own self-restrictions on stepping
4 down the mass.

5 I think you did a good job. I think the applicant
6 did a good job. The architect did a nice job to demonstrate
7 what that would look like if there -- if and when a project
8 materializes.

9 I wanted to ask -- one question that I do have,
10 Mr. Brown, for the applicant is that we know the MU-8A is
11 consistent with medium density. I'm curious and I can't
12 recollect, were there any other discussions to talk about
13 the MU-7, which is only five feet I guess less in height;
14 and the MU-5, which is at 40 feet? I think I just want to
15 know, were there any conversations about that or did that
16 not pencil out and that's why we went with the MU-8?

17 MR. BROWN: Well, certainly internally from our
18 side, we looked at a variety of options and settled on the
19 MU-8A. I think when we first started, when we were talking
20 about the entire site MU-8A, we made some preliminary
21 vetting with the Office of Planning. And we got to a
22 comfort level at that stage with the Office of Planning as
23 well as our own internal study. So that was kind of how we
24 got to where we are today.

25 COMMISSIONER IMAMURA: Okay. I'm not sure that

1 fully answers my question. I guess I was looking at why we
2 discounted any other zones and not --

3 MR. BROWN: Mr. Bello, would you or Mr. Mahari
4 like to jump in on his --

5 MR. BELLO: Well, I think you have responded in
6 the most I think. But when we took a look at the
7 combination of factors, not only the future land use map but
8 also the topography of the site, it would seem that the
9 MU-8A would be the appropriate zoning district.

10 COMMISSIONER IMAMURA: Thank you, Mr. Bello. I'm
11 not sure that the topography really has much to do with
12 selecting whether it's MU-8A or MU-7 or MU-5. I guess MU-6
13 is medium to high density. The MU-5 has maximum height at
14 40 feet, which at the -- which as the westernmost portion
15 may be just as appropriate, but all of those are medium
16 density.

17 I'm not arguing that MU-8A is inconsistent or not
18 inconsistent. I was just curious what your discussions were
19 about the other zones that didn't lend themselves to moving
20 forward with them.

21 But it doesn't sound as if there's been much of a
22 conversation about that. You just landed on the MU-8A in
23 the conversation with OP. And that's fine.

24 I don't think, Mr. Chairman, I have any further
25 questions yet. I think after I hear maybe Vice Chair Miller

1 and your own comments, I might have a few more, but outside
2 of that, again, in summary, I think, generally, I'm pleased
3 to see the RA-2. And the step-down is a much improved
4 solution over the entire site being MU-8.

5 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
6 Imamura.

7 Let's see if the vice chair -- do you have any
8 questions?

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

10 And thank you, Mr. Brown and Mr. Bello, for your
11 presentation today. And thank you for going back and doing
12 the massing study and trying to meet again with ANC-8C,
13 which you requested, apparently, a meeting, but I don't
14 think you necessarily had another meeting with them. But we
15 do have a letter in the record at Exhibit 30, as the
16 chairman mentioned, from a single-member -- or as Director
17 Schellin might have mentioned, a letter from ANC-8C01,
18 Commissioner Georgette Joy Johnson expressing her own
19 concerns. I don't know if she's here today, but I think
20 that -- I appreciate you -- and I think we've obtained since
21 that time the -- I guess through your outreach a letter of
22 letter of support from the Ward 8 council member, Trayon
23 White, for this proposal.

24 I think the split zoning of MU-8A for the MLK side
25 and the RA-2 zone for the Dunbar side since we last met is a

1 better proposal than either the applicant's proposal,
2 original proposal, of all MU-8A or OP's original proposal of
3 MU-8A just for the MLK side and leaving the Dunbar side RA-
4 1. So I think we've gotten to a better outcome there that's
5 more appropriate, more consistent with the comprehensive
6 plan land use map designation.

7 Can you tell me -- I think it's in your -- it's on
8 one of your slides. We aren't dealing with a specific
9 project, but you've you provided the massing that shows
10 potential maximum development under the heights and
11 densities that these two zones would permit on the site.
12 Can you just for the record verbally state what the maximum
13 number of residential units and retail might be?

14 I think that it's -- just looking at that one
15 slide that had the number of dwelling units, I think it's
16 133 dwelling units. I think DDOT in their report had
17 estimated -- when it was going to be all MU-8A I think
18 suggested that it might be a maximum of 150.

19 Can you just confirm what the maximum buildout
20 might be conceptually, realizing we don't have a specific
21 project planned or before us, of the square footage of the
22 residential and the first floor or ground floor retail if
23 you have those numbers available?

24 MR. BROWN: Is Mr. Ali available? I mean,
25 certainly, the plan we showed had a concept of 133 units. I

1 don't know the size of the retail right offhand.

2 VICE CHAIR MILLER: Yes. The DDOT report had
3 mentioned I guess when it was all MU-8A that it could be a
4 maximum -- I don't know where -- I don't know the
5 assumptions they were using but about 26,000 square feet of
6 retail.

7 I assume it might be a little -- I don't know if
8 it would be less or not with the RA-2 zoning for that Dunbar
9 side or not, probably a little less. I don't know if retail
10 will be allowed on the -- under the RA-2. Would retail be
11 allowed on the RA-2 portion? I think it has to be all
12 residential there or --

13 MR. BELLO: It has to be all residential.

14 VICE CHAIR MILLER: Okay.

15 MR. BELLO: FAR or gross floor area for commercial
16 is 10,000 square feet.

17 VICE CHAIR MILLER: Thank you for that
18 information.

19 Do you know what the -- since the concern raised
20 by the ANC, the one single-member district commissioner,
21 Georgette Johnson of 8C01, was about parking availability, I
22 guess currently on MLK and in the area generally and
23 concerned that this will exacerbate the limited availability
24 of on-street parking -- I assume that those massing studies
25 are assuming some amount of off-street parking. I know it's

1 one for three, one parking space per three units, I think
2 for this type of zone and this proximate to a Metrorail
3 station, but I'm not sure what that translates to with --
4 well, one for three. I guess it's 133 units divided by 3
5 would be the maximum.

6 MR. BROWN: Right. You get -- the first four
7 units are excluded? So you come to about 43 spaces based on
8 133 dwelling units.

9 VICE CHAIR MILLER: Right. And DDOT did not have
10 any objection or problem with when it was going to be in
11 terms of parking and traffic and the issues that they're
12 looking at when it was going to be proposed to be all MU-8A.

13 How close is it to the Metrorail station?

14 MR. BROWN: It's walking distance.

15 VICE CHAIR MILLER: Right.

16 MR. BELLO: Yes, it is walking distance.

17 VICE CHAIR MILLER: Right. I knew that. I just
18 wanted everybody to hear it on the record.

19 MR. BROWN: Thank you.

20 VICE CHAIR MILLER: Thank you.

21 So with the MU-8A, we had the -- I think the
22 maximum height is 70 feet. And I think with the RA-2, the
23 maximum height I think is 50 feet. The existing RA-1 is 40
24 feet. We know that there is that topographical slope from
25 MLK down to Dunbar of a 40-foot drop.

1 But the one building, if it's considered one
2 building for zoning purposes, which I think it can be, can
3 be measured from MLK. And I think OP's report mentions that
4 it could be -- it could appear to be 80 feet I guess from
5 the Dunbar Street side even because of the topographical
6 slope. Is that correct?

7 MR. BROWN: I mean, I guess if you're looking from
8 Dunbar up the hill, yes, it could be. Again, the concept
9 we're showing, which I think will probably be enshrined in
10 any final plan, shows it stepping up so that you'll see
11 different elevations looking from Dunbar.

12 VICE CHAIR MILLER: Right. And that concept, that
13 massing plan, I think you said showed an 80 -- was it an 80-
14 foot setback from Dunbar.

15 MR. BROWN: That's correct.

16 VICE CHAIR MILLER: Yes. So that --

17 MR. BROWN: For the zone boundary, yes.

18 VICE CHAIR MILLER: Right. So conceptually
19 without a project plan in front of us, with the setback and
20 with the step up, that could help mitigate that visual
21 effect from Dunbar. Is that correct?

22 MR. BROWN: Yes. And, also, the reality is that
23 if you're looking from Dunbar, you're either on the road or
24 you're in Federal land and the Suitland Parkway. So that
25 vantage point may not be the most critical given the

1 abutting Federal land and Suitland Parkway.

2 VICE CHAIR MILLER: Okay. Understood. Okay.

3 Thank you.

4 So I don't think I have any further questions, Mr.

5 Brown or Mr. Chairman. So I will yield back. Thank you.

6 Thank you for bringing this forward, this revised proposal.

7 Thank you for your continued efforts at outreach. And we

8 will see where we can go from here. Thank you.

9 CHAIRPERSON HOOD: Thank you. I want to thank
10 both my colleagues. I think you all have really dug into
11 what we have in front of us, and I think we have a better
12 outcome.

13 Even though we waited for the ANC to opine, we do
14 have a single-member district, as has been stated. And we
15 also have the council members' acknowledgement of support as
16 well.

17 But I do want to ask Mr. Bello and Mr. Brown one
18 question. Would you walk a half of a mile to the Metro?
19 I'm just curious. Mr. Brown, you can go first.

20 MR. BROWN: Would I?

21 CHAIRPERSON HOOD: Yes.

22 MR. BROWN: I have, not in -- I mean, where I
23 live, yes.

24 CHAIRPERSON HOOD: Okay. Mr. Bello?

25 MR. BROWN: I have.

1 CHAIRPERSON HOOD: What about you Mr. Bello?

2 MR. BELLO: Well, the -- yes, I would, but the
3 reduction in parking spaces that that distance affords the
4 project --

5 CHAIRPERSON HOOD: Don't go into that, Mr. Bello.
6 That's not why I was asking the question.

7 MR. BELLO: Okay. I would.

8 CHAIRPERSON HOOD: The reason I was asking the
9 question, because I hear people say this not -- I'm not
10 picking on you two, but I hear people say all the time, "Oh,
11 yeah. I walked." But, you know, when I used to go
12 walking, after I'd get a half a mile, I would feel like I
13 walked a mile. But maybe you guys are in better shape than
14 I am.

15 So, anyway, no. But I think we have a better --
16 as far as a project, I thought you were going to say, Mr.
17 Bello, what does that have to do with the case?

18 But no. I am good. I was really just having fun
19 with both of you because it sounds good all the time -- this
20 is not my first time saying it -- when people say, "Oh, it's
21 only a mile away" or "a half a mile away" or "a couple of
22 blocks away." But when you start getting over 40 and 50 and
23 60, those blocks become a long way. And so I will just
24 leave it there.

25 I will ask -- I appreciate the attempts that were

1 made. And I will just ask that you all continue to work
2 with -- I believe you've already started I think working
3 with what's her name -- Commissioner -- Vice Chair?

4 MR. BROWN: Johnson.

5 CHAIRPERSON HOOD: Commissioner Johnson.

6 MR. BROWN: Yes.

7 CHAIRPERSON HOOD: Continue to work with her. I
8 think with the letter of support from the council member the
9 of the ward, that gives me a comfort level.

10 And, also, when we look at the makeup we have here
11 in what we have proposed versus what we did previously, I
12 would agree with both of what my colleagues had mentioned.

13 I don't have any further questions. We appreciate
14 you all trying to go back out and reach, as we requested.
15 It looks like some outreach was done, and we'll just leave
16 it at that.

17 Any follow-up questions, colleagues?

18 VICE CHAIR MILLER: I would just say, Mr.
19 Chairman, I'm about a half a mile from the closest Metro
20 stop and --

21 CHAIRPERSON HOOD: You walk every day?

22 VICE CHAIR MILLER: Not every day, but I walk
23 often. I limp often. When we had our two-or-three-times-a-
24 week zoning meetings, it was usually two out of the three
25 times. When I thought it was going to be a late night, I

1 sometimes would drive down to a RP. I'm in the same RP
2 zone. And if there was a space, I would park there, in all
3 honesty, if there was a space closer, so at 11 o'clock at
4 night, I wasn't trudging up the hill. But, anyway, that's
5 neither here nor there.

6 CHAIRPERSON HOOD: All right. I appreciate it.
7 And I do walk. I do exercise. I do go play basketball.
8 But if I know I've got to walk to the Metro, to me, I just
9 don't feel it. I have got to figure out another way to get,
10 maybe the bus.

11 But, anyway, all right. Ms. Schellin, do we have
12 anyone -- wait a minute. Hold on. Let me pull my agenda
13 up. One second, please. That's what happens when you start
14 messing around. Ms. Schellin, do we have anyone from any
15 other government agencies?

16 MS. SCHELLIN: No, sir.

17 CHAIRPERSON HOOD: And I don't think we have
18 anyone from DDOT either. Do we?

19 MS. SCHELLIN: No, sir.

20 CHAIRPERSON HOOD: Okay. Well, DDOT -- I'll pull
21 this up. DDOT has a letter of support for the map
22 amendment, as stated. And it's our exhibit. Give me one
23 second. It's our exhibit 21, I believe. And it says that
24 they -- let me read the last part. It just basically says,
25 "Recommendation: DDOT has no objections to the approval of

1 the requested map amendment."

2 Do we have -- I'm sure we have someone from the
3 Office of Planning.

4 MS. SCHELLIN: Yes. Karen Thomas.

5 CHAIRPERSON HOOD: Ms. Thomas. Okay. Ms. Thomas,
6 whenever you're ready, you may begin.

7 REPORTS

8 MS. THOMAS: Yes, Mr. Chair. Hi. Good afternoon,
9 Mr. Chair, members of the Commission. Karen Thomas with the
10 Office of Planning. I'll try to be brief.

11 You have our OP's original report. And we
12 submitted a supplemental report to the record based on the
13 Commission's request that the applicant revise its proposal.
14 And that was due to the inconsistency of the proposed map
15 amendment for this site in its entirety from MU-8A -- from
16 RA-1 to MU-8A.

17 So we recommended the applicant take another
18 look -- or you did and based on our support or lack thereof
19 for the MU-8A over the entire site. And we are now in
20 support of the RA-1 portion in the moderate-density
21 designation being mapped to the RA-2 zone, which is also
22 consistent with the FLUM designation, but that would afford
23 the applicant a bit more flexibility by allowing for all
24 types of residential development. And it would allow
25 limited nonresidential uses compatible with adjoining

1 residential uses. It would encourage compatibility between
2 the location of new buildings and the existing neighborhood.

3 So next slide. While the framework element
4 explains that maps are intended to provide generalized
5 guidelines for development decisions, the moderate-density
6 zone designation of RA-1 has a density of 1.08 FAR with IZ.
7 The MU-8A has 6.0 FAR with IZ and the RA-2 of 2.16 with IZ.
8 The application of the MU-8A zone to the portion of the
9 parcel clearly outside of the mixed use designation would be
10 inconsistent with the comp plan's moderate-density
11 residential designation.

12 And we continue to not recommend IZ Plus for this
13 amendment since there's a disproportionate number of
14 affordable housing units in the far Southeast and Southwest
15 planning area. And this is consistent with our past
16 recommendations in areas where these situations exist.

17 Next slide. So a quick recap on data for the
18 planning area. We have household median income for the
19 black population. And we have a planning area to be the
20 lowest among all other residents.

21 We tracked where the black population was at 91
22 percent. And they fell to about 87 percent. And I think
23 it's still falling because there is a noticeable increase in
24 diversity in the area as time progressed.

25 So while the planning area has both the highest

1 shares of dedicated affordable units in the district, the
2 map amendment could provide an opportunity for a mix of
3 market and affordable dwelling units for underserved
4 populations overall.

5 So redevelopment of the site should not result in
6 direct displacement as there are currently no residential
7 uses on the property. Indirect displacement is also not
8 likely because increased residential density creates more
9 housing options. And the comp plan recognizes the imbalance
10 between supply and demand, which drives up housing prices.
11 And that impacts low-income residents.

12 The property is located to near many schools. And
13 it's on the route of several bus lines, providing easy
14 access to Metro centers and employment centers in the
15 District and surrounding metro areas. And it is close to
16 the developing St. Elizabeths campus.

17 In conclusion, on balance, we believe the proposed
18 map amendment from the RA-1 to MU-8A and RA-2 for the split
19 designation described earlier would be not inconsistent with
20 the policies and goals of the comp plan.

21 And, with that, I'll be happy to take any
22 questions. Thank you.

23 CHAIRPERSON HOOD: Thank you, Ms. Thomas. I
24 actually thought you were going to stand on the record, but
25 your report was very well-done. So thank you.

1 Let me just ask -- I just have one question. This
2 just seems to be my question today. Do you walk about a
3 half a mile or mile if you go to the Metro? I just feel
4 like asking everybody that question.

5 MS. THOMAS: Yes. Yes, I do, actually. My house
6 is half a mile, about, from -- to the green line, Howard.

7 CHAIRPERSON HOOD: Okay. Okay.

8 MS. THOMAS: So I do, yes.

9 CHAIRPERSON HOOD: So you do it. I figured you
10 probably do it.

11 MS. THOMAS: Yes.

12 CHAIRPERSON HOOD: Okay. All right. Let me see
13 if my colleagues have any questions. Thank you for
14 answering that.

15 Let me see if my colleagues have any questions or
16 comments. Commissioner Imamura?

17 COMMISSIONER IMAMURA: No questions, Mr. Chairman.

18 Ms. Thomas, thank you for your report. And, also,
19 thank you for walking about a half-mile and keeping your
20 footprint to a minimum. Thank you.

21 MS. THOMAS: Anything for D.C.

22 CHAIRPERSON HOOD: Vice Chair Miller?

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

24 I have I have no question, but thank you, Ms.
25 Thomas, for walking us through your supplemental report,

1 which we requested. And we appreciate that you were able to
2 you come up with the applicant with a revised zoning for
3 that Dunbar Road side of the site. So we appreciate the
4 comprehensiveness of your report and all of your efforts.
5 Thank you.

6 CHAIRPERSON HOOD: All right. Mr. Brown, do you
7 have any questions of the Office of Planning?

8 MR. BROWN: No. Just thanks for their
9 cooperation.

10 CHAIRPERSON HOOD: Okay. All right. Thanks, Ms.
11 Thomas, again for all of your work. We appreciate you.
12 Thank you. All right.

13 CHAIRPERSON HOOD: Ms. Schellin, do we have anyone
14 signed up to testify in support or opposition or do we have
15 the ANC commissioner or anybody?

16 MS. SCHELLIN: There is no ANC commissioner on.

17 CHAIRPERSON HOOD: So we don't have anybody?

18 MS. SCHELLIN: No.

19 CHAIRPERSON HOOD: Do we have anybody?

20 MS. SCHELLIN: There was one name on here and I
21 believe -- on the witness list, but I think he might be part
22 of the -- or was part of the applicant's team. But I could
23 be wrong. Yosief Mahari.

24 MR. BROWN: That's the applicant, the
25 representative of SIM Development.

1 MS. SCHELLIN: Okay. That's what I thought.

2 CHAIRPERSON HOOD: Was he in support?

3 MS. SCHELLIN: So there's no one in any category
4 to testify.

5 CHAIRPERSON HOOD: Oh, okay. So I assume he was
6 in support. He's --

7 MS. SCHELLIN: He was a proponent, yes.

8 MR. BROWN: Wholeheartedly in support, Mr.
9 Chairman.

10 MR. BROWN: Yes.

11 CHAIRPERSON HOOD: I'm just checking. You never
12 know nowadays.

13 So, anyway, I thank you all.

14 Mr. Brown, do you have any closing remarks?

15 APPLICANT CLOSING

16 MR. BROWN: No. Just I think in our presentation
17 and the record, we've established the basis for the map
18 amendment and consistency with the comprehensive plan and
19 the small area plan and Congress plan that can be achieved
20 appropriately in this case.

21 CHAIRPERSON HOOD: All right. I want to thank you
22 all. Thank you both, colleagues. I don't think -- well,
23 thank all of you for the work that you all have done, the
24 Office of Planning and the applicant as well, and coming
25 back with I think a win-win. And we just again keep the

1 commissioners' comments as you all proceed forward with some
2 type of project.

3 I think, colleagues, we have enough on our agenda.
4 So I would like to dispose of this this evening unless I
5 hear any objections.

6 (No response.)

7 CHAIRPERSON HOOD: Not seeing any, would one of
8 you all like to make a motion?

9 VICE CHAIR MILLER: I think, Mr. Chairman, I would
10 move that the -- this is a two-vote case, I believe. So I
11 think it's good that we can proceed tonight with -- I think
12 it is appropriate to proceed tonight with the first proposed
13 action.

14 I move that the Zoning Commission take proposed
15 action on Zoning Commission case number 22-31. That's a map
16 amendment application by SIM Development, LLC at square 5868
17 -- that's a map amendment from RA-1 to MU-8A and RA-2 for
18 2652 through 2666 Martin Luther King Jr. Avenue, Southeast
19 -- and ask for a second.

20 And I would note that this map amendment does not
21 include the IZ Plus designation, which was that it not
22 include the IZ Plus designation was what the recommendation
23 was for the Office of Planning, which I agree with that
24 because there already is a disproportionate number of
25 affordable housing in this planning area. We can just go

1 with the usual IZ, regular IZ, requirement for this case.

2 So I move the map amendment and ask for a second.

3 COMMISSIONER IMAMURA: I second the very thorough,
4 detailed motion by the vice chair.

5 CHAIRPERSON HOOD: All right. It has been moved
6 and properly seconded. Any further discussion?

7 COMMISSIONER IMAMURA: (shaking head)

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

10 MS. SCHELLIN: Yes. Commissioner Miller?

11 VICE CHAIR MILLER: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Hood?

15 CHAIRPERSON HOOD: Yes.

16 MS. SCHELLIN: The vote is three to zero to two to
17 approve the map amendment in Zoning Commission case number
18 22-31. And that is approved without the IZ Plus, the minus
19 two being Commissioner Stidham, not present and not voting;
20 and the third mayoral appointee seat, which is vacant.

21 And I would ask, are you authorizing a summary
22 order in this case since there was no opposition for the
23 record?

24 CHAIRPERSON HOOD: We didn't -- what about that
25 letter?

1 MS. SCHELLIN: Well, there was a letter in
2 opposition from an individual -- well, an SMD. I don't know
3 if it was the SMD that this was in, but it doesn't get great
4 weight because it was not from the full ANC.

5 CHAIRPERSON HOOD: Yes, I think we can do a
6 summary order because it looks like it has some support, a
7 lot of support.

8 MS. SCHELLIN: Okay. So you could submit that
9 within two weeks, by 3 p.m. Then we get this referred to
10 NCPC for a 30-day comment period. And then we'll bring it
11 back on one of the Commission's regular meeting agendas.

12 MR. BROWN: Two weeks from today, 3 p.m.?

13 MS. SCHELLIN: Yes, 3 p.m., two weeks from today.
14 Do you need that date? I can give that to you. That would
15 be --

16 CHAIRPERSON HOOD: The 18th, right?

17 MS. SCHELLIN: I'm sure you're right.

18 CHAIRPERSON HOOD: Or maybe --

19 MS. SCHELLIN: It will be the 18th, yes.

20 CHAIRPERSON HOOD: All right. All right. Are we
21 all on the same page?

22 MS. SCHELLIN: Yes.

23 MR. BROWN: We are.

24 MS. SCHELLIN: That's it.

25 CHAIRPERSON HOOD: All right. I want to thank

1 everyone for your presentations tonight and their presence
2 and participation.

3 Let me first -- before I do that, let say the
4 Zoning Commission will meet again March the 7th, which is
5 this coming Thursday, Zoning Commission case number 12-01G
6 the Catholic University of America.

7 So, again, thank everyone for all their hard work
8 in this case this evening. And this meeting is adjourned.
9 Good night, everyone. Have a great evening.

10 (Whereupon, the meeting was adjourned at 4:56
11 p.m.)

12 * * * * *

REPORTER CERTIFICATE

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This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 03-04-2024

Place: Virtual Public Meeting

was duly recorded and accurately transcribed under my
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Gary Euell