

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

MEETING SESSION

THURSDAY, JUNE 13, 2024

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

This transcript serves as the minutes from the Public Meeting held on June 13, 2024.

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P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: All right. Mr. Young, are we ready to start recording?

MR. YOUNG: (No audible response.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood. I'm joined with Vice Chair Miller, Commissioner Stidham, and Commissioner Imamura.

We are also joined by all of the zoning staff: Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. Also, our zoning - Office of Zoning Legal Division: Ms. Lovick, Mr. Liu, and Mr. Ritting as well; and all others will introduce themselves at the appropriate time.

Copies of today's meeting agenda are available on Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporters and it's also webcast live, Webex and YouTube Live. The video will be available on Office of Zoning's website after the meeting.

Accordingly, all of those listening on Webex or by phone will be muted during the meeting unless the Commission suggests otherwise. For hearing action items, the only

1 documents before us this evening are the application, the
2 ANC Setdown Report, and the Office of Planning Report. All
3 other documents in the record will be reviewed at the time
4 of the hearing.

5 Again, we do not take any public testimony in our
6 meetings unless the Commission requests otherwise. If you
7 experience difficulty accessing Webex or via phone call-in,
8 then please call our OZ hotline number at (202) 727-0789
9 for Webex login or call-in instructions.

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

12 MS. SCHELLIN: No preliminary matters. Thank you.

13 Case No. 24-05

14 CHAIRPERSON HOOD: Okay. This evening I believe,
15 if I'm correct, we only have two items on the agenda. Both
16 of them are hearing action items. The first case I'll call
17 is -- the office planning comes up. Hearing action: Zoning
18 Commission Case No. 24-05, The Bennett Corporation - Map
19 Amendment @ Square 3657. Ms. Thomas.

20 (Pause)

21 MS. THOMAS: Thank you, Mr. Chairman, members of
22 the Commission. This is an application by The Bennett
23 Corporation for a zoning map amendment for its property at
24 700 Monroe Street, to change the existing zoning of MU-3A to
25 MU-2. The MU-2 zone would not be inconsistent with the

1 comprehensive plan, including when viewed through a racial
2 equity lens, and the Office of Planning is recommending
3 setdown of this application, and also recommends that the
4 site be subject IZ Plus.

5 The subject site is currently developed with a
6 three-story mixed-use commercial building and a service
7 parking lot, and it is located across Michigan Avenue from
8 the Catholic University.

9 (Slide)

10 Next to Brooklyn, it's walk, and within walking
11 distance to the Brooklyn Metro. It is also adjacent to a
12 recent map amendment to the property which under 2307 was
13 also amended to the MU-2 zone. Next slide.

14 (Slide)

15 The FLUM identifies the site as appropriate for
16 medium density commercial and medium density residential
17 mixed-use. The MU-2 zone, which permits up to 90 feet in
18 height, and 7.2 FAR with IZ, would not be inconsistent with
19 those designations. The MU-2 zone is intended to permit
20 medium density areas predominantly developed with
21 residential buildings but also permitting non-residential
22 buildings.

23 The generalized policy map shows the site within a
24 neighborhood conservation area, where future develop --
25 redevelopment is consistent with the MU-2 zone. It would

1 be compatible with nearby development and previous approval
2 of a similar map amendment, as I mentioned, for the adjacent
3 property and would not be inconsistent with the policy map.
4 Next slide.

5 (Slide)

6 The proposed map amendment, together with the IZ
7 Plus designation could potentially, through the several plan
8 policies identified in our report relating to equity,
9 including additions to the market rate and affordable
10 housing production targets, provision of housing with easy
11 access to transportation, thereby improving equitable
12 transportation access, improvement to air quality through
13 transportation efficiency, improve individual quality of the
14 corridor, and a full analysis against the criteria of the
15 Commission's racial equity, too, can be found in OP reports.

16 So, in summary, we believe the subject site is in
17 an area considered appropriate for the MU-2 zone, based on
18 the comp plan maps, as well as in above-written plan
19 policies. So, the proposal is therefore not inconsistent
20 with the plan, including when viewed through racial equity
21 lens, and we are recommending that the map amendment is
22 setdown for a public hearing and that it be subject to IZ
23 Plus. Thank you.

24 CHAIRPERSON HOOD: All right. Thank you, Ms.
25 Thomas, for a very succinct report. Let's see if my

1 colleagues have any questions or comments. Commissioner
2 Imamura, any questions or comments?

3 COMMISSIONER IMAMURA: Chairman, Ms. Thomas, as
4 always, thank you for your report and the work and effort
5 that you put into it. I don't think that I have very many
6 comments or questions other than to say that, you know, I
7 think this map amendment certainly provides an opportunity
8 to advance in several planning objectives in the Upper
9 Northeast area element; and like most map amendments,
10 certainly an opportunity here to increase development in an
11 area that's needed, as well as add housing opportunities at
12 all income levels.

13 One of the questions that I have, just for
14 clarification, there are some potential comp plan
15 inconsistencies. I'm less concerned about the demolition
16 policy. That's an awfully hard bar to meet there. But I
17 know that I think in the small area plan, Ms. Thomas, it
18 mentions moderate density, especially along Monroe Street
19 there.

20 And while I'm aware, I think, if I'm not mistaken,
21 that while it mentions new development up to about 70 feet,
22 however, I think that policy might be inconsistent with the
23 comp plan that asks for higher density, and so I just wanted
24 some clarification on that. And that, I guess, and that's
25 my first question.

1 And then the other, I guess, and I have another
2 question, just in terms of, if there are any opposition that
3 we are aware of? And then the third question I guess is, if
4 and when the applicant began their community outreach, if we
5 knew that information?

6 MS. THOMAS: I'll just point that the comp plan
7 was updated after the small area plan. So, the previous
8 designation of the comp plan was commercial moderate density
9 and residential moderate density. And, subsequently, it was
10 changed to medium density, commercial and residential, so
11 that was after, well after the small area plan was written.
12 And what is -- I'm sorry - the next question?

13 COMMISSIONER IMAMURA: Oh, sorry. I had a
14 handful. They were just kind of -- it was a stream of
15 consciousness. The other two questions just: 1) if we know
16 if there is any opposition; and 2) if we know when the
17 applicant began their community outreach?

18 MS. THOMAS: I'm not aware of any opposition, and
19 there is nothing to the record, and we weren't contacted by
20 the ANC or any -- any other. I think the civic association
21 is in support, the Edgewood Civic Association, and the ANC
22 is in support, and that is in the record in support of the
23 map amendment.

24 COMMISSIONER IMAMURA: All right. Thank you. And
25 I guess the only other comment, Mr. Chairman, that I'd like

1 to make is that the applicant, I'm sure they're listening,
2 they did a great job in their comprehensive plan analysis
3 providing a realistic view, I think, of all of the relevant
4 policies. And that's really important because it helps us
5 make better decisions. And so, other applicants should take
6 note of that and also provide sort of a realistic look for
7 us. I think it improves our decision-making. And that's
8 all that I have to add, Mr. Chairman.

9 CHAIRPERSON HOOD: Thank you, Commissioner
10 Imamura. I think you covered quite a bit. Thank you very
11 much. Let's go to Commissioner Stidham. Any questions or
12 comments?

13 COMMISSIONER STIDHAM: No questions or comments.
14 I think Commissioner Imamura covered the gamut. But thank
15 you very much for your time on a well-produced report.

16 CHAIRPERSON HOOD: And Vice Chair Miller?

17 VICE CHAIR MILLER: And thank you, Karen Thomas,
18 for your analysis in your setdown report, which I found
19 pretty persuasive primarily, and the map amendment is being
20 driven by the future of the land-use map change to medium
21 density.

22 So, the MU-2 zone is much more consistent with
23 that medium density designation than the existing MU-3A
24 zone, which is a lower dense -- lower density zoning
25 category. So this does have the potential to produce with

1 the conclusionary zoning plus designation, which you're
2 recommending I believe here, as your report indicated over
3 20 -- potential to produce over 20 affordable housing units
4 under various scenarios, hypothetical scenarios.

5 So, I think that that's a plus and supports the
6 housing policies in the comp plan and in the small area
7 plan. And as you just indicated, as the Commissioner
8 Imamura, as you indicated, the community, Edgewood Civic and
9 the ANC by the -- or support of, so I'm ready to set this
10 down for a public hearing. Thank you.

11 CHAIRPERSON HOOD: Okay. We want to wish our
12 president -- I believe Mike is still the president of
13 Edgewood. I was informed that he had either broke his leg
14 or hurt his leg. And we appreciate all of the work that
15 Edgewood is doing. It just so happened I heard that this
16 week, and I look up and see in the report that from the
17 Office of Planning that Edgewood had some opining in this
18 particular case.

19 So, well, I wish him a speedy recovery. And I
20 don't have anything to add. I think my colleagues have
21 covered it. But I do want to opine on something that
22 Commissioner Imamura mentioned. We really appreciate the
23 applicant, the way they covered the comp plan. We want to
24 encourage, as he has already mentioned, I want to make sure
25 I echo that. We want to encourage other applicants to do

1 the exact same thing.

2 So, if you're wondering what we're saying, just
3 read the record, look and see what this applicant did. This
4 is a model and we want to encourage that for the Commission,
5 as stated by Commissioner Imamura. It helps us make a
6 better and informed decision.

7 So, with that, if I don't hear anything else,
8 would someone like to make a motion? Commissioner Imamura,
9 would you like to make a motion?

10 COMMISSIONER IMAMURA: Yes, I can do that, Mr.
11 Chairman. I move that the Zoning Commission setdown Case
12 No. 24-05, The Bennett Corporation map amendment from MU-3A
13 to MU-2, at 700 Monroe Street, Northeast, and ask for a
14 second.

15 COMMISSIONER STIDHAM: Second.

16 CHAIRPERSON HOOD: Okay. It's been moved and
17 properly seconded. Any further discussion? Thank you,
18 both. Any further discussion? (No response) Not hearing.
19 Ms. Schellin, would you do a roll call vote please?

20 (Roll call vote)

21 MS. SCHELLING: Imamura?

22 COMMISSIONER IMAMURA: Yes.

23 MS. SCHELLING: Commissioner Stidham?

24 COMMISSIONER STIDHAM: Yes.

25 MS. SCHELLING: Commissioner Hood?

1 CHAIRPERSON HOOD: Yes.

2 MS. SCHELLING: Commissioner Miller?

3 COMMISSIONER MILLER: (No audible response)

4 MS. SCHELLING: The vote is four to zero to one,
5 to setdown Zoning Commission Case No. 24-05, as a contested
6 case, the minus one being the third mayoral appointee seat,
7 which is vacant. Thank you.

8 CHAIRPERSON HOOD: Our last case, believe it or
9 not, you'd better enjoy this because you haven't looked at
10 July's agenda. So we'd better enjoy this. Okay. Let's go
11 to Zoning Commission Case No. 24-06, District of Columbia
12 and Fletcher-Johnson Community Partners, LLC map amendment @
13 square 5344. Ms. Brown-Roberts.

14 Case No. 24-06

15 MS. BROWN-ROBERTS: I'm sorry. I'm trying to get
16 my camera going.

17 CHAIRPERSON HOOD: If not, don't worry about it.
18 We can hear you. We know you.

19 MS. BROWN-ROBERTS: Oh, thanks.

20 CHAIRPERSON HOOD: We know it's you.

21 MS. BROWN-ROBERTS: (Laughter) Okay, he knows me.
22 Okay, great. Good afternoon, Mr. Chairman, and members of
23 the Zoning Commission. And for the record, I'm Maxine
24 Brown-Roberts, from the Office of Planning on Zoning
25 Commission Case 24-06. Next slide.

1 (Slide)

2 The Office of the Deputy Mayor for Planning and
3 Economic Development and the Fletcher-Johnson Community
4 Partners, LLC, filed a petition to rezone the property at
5 4650 Benning Road, Southeast, which is also known as The
6 Fletcher-Johnson School, from the area one zone to the MU-8B
7 zone. The map amendment is intended to implement changes
8 recommended by the comprehensive plan.

9 The property is within the Marshall Heights
10 neighborhood and is currently occupied with a vacant school
11 building, which has been vacant since 2011. The property is
12 surrounded by mainly garden apartments and single family row
13 dwellings in the RA-1 and R-3 zones, and is approximately
14 half a mile south of the Benning Road metro station.

15 The future land-use map designates the property
16 for mixed-use, medium density, commercial, medium density
17 residential, and local public facilities. The generalized
18 policy map designates the property for the neighborhood
19 commercial center.

20 The proposed MU-8B zone is not inconsistent with
21 these designations, as the zoning regulation designates the
22 MU-8B zone for medium density development, and the comp plan
23 describes the MU-8 and MU-10 zone as being within the medium
24 density category. Next Slide.

25 (Slide)

1 The MU-8 zone has two subcategories, the MU-8A and
2 MU-8B zones. Both allow an overall density of up to 6.0 FAR
3 with IZ, and up to 70 feet in height. However, the MU-8
4 zone encourages residential development with only 1.0 FAR
5 allowed for non-residential uses.

6 On the other hand, the MU-8B zone allows up to 4.0
7 FAR for residential uses. The MU-8B zone is therefore more
8 consistent with the comp plan recommendation for a mix of
9 residential and non-residential uses on the site. OP also
10 believes that the MU-10 zone is not appropriate, as it
11 allows a FAR up to 7.2 with IZ, and a height of up to 100
12 feet, which is a much greater density than the surrounding
13 moderate density development.

14 When evaluated through a racial equity lens, the
15 proposed map amendment is not inconsistent with the
16 comprehensive plan policies and is within the far northeast,
17 southeast planning era element, which encourages
18 redevelopment of the Fletcher-Johnson property. Next slide.

19 (Next slide not advanced)

20 The data on the planning area indicates that it is
21 - it already has its -- I'm sorry. Can you go to the next
22 slide?

23 (Slide)

24 The data on the planning area indicates that it is
25 already -- that it already has a significant amount of the

1 city's affordable housing, and planning area exceeds the
2 2025 goal for affordable units. The data also shows that
3 there is a growing diversification of the population. A
4 result of the map amendment could be the provision of a
5 variety of housing options and styles that could result in a
6 continued diversification of a population in color and could
7 also increase home ownership opportunities, which could
8 influence housing tenure in the area.

9 The development with housing, social
10 interventions, and then employment opportunities could
11 positively impact the continued decrease in poverty and
12 cost-burden rates in the area.

13 OP is recommending that map amendment not be
14 subject to IZ Plus due to the large amount of the existing
15 affordable housing already in existence. The focus could
16 therefore be on providing for moderate income and larger
17 family units, as well as retail and service uses, to serve
18 residents on the property and the wider community.

19 Additionally, this is a District-owned property
20 and would be required to provide more affordable housing
21 than IZ Plus. The property was a subject of a RFP, which
22 was awarded in 2020 to the applicant and included an ORFP
23 process with considerable community outreach and feedback.

24 The proposed use includes a variety of residents
25 -- residential units, commercial retail-owned space and

1 community programs spaces. The applicant states that since
2 the award, they have continued outreach to the community on
3 several occasions and will continue to do so, if the
4 proposal is setdown. The Office of Planning therefore
5 recommends that the proposed map amendment be setdown for a
6 public hearing and that it would not be subject to IZ Plus.
7 Thank you, Mr. Chairman, and I'm available for questions.

8 CHAIRPERSON HOOD: Thank you very much, Ms. Brown-
9 Roberts. I do have a question. we have been advised to
10 asking them, I'm just curious as well --

11 MS. BROWN-ROBERTS: Uh-huh.

12 CHAIRPERSON HOOD: We want to confirm that this
13 property is not designated enhanced/new neighborhood center
14 on the policy map, generalized policy map.

15 MS. BROWN-ROBERTS: Yes, I want to confirm that.
16 In the applicant's submission, I think in their first in
17 this -- in the first part of their statement, they did
18 identify it as an enhanced new neighborhood center.
19 However, if you go to Exhibit 31 of the comp plan analysis,
20 they do identify it as a neighborhood commercial center, and
21 their analysis is based on that. So, I think the first was
22 a mistake, but it is just to confirm that it is within a
23 neighborhood the commercial center.

24 CHAIRPERSON HOOD: Okay. And we will confirm that
25 I'm sure as we move along and go through the -- as we get

1 through the hearing process, we will (inaudible) permit.

2 Thank you.

3 MS. BROWN-ROBERTS: That's okay.

4 CHAIRPERSON HOOD: The other question, are we
5 aware of any opposition?

6 MS. BROWN-ROBERTS: No, I'm not aware of any. We
7 haven't gotten any calls. But the applicant has also told
8 us that, you know, that there is a task force associated
9 with this. You know it went through the RFP process, as I
10 stated, and there was a lot of community input, and I think
11 that continues. But, as of now, nothing has been forwarded
12 to us.

13 CHAIRPERSON HOOD: Okay, sounds great. Thank you,
14 Ms. Brown-Roberts, again, an excellent report. Let me see
15 what others have. Commissioner Stidham?

16 COMMISSIONER STIDHAM: No, nothing more from me.
17 I thank you for your report, appreciate it.

18 MS. BROWN-ROBERT: Thanks.

19 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

20 VICE CHAIR MILLER: Thank you. Thank you, Mr.
21 Chairman, and thank you, Maxine Brown-Roberts, for your
22 comprehensive, very comprehensive report and analysis for
23 this case, which I'm supportive of setting down. As others
24 have said, because it -- the map amendment I think would be
25 more, much more consistent with the comprehensive plan land

1 use map designation of medium density mixed-use designation
2 on the future land-use map of the comprehensive plan.

3 And it certainly facilitates the public -- the
4 disposition of this public property which was, as Ms. Brown-
5 Roberts indicated and that the applicant's report statement
6 of support also indicates was conducted -- the RFP was
7 conducted with extensive community outreach including that
8 community task force and the mayor and council approved it.

9 And so, I think it's appropriate that we do the
10 zoning that's necessary to facilitate this redevelopment of
11 this long vacant site. So, I'm supportive of going forward.
12 Thank you, Mr. Chairman.

13 CHAIRPERSON HOOD: Thank you. And Commissioner
14 Imamura?

15 COMMISSIONER IMAMURA: I just want to thank Ms.
16 Brown-Roberts for her 40-page report, particularly, the
17 comparison between MU-8A, MU-8B, and MU-10. That's
18 something that Vice Chair Miller and I have tried to
19 emphasize in previous cases, and so appreciate that look
20 across other potential zones. But, otherwise, nothing else
21 to add. Thank you, Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. So, thank you.
23 Commissioner Stidham, would you like to make a motion?

24 MS. STIDHAM: (No audible response)

25 COMMISSIONER IMAMURA: You're on mute,

1 Commissioner Stidham.

2 CHAIRPERSON HOOD: You're on mute.

3 COMMISSIONER STIDHAM: Thank you.

4 CHAIRPERSON HOOD: There you go.

5 COMMISSIONER STIDHAM: I would like to make a
6 motion regarding zoning -- to setdown Zoning Case No. 24-06,
7 District of Columbia and Fletcher's-Johnson Community
8 Partners, LLC, map amendment @ square 5344.

9 CHAIRPERSON HOOD: Okay, it's moved. I'll second
10 the motion, moved in properly seconded. Any further
11 discussion? Ms. Schellin?

12 VICE CHAIR MILLER: And that's with the -- just
13 the regular IZ designation, as recommended by Office of
14 Planning? Okay.

15 COMMISSIONER STIDHAM: Yes.

16 VICE CHAIR MILLER: Thank you.

17 CHAIRPERSON HOOD: As proposed, yes.

18 COMMISSIONER STIDHAM: As proposed.

19 CHAIRPERSON HOOD: Okay. Ms. Schellin, could you
20 do a roll call vote?

21 (Roll call vote)

22 MS. SCHELLIN: Commissioner Stidham?

23 COMMISSIONER STIDHAM: Yes.

24 MS. SCHELLIN: Commissioner Hood?

25 CHAIRPERSON HOOD: Yes.

1 MS. SCHELLIN: Commissioner Imamura?

2 COMMISSIONER IMAMURA: (No audible response)

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHAIR MILLER: (No audible response)

5 MS. SCHELLIN: The vote is four to zero to one, to
6 setdown Zoning Commission Case ho. 24-06, as a contested
7 case, the minus one being the third mayoral appointee seat,
8 which is currently vacant. Thank you.

9 CHAIRPERSON HOOD: And to all of my Fletcher-
10 Johnson friends who played there and played against me and
11 beat us by about 30 points years ago, I had forgotten that
12 because it's been over 45 years. So, I have forgotten that.
13 All right. Anybody (laughter) -- is there anything else,
14 Ms. Schellin?

15 MS. SCHELLIN: No, sir.

16 CHAIRPERSON HOOD: All right. So, with that, the
17 Zoning Commission will meet again, believe it or not -- I
18 think I'm going to get this one right, Ms. Schellin -- June,
19 June the 27th, okay. All right. We'll meet again June 27,
20 and it will be another regular meeting, such as this one.

21 So, with that, I want to thank everyone. Enjoy
22 the time off because we're going to meet in July. You all
23 have a great week and weekend, and great rest of the month,
24 until I see you on the 27th. This meeting is adjourned.

25 MS. SCHELLIN: Thank you.

1 (Whereupon, the meeting was adjourned at 4:26
2 p.m.)

3 * * * * *

REPORTER CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DCZC

Date: 6-13-2024

Place: Virtual Public Meeting

was duly recorded and accurately transcribed under my
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