

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

VIA WEBEX

Monday, July 8, 2024

The Public Hearing 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

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Data Specialist  
ELLA ACKERMAN, Zoning Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire

This transcript serves as the minutes from the Public Hearing held on July 8, 2024.

**Diversified Reporting Services, Inc.**  
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Alexandria, Virginia 22314  
(202) 467-9200

C O N T E N T S

Case No. 24-04

NL 1271 5th Street, LLC - Map Amendment  
from PDR-1 to MU-8B, 1271 5th St. NE  
(Sq. 3591, Lot 3) - Ward 5

4

# 1 || PROCEEDINGS

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: We're convening and  
4 broadcasting this public hearing by video conferencing.

5 My name is Anthony Hood, and I'm joined by Vice  
6 Chair Miller and Commissioner Stidham, also from the Office  
7 of Zoning staff, Ms. Ella Ackerman, as well as Mr. Paul  
8 Young who will be handling all of our virtual operations,  
9 and Mr. Jacob Ritting, who is our Office of Zoning Legal  
10 Division counsel. I'll ask all others to introduce  
11 themselves at the appropriate time.

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

17 All persons planning to testify should have signed  
18 up in advance and will be called by name at the appropriate  
19 time. At the time of sign up, all petitioners will complete  
20 the oath or affirmation required by Subtitle Z 48.7.  
21 Accordingly, all of those listening on Webex or by phone  
22 will be muted during the hearing, and only those who have  
23 signed up to participate or testify will be unmuted at the  
24 appropriate time.

25 When called, please state your name before

1 providing your testimony. When you're finished speaking,  
2 please mute your audio. If you experience difficulty  
3 accessing Webex or with your telephone call in, or have not  
4 signed up, then please call our OZ hotline number 202-727-  
5 0789. If you wish to file written testimony or additional  
6 supporting documents during the hearing, then please be  
7 prepared to describe and discuss at the time of your  
8 testimony.

9                   Commissioner Stidham, did I mention your name as  
10 joining us? Okay. All right, I'm trying to think about  
11 what I said and sometimes it doesn't register. Okay.

12                   Case No. 24-04

13                   All right, the subject of this evening's case is  
14 NL 1271 5th Street, LLC. Map amendment is Square 3591, Lot  
15 003, 1271 5th Street, Northeast. Again, today's date is  
16 July the 8th, 2024.

17                   The hearing will be conducted in accordance with  
18 provisions of 11Z DCMR chapter four as follows: preliminary  
19 matters -- applicant's case -- I believe the applicant have  
20 -- has set up to 30 minutes, I believe. I would hope they  
21 would condense that. I don't believe there was any  
22 objections and I reckon I think we can kind of move through  
23 it expeditiously in that -- in that way, in that format.

24                   Report of other government agencies, report of  
25 Department of Transportation and Office of Planning, report

1 of ANC, and this case is ANC 5D. Testimony of  
2 organizations, five minutes, and individuals, three minutes,  
3 and we will hear in the following order for those who are in  
4 support, opposition, or undeclared. Then we'll have  
5 rebuttal and closing by the applicant.

6 Again, the OZ hotline number is 202-727-0789 for  
7 any concerns during this proceeding. At this time, the  
8 Commission will send any preliminary matters, does the staff  
9 have any preliminary matters?

10 MS. ACKERMAN: Yes. So tonight, we have NL 1271  
11 5th Street Northeast, LLC as the applicant. They plan to  
12 take 30 minutes, but they said that they can condense it if  
13 you would like. They are represented by Jeff Utz and David  
14 Lewis of Goulston and Storrs, and they have one expert  
15 witness, Shane Dettman. He was previously accepted, but you  
16 need to accept him for this case.

17 CHAIRPERSON HOOD: Okay. I think they heard, Ms.  
18 Ackerman, that I would like for them to even do less than 30  
19 minutes.

20 MS. ACKERMAN: Okay.

21 CHAIRPERSON HOOD: And also, let me just note that  
22 for -- for those who may be participating in this case, this  
23 is a map amendment. This is not -- I know -- I understand  
24 it is a case, which may be confusing in front of the BZA  
25 that are in -- that are getting to the specifics.

1                   This is just about a map amendment, so that's all.  
2 We're not talking about any projects --

3                   MS. ACKERMAN: Yeah.

4                   CHAIRPERSON HOOD: We're going to talk about map  
5 amendments. So anything else --

6                   MS. ACKERMAN: Since the set down -- yep, just a  
7 little bit. Since the set down on April 11th, we have had  
8 some reports come in. At Exhibit 18, we have the ANC  
9 report. No one from the ANC 5D has signed up to testify. I  
10 have reached out to them, so I'll let you know if anybody  
11 contacts me.

12                  At Exhibit 20, we have the hearing report from the  
13 Office of Planning, which will be presented by Shepard  
14 Beamon tonight, and Joel Lawson will also be here. He plans  
15 to take five to ten minutes. And lastly, we have the DDOT  
16 report at Exhibit 21. There are no other preliminary  
17 matters tonight.

18                  CHAIRPERSON HOOD: Okay. Let's bring everybody  
19 up. Let's bring the applicant up and we can go ahead and  
20 get started. Introduce yourself and you may begin.

21                  MR. UTZ: Thank you. I believe our sound is on  
22 now but thank you Mr. Hood and zoning Commissioners. We  
23 really appreciate the opportunity to speak with you and  
24 present our application today.

25                  For the record, I'm Jeff Utz with Goulston and

1       Storrs Land Use Counsel for today's case on behalf of the  
2       applicant, NL 1271 5th Street LLC, which is an affiliate of  
3       Edens. We really do appreciate the opportunity to present  
4       this case to you today.

5               I wanted to start by introducing our team, with us  
6       today are two others. First is the representative of the  
7       applicant from Edens, Reynolds Allen, also is our only  
8       proffered expert which was just discussed, Shane Dettman,  
9       also of Goulston, an expert in land planning.

10               Mr. Young, could you please bring up our  
11       presentation? Looks like it's still trying to load. I can  
12       go ahead and get -- there we go, thank you.

13               So, as mentioned, this application seeks the  
14       approval of the Zoning map amendment for the existing --  
15       from the existing PDR 1 zone to MU-8 B for this property,  
16       which is located at the Union Market district. Next slide,  
17       please.

18               So the next slide will show that the property is  
19       located in Union Market, and Reynolds will talk about this  
20       in a little bit more detail in a minute quickly, but the lot  
21       is mid-blocked, as you can see on this image. It has  
22       approximately 13,636 square feet of lot area. As you all  
23       obviously know, the Commission has seen and approved many  
24       PUD and related map amendment applications in Union Market  
25       district in the past, including as recently as a few months

1 ago.

2                   This application is a standalone map amendment, as  
3 the Chairman mentioned, rather than a PUD for a simple  
4 reason. Edens is not seeking to maximize the density of the  
5 site under the high-density designation for the property of  
6 the future land use map, the Comprehensive Plan or under  
7 planning framework of a small area plan.

8                   The small area plan specifically identifies a  
9 matter-of-right density for this site, it's 5.0 with a  
10 maximum height of 70 feet and mixed-use zone, which is  
11 exactly what this application would permit as a matter-of-  
12 right. Shane can address the Comprehensive Plan of small  
13 area analysis in more detail, although we will try to do so  
14 expeditiously.

15                  Procedurally, we also want to note that although  
16 this is a standalone map amendment, it is not tied to a  
17 specific project. In reality, it will support a proposed  
18 hotel development that was mentioned by the chairman, and  
19 that specific development is the subject of a pending BZA  
20 case, which is scheduled to be heard later this month.

21                  Of course, that specific development is not the  
22 subject of this map amendment, but we believe it's helpful  
23 to know that the amendment will make possible real change  
24 that results in tangible improvements in the neighborhood in  
25 terms of job formation, the creation of third place and

1 gathering points, streetscape improvements, penthouse  
2 related affordable housing contributions, and other similar  
3 enhancements.

4 The existing two-story building is architecturally  
5 nondescript and was constructed in 1978. It currently  
6 houses a fitness center on the ground floor and an artist on  
7 the upper floor. Both tenants have provided letters of  
8 support at Exhibits 24 and 25 in the record.

9 In addition, ANC 5D is in support, as is the  
10 Office of Planning. Those reports are Exhibits 18 and 20  
11 respectively. DDOT filed a report of no opposition as  
12 Exhibit 21. In fact, the record is very clear and complete  
13 without any opposition, which is a testament to Edens'  
14 overall development approach and outreach, which has  
15 involved high levels of community engagement for nearly 15  
16 years now.

17 There are two primary criteria that the Commission  
18 must apply in reviewing and adopting an amendment to the  
19 zoning map. First, the Commission must find the requested  
20 map amendment is not inconsistent with the Comp Plan and  
21 with other adopted public policies and active programs  
22 related to the site, which here includes the small area  
23 plan, work by work study, and the mayor's housing order.

24 Second, the Commission must determine that the  
25 amendment of the zoning map promotes the health, safety,

1       morals, convenience, order or prosperity, and general  
2       welfare of the district. The application is consistent with  
3       the Comprehensive Plan, as we can go into in great detail.  
4       We will try to expedite it today. And the application also  
5       promotes the health, safety, convenience, order of  
6       prosperity, and general welfare of the district.

7               With that, I would like to turn it over to  
8       Reynolds Allen to speak more about the applicant, the  
9       property, and the outreach today. Reynolds?

10              MR. ALLEN: Okay, thank you, Jeff. Thank you for  
11       allowing us time on your agenda this afternoon. My name is  
12       Reynolds Allen, I'm the managing director of Edens.

13              For those of you who may not know Edens, we have  
14       been working in the Union Market district area since 2006  
15       trying to implement district vision, which is the counsel-  
16       adopted Florida Avenue Market small area plan. We created  
17       Union Market food hall, the Latin American market block --  
18       block extension, and much of the retail and new buildings  
19       opening many new small businesses in the neighborhood and  
20       bringing more goods and services to the area over the last  
21       many years.

22              We've been working in the area for over -- over 18  
23       years, which personally, I've been working on for 15 of  
24       those years. And as we've been doing that, we've tried to  
25       work hard to be partner to the community to create

1 opportunities and jobs and bring retail offerings and  
2 services and have a really open dialogue not just through  
3 the ANC over the years, but numerous other community contact  
4 will respond to feedback from the community.

5                   First, I consider myself lucky to have gotten to  
6 work on this project. The main reason I feel such pride is  
7 really seeing the new businesses started. The local  
8 entrepreneurs launch and see the jobs they have been able to  
9 create, the opportunity to offer a variety of quality goods  
10 and services in the neighborhood.

11                  So for Edens, I consider us to just be the canvas,  
12 and the businesses, the retailers, the community that's what  
13 makes Union Market, it makes it special. Okay, can we go to  
14 the next slide? Okay, to the next slide.

15                  MR. UTZ: Mr. Young, can we go to I think it's  
16 page four of the slide deck, please?

17                  MR. ALLEN: Thank you. Okay, great. So just to  
18 orient everyone, the location is a small parcel directly  
19 across from The Village Cafe, a small local business that  
20 Edens partnered with to launch about five years ago now,  
21 actually, and held for -- also directly across the street  
22 from where office on a daily basis.

23                  The building, when we purchased it, was a vacant  
24 wholesale beauty supply building, which we acquired nine  
25 years ago. The existing building sits between recently

1      constructed 10-story apartment building called the Morse,  
2      which you see in the picture at the bottom right. Excuse  
3      me, on the left side of the page, the bottom right. And the  
4      plan that JBG Smith Development that is approved for a 12-  
5      story project on the current parking lot parcel, which  
6      borders the property on its rear end left side.

7              This parcel really does sit right in the heart and  
8      right in the middle of everything related to the Union  
9      Market district. So when we thought about this project, we  
10     thought long and hard about what the type of use should  
11     be -- we should put here.

12              Initially, we thought about a taller, more dense  
13     residential building. When we really took a step back and  
14     looked at it, we felt like what would be the most additive  
15     and most complimentary to the overall Union Market district,  
16     and what would fit most directly with continuing with the  
17     small area plan's vision, was to adjust that thinking and go  
18     with something that could provide a lodging use along with  
19     the related food and beverage program, a cafe on the first  
20     floor, something that's really inviting to the community  
21     that's not specific to the use above, another -- another  
22     gathering place for the overall neighborhood.

23              We've been talking about this project for quite  
24     some time. We actually originally reached out to the ANC  
25     just a little bit over a year ago to start the

1 conversations. We initially presented to the Zoning  
2 Development Committee last August, had a positive response,  
3 and we continued those conversations with ANC.

4 We've stayed close with them ever since,  
5 presenting the variants as a whole, also well received, and  
6 ultimately the full ANC in September of last year, where  
7 the project was initially voted on and received a letter of  
8 support. We then came back to the ANC throughout the last  
9 year, updating them on the project, making some adjustments  
10 to plans and processes, and then going to the zoning  
11 development, and eventually, the full ANC gave another  
12 letter of support for what you see here today.

13 As I mentioned, we are continually always looking  
14 for ways that we can engage with the community, both with --  
15 through activation and programming, but also just being an  
16 open ear to any feedback that we get on a regular basis.  
17 That's generally it for this, if we could go to the next  
18 slide. Could we forward one more slide, please.

19 Okay, there, thank you. Okay, and then here you  
20 just see some addition -- some additional photographs of the  
21 existing condition where the subject properties, the  
22 properties in the yellow building today. To the south of it  
23 is the Morse I had mentioned before, which is a 10-story  
24 residential building developed by LCOR.

25 And then on the north side and east side is the

1       existing parking lot that's planned for Gallaudet JBG Smith  
2       future community. Anything else that we should cover?

3                    MR. UTZ: I think that's it.

4                    MR. ALLEN: Okay.

5                    MR. UTZ: With that, I think we can turn it over  
6        to Shane.

7                    MR. DETTMAN: Right.

8                    MR. UTZ: Do we want to start on slide seven?

9                    MR. DETTMAN: Slide seven works. Mr. Young, why  
10       don't we just give him the -- slow load time here. Why  
11       don't we go to slide nine? While we're waiting for that  
12       slide to pull up, I'll just make a couple introductory  
13       remarks.

14                  Good afternoon, Mr. Chairman, and members of the  
15       Commission. It's great to see you again, I hope you had a  
16       great holiday. My testimony today, I provided a -- I  
17       prepared a full presentation, but I'll do my best to just  
18       summarize the points that are on the slides that I'll  
19       present to you this afternoon. What I'll do is I'll  
20       summarize the proposal's consistency with the standard of  
21       review that Mr. Utz articulated at the outset of the  
22       presentation.

23                  Being that the proposed MU-8 zone is not  
24       inconsistent with the Comprehensive Plan, when read, it --  
25       when read it whole, using a racial equity lens as is

1 required by the Comprehensive Plan as well as the  
2 Commission's racial equity tool, that the -- the proposal is  
3 also consistent with the purposes of -- of the zoning act.

4           Because I'm just going to summarize my points this  
5 afternoon, I'll just note that a full Comprehensive Plan  
6 evaluation was prepared as part of our original application,  
7 that's at Exhibits 3 and 3b. It's also supplemented at  
8 Exhibit 12 of the record. That Exhibit 12 actually  
9 addresses the one question, Comp Plan related question that  
10 was raised at set down by the Commission with respect to the  
11 consistency of the proposed MU-8 zone with the PDR strike of  
12 the future land use map.

13           Also, as Reynolds just mentioned, we're pleased to  
14 have the full support of the ANC as well as the existing  
15 tenants on the site. Those letters are at Exhibit 18, 24,  
16 and 25 of the record. Need slides.

17           MR. UTZ: The slides aren't loading for us. I'm  
18 not sure if that's a general issue, but where's -- so the --  
19 it's starting share --

20           CHAIRPERSON HOOD: (Crosstalk) -- it's taking a  
21 few minutes for the slides, but if you -- you know, I have  
22 mine's up, I'm not sure about my colleagues, so if you tell  
23 us what page you're on as you're talking, I'm actually  
24 looking at it on another screen as well, so.

25           MR. DETTMAN: Great. So I'm going to start on

1 slide nine, that's the generalized policy map, on the left  
2 showing the image of the generalized policy map. So, the  
3 subject property is -- is identified as a multi -- it's  
4 within a multi-neighborhood center on the generalized policy  
5 map.

6 As the framework element describes a multi-  
7 neighborhood center, those are generally found in major  
8 intersections near transit -- key transit corridors, contain  
9 many of the uses as a neighborhood commercial center, just  
10 at a greater depth and variety, including supermarkets,  
11 service and retail, eating and drinking establishments.

12 They may include residential and office, but the  
13 primary function of a multi-neighborhood center is retail  
14 trade. Mixed-use infill development in these areas should  
15 be encouraged to provide new retail and service  
16 opportunities as well as jobs, especially job opportunities.

17 Next slide.

18 That's slide ten. The proposed rezoning is not  
19 inconsistent with the multi-neighborhood center designation  
20 of a generalized policy map. You can see on the images on  
21 this slide show the prevailing scale and character of the  
22 Union Market neighborhood immediately around the subject  
23 property, which can be generally described as having a  
24 transit-oriented, mixed-use character, heavy emphasis on  
25 retail trade, anchored by the historic retail and wholesale

1 core of the Florida Avenue Market.

2                   Given the site's future land use map designation,  
3 the proximity to metro, surrounding use and development  
4 pattern, maintaining the site's current PDR zoning would  
5 actually fail to resolve a significant Comp Plan  
6 inconsistency and be a significant underutilization of the  
7 site's potential.

8                   In contrast, the MU-8 B zone will facilitate the  
9 redevelopment in a manner that's consistent with the FLUM  
10 and the Comp Plan policies, aligns with what's envisioned in  
11 the Union Market multi-neighborhood center, and is  
12 compatible with the surrounding context. Next slide. It  
13 should be slide 11, it's the first slide on the future land  
14 use map.

15                   Generally, the proposal is not inconsistent with  
16 the site's mixed-use identity, commercial, medium-density  
17 residential PDR FLUM designation. Mixed-use, as you know,  
18 is a specific land use category in and of itself, where the  
19 density and intensity of development is within the areas is  
20 determined by the specific mix of uses that are shown.

21                   So the FLUM in this situation for the -- for the  
22 subject property as well as the area around it envisions  
23 high-density, mixed-use development. It has an expressed  
24 preference for commercial over residential, and the Upper  
25 Northeast Area Element policy guidance and the small area

1 plan also promote this area as a regional destination with a  
2 mix of commercial uses, including dining, entertainment,  
3 office, hotel, major and wholesale. Next slide.

4                   The MU-8 zone is an appropriate zone for this FLUM  
5 designation based upon the framework element description, as  
6 you see, is a typical matter of great densities exceeding  
7 6.0 FAR. But as Mr. Utz mentioned, the supplemental  
8 guidance provided in the small area plan puts a base matter-  
9 of-right density for this site and general area around that  
10 site at 5 FAR. And so, the density permitted in the MU-8 B  
11 zone is right in alignment with the FLUM.

12                   The permitted 5 FAR is consistent with matter-of-  
13 right guidance and small area plan. A 4 FAR maximum for  
14 nonresidential uses in the MU-8 B aligns with the FLUM as  
15 well as the generalized policy map preference for commercial  
16 use.

17                   I'd note that while -- while the proposed zone may  
18 not fully utilize the development potential that could be  
19 achieved under the FLUM, I would consider the proposed zone  
20 the right zone for this site, given its small size, midblock  
21 location, and the existing and plan of budding development.

22                   As a more of medium scale zone, the height and  
23 density achievable under the proposed MU-8 B will even  
24 provide, perhaps, an interesting contrast and -- and relief  
25 from the surrounding developments that are mostly taller

1 PUDs. Next slide.

2 It's slide 13. The next few slides I'm going to  
3 go through really quickly. These next few slides actually  
4 address the question about consistency with PDR stripe that  
5 was raised at set down, it was addressed in the OP report.  
6 We addressed it in our -- in our prehearing statement.

7 And I would -- I would only note that the proposed  
8 MU-8 B zone is consistent with the PDR stripe within the  
9 missed-use designation, and then it's consistent for -- for  
10 a number of reasons, based upon the plain language of the  
11 Comp Plan as well as just the -- the manner in which the  
12 Comprehensive Plan should be interpreted just generally.

13 You would only need to look at the -- the Land Use  
14 Element policy guide that's provided in support of the  
15 future land use map to see that there's a policy that talks  
16 about how stripes that are striped for PDR use development  
17 shall have PDR uses. However, they specifically exempt the  
18 Florida Avenue market area from that particular policy.

19 In addition to that, I would say that just  
20 generally speaking, if you look at the framework elements,  
21 guide -- guidelines for using the FLUM, it talks about how  
22 the FLUM is intended to be interpreted broadly. It's not  
23 intended to be applied on a, you know, a parcel by parcel,  
24 site by site basis. And so when you -- when you look at the  
25 FLUM in this particular context of this map amendment, the

1 general character development for the Union Marker area is  
2 intended to be high-density, mixed-use development with  
3 commercial, residential, and PDR.

4 If you -- just looking at the slide that's  
5 currently on the -- on the screen right now, and -- and if  
6 you've ever visited the Union Market area, you can see very  
7 clearly that the area is consistent with what the future  
8 land use map envisions for that area. It's a high-density,  
9 mixed-use area composed of residential, commercial, and PDR  
10 uses. There are several PUDs that have been built or are  
11 currently in the pipeline that have an appropriate amount of  
12 PDR maker space.

13 And so, this particular zone, MU-8 B, which does  
14 allow for the types of uses that have been identified in  
15 PUDs to satisfy that -- the purple stripe, the PDR stripe.  
16 The -- the proposed MU-8 B zone fits really nicely within  
17 the overall identity, mixed-use, residential, commercial,  
18 PDR character development that the FLUM envisions, and  
19 that's being developed in -- in the station here.

20 Okay, so I'll just skip to the last couple slides  
21 addressing the Commission's racial equity tool. Mr. Utz  
22 already touched upon the small area plan and how the  
23 proposed MU-8 B zone is consistent with the density and the  
24 high guidance provided in the small area plan.

25 Mr. Reynolds already talked about the -- the

1 engagement that Edens has undertaken for this particular  
2 proposal and then how that fits into the larger community  
3 engagement, long-standing community engagement that Edens  
4 has undertaken with the community. You'll see at slide 27 a  
5 timeline of the outreach that Edens has carried out for this  
6 particular map amendment, including on the bottom of the  
7 timeline, the additional engagement that has happened in  
8 connection with the BZA application.

9 You can see there has been early engagement,  
10 There has been engagement that has occurred often since its  
11 original -- when it started, and then it continued all the  
12 way up until today's hearing. The last two slides, slide  
13 28, shows the evaluation of the composed map amendment  
14 against those racial equity indicators that you're used to  
15 seeing. Generally, it scores favorably when looked at  
16 through a racial equity lens.

17 There is one potential downside to the map  
18 amendment, and that's with respect to direct displacement,  
19 as Mr. -- as Reynolds mentioned. There are two tenants on  
20 the property currently, a fitness studio and well as an  
21 artist that will be displaced as result of the map amendment  
22 and subsequent redevelopment of the site for the lodging  
23 use.

24 However, through engagement with those tenants,  
25 those tenants were made well aware of the redevelopment

1       efforts that were anticipated on this site well in advance  
2       of this hearing. They've also submitted letters in support  
3       of the proposed map amendment. And so, in conclusion, I  
4       would say at slide 29, the proposed map amendment is not  
5       inconsistent with the Comprehensive Plan when read as a  
6       whole and is also consistent with the purposes of the Zoning  
7       Act.

8                 Thank you for your time Commissioners, I'll hand  
9       it back to Jeff.

10                MR. UTZ: Great. Thank you, Shane. With that,  
11       that concludes our presentation. We're happy to answer any  
12       questions that you might have. Thank you so much.

13                CHAIRPERSON HOOD: Thank you, Mr. Utz and Mr.  
14       Dettman and the team. I don't have a lot of questions, I  
15       have more of a sequence of questions more than zoning  
16       questions. I'm just trying to figure out how we got here.  
17       How is it that the BZA is -- I mean, have you all presented  
18       your -- have you started this case with the BZA? I'm not  
19       sure, maybe one of my colleagues is on the -- in this case,  
20       so I know I'm not --

21                I'm just curious. How did it go -- let me back --  
22       let me ask you this way, if I don't think the -- the  
23       rezoning is appropriate, then what happens with the BZA  
24       case?

25                MR. UTZ: We would either request that it be

1       delayed -- the hearing be delayed, or we would withdraw it  
2 entirely. And somehow -- so it is --

3                   CHAIRPERSON HOOD: (Crosstalk).

4                   MR. UTZ: It is -- this is a required first step.

5                   CHAIRPERSON HOOD: And you -- you asked -- you  
6 said this is a required first step. How many cases -- how  
7 many hearings have you had with BZA thus far?

8                   MR. UTZ: Zero for this case. Zero for this  
9 project.

10                  CHAIRPERSON HOOD: Oh, okay. I thought you'd had  
11 two with BZA, okay. Maybe I misread the information that  
12 was provided to me. Okay.

13                  MR. UTZ: So it might be -- it was scheduled  
14 for --

15                  MR. DETTMAN: (Crosstalk).

16                  MR. UTZ: Oh, sorry. Yeah. I think that -- Mr.  
17 Dettman was just explaining what we think might be on the  
18 timeline for the community engagement that, there were two  
19 touchpoints for the BZA outreach regarding that specific  
20 application. So we have met with the ANC twice about it,  
21 but it hasn't been heard by the Board of Zoning Adjustment.

22                  It has had hearing dates that were delayed until  
23 the end of this month, but it hasn't actually been presented  
24 to the board yet.

25                  CHAIRPERSON HOOD: Right. I see where it's coming

1 up in front of the BZA on the 31st. Let me ask, in the map  
2 amendment, the -- there was one Commissioner who abstained,  
3 do we know why and was that the Commissioner in the single  
4 member district?

5 MR. UTZ: Commissioner (inaudible). So that  
6 Commissioner works for HUD, and abstains from all real  
7 estate related votes in front of the ANC.

8 CHAIRPERSON HOOD: Okay. Okay, thank you. I'm  
9 just curious, and I'm going to try not to talk about a -- a  
10 project. I'm not going to talk about a project.

11 Union Market has become a draw. I know I was very  
12 impressed, and I'll be very honest, I was very impressed  
13 when I went on top where they show the movies or whatever  
14 that was we were doing up there on the green carpet up on  
15 the smaller building. But let me just ask this question.

16 The issue, and my orientation may be off, the  
17 parking lot -- there's parking lots and without me getting  
18 into any type of project, what's coming up in front of the  
19 BZA on the 31st, or anything like that, in these projects  
20 that you're doing, is there allowances for the parking?  
21 Because I can tell you, if you're talking about mixed trans  
22 -- modal -- mixed modal transportation, I see people coming  
23 on bikes, I see people coming in baby carriages, I've  
24 seen -- I mean with their kids, I see people walking, they  
25 come on bicycles, and I also see cars.

1                   So this -- this area, we're creating a major draw,  
2 which I'm -- which I'm not against, I'm just trying to make  
3 sure that in the planning process that Edens and whomever  
4 are making the necessary provisions for people like me, who  
5 in car, because I'm coming in my car. I'm not going to walk  
6 there and I'm not going to ride my bike there, because I may  
7 not make it.

8                   So, but what I'm saying is, is are those  
9 provisions being anticipated in the planning? Let me just  
10 ask you like that.

11                  MR. ALLEN: So, yes, they -- they definitely are.  
12 That's a great point, a great question. So as we think  
13 about the overall Union Market district, strategically, from  
14 a parking standpoint, has been a very critical part of the  
15 plan since the beginning.

16                  So the way that we've addressed is that is  
17 planning for large pool of parking on larger projects that  
18 have the ability to overpark and provide parking beyond what  
19 the typical requirements would be, which several of which  
20 are PUDs that have been approved by this -- by this  
21 committee here. And so, to date, there are over 652 --  
22 well, over -- I guess exactly 652 underground parking spaces  
23 that have been delivered to provide some of that pool of  
24 parking, and there are future projects that have approved  
25 parking that will also provide that as well.

1                   There was a strategy really thinking about the  
2 overall area where there are a number of sites that either  
3 too small or some historically designated that would never  
4 be able to self-park, so therefore, a plan that we devised  
5 with OP and DDOT was related to creating larger pools of  
6 parking that's how we addressed it.

7                   And then for this particular use, we feel that --  
8 we worked with Gorove Slade along with a number of other  
9 hotel operators to understand potential demand and  
10 understand that demand here is for 125 room hotel. It's  
11 actually quite low expectations are that one we're within  
12 half a mile of the NoMA-Gallaudet Metro, as well as we  
13 expect most of the demand to come from taxi, rideshare,  
14 those types of uses.

15                  CHAIRPERSON HOOD: Okay. And --

16                  MR. YOUNG: Am I allowed to interrupt for second?

17                  CHAIRPERSON HOOD: Sure.

18                  MR. YOUNG: If they can -- since they're all using  
19 the same line if they could just intro -- state their name  
20 before they speak for the court reporter.

21                  MR. ALLEN: Oh, sorry about that. That was  
22 Reynolds Allen of Edens.

23                  CHAIRPERSON HOOD: Let me see.

24                  MR. ALLEN: I hope I don't have to repeat that.

25                  CHAIRPERSON HOOD: Okay, so yeah, before you all

1 speak, if you can just give your name, that would be  
2 helpful. Okay. All right. I do have one last question,  
3 and I'm trying to stay away from any hotels, any projects,  
4 whatever is going on because that's not before us.

5 When you get a community used to a format, I know  
6 I personally -- I'm going my personal experience now. The  
7 movie that was showing on the market. Saturday one night in  
8 the parking lot and watched the movie there. Are those type  
9 of visions also, you know, you -- you can't start a  
10 community off -- I'm not going to say -- you can't start --  
11 well, I'm going to say it like this. You can't start a  
12 community that offer those types of benefits and then cut it  
13 out.

14 So -- so are those type of provisions like -- I  
15 think I saw a movie there, I don't even know what the name  
16 of it was, with -- with the community. But it was a nice  
17 setting, I'm sure the neighbors in that area loved it, and  
18 that -- again, that's an attraction. And I'm not saying  
19 that's a requirement, but those are the type of attractions  
20 -- again, Mr. Allen, are those the kind of things as well in  
21 your planning process that you're thinking about?

22 Do we have a building now where we can show that  
23 same movie? Well, not the same movie, but a movie. You get  
24 my drift.

25 MR. ALLEN: I do. Okay so, Reynolds Allen with

1       Edens answering the question. Yes, definitely. We put an  
2       enormous amount of time and effort and thought into  
3       programming and activation. It's probably one of the things  
4       that we spend the most time on.

5               And we have more than 12 years since opening up  
6       the market as I -- as I can recall it. The parking lot --  
7       the drive-in movie that you're referring to, we've been  
8       doing for ten years. They are loved, you can come to one  
9       this Friday in fact, I hope you will.

10               But we do -- we don't control that parking lot  
11       where the -- where the parking is for that. We do project  
12       it onto our building. That parking lot was done by  
13       Gallaudet University and they're in partnership with JBG  
14       Smith, which does have future development plans, and until  
15       that development moves forward, we continue -- we will  
16       continue to show those movies, but what we started to do in  
17       the meantime, to your point, Chairman, is that we wanted to  
18       start getting folks used to other areas that we can do those  
19       things.

20               So we started showing movies on the rooftop of the  
21       market, which is a large public park space up top. We also  
22       started showing movies in the plaza between this building  
23       and the building north of it, which we call the north  
24       building, which was recently developed, and now has a very  
25       nice plaza.

1                   We started showing movies there as well. And then  
2 the third location, we do movies also at La Cosecha, our  
3 Latin American market. So it's something that's really been  
4 great and binding for the community, the community has  
5 loved, and it's something we don't want to see go away. We  
6 have to figure out different ways to do it.

7                   CHAIRPERSON HOOD: Thank you. I'm glad to hear  
8 you say that, because I know when we were on top of the  
9 market, there was -- to me, I was up there saying that's the  
10 hidden treasure, and I voted on most of the stuff that you  
11 all have done down there, so. I don't necessarily say I go  
12 around to all of it, but I think that the community was very  
13 -- I know I was very impressed, and that's the type of  
14 activity we want to see going on down there and also -- also  
15 all across the city.

16                   So I don't have any other questions. I just want  
17 to make sure we're thinking about those things, because I  
18 know when I look at the -- the support, overwhelming support  
19 from the ANC and I look at this record and there's no  
20 objections, I know you all also, from what I see, have been  
21 great neighbor, so continue that. Continue to be a good  
22 neighbor because I think that goes a long way.

23                   All right, let's see if we have any other  
24 questions or comments. Commissioner, or -- Vice Chair  
25 Miller, let me go to you first.

1                   VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
2 thank you to the applicants -- Edens team for your  
3 presentation today and thank you for all of the community  
4 outreach and engagement that you've demonstrated by  
5 garnering the support of, you know, and the support of ANC  
6 5D. We have their letter of support in the record at  
7 Exhibit 18, as you noted.

8                   And you have the support of the existing  
9 commercial tenants at the site who you are working with to  
10 accommodate their future. But let me ask you, just for the  
11 record, are you -- you are working with, I understand from  
12 the -- from your submission and theirs that you are working  
13 with the commercial existing tenants on accommodating their  
14 needs as -- as the development proceeds forward and perhaps  
15 relocating into another Edens development or -- or this  
16 development in the future if -- if that works out. Can you  
17 just comment on that briefly?

18                   MR. ALLEN: Sure. This is Reynolds Allen with  
19 Edens responding. Yes, we got a really long, long personal  
20 history with both of the existing partners, as we call them.  
21 We don't refer to our tenants as tenants, we tend to call  
22 them our partners, our retail partners.

23                   Maggie Michael who has the artist space on the  
24 second floor, her husband actually -- we Commissioned to do  
25 the original chandelier that's in the market, so when you

1 come in and you look up and you see the chandelier at the  
2 front door, that was done by Maggie's husband. Both of them  
3 have been in multiple spaces throughout the Union Market  
4 district for the last 12 years, and we are currently  
5 actually doing a short-term pop-up gallery with Maggie on  
6 4th Street as well.

7 So we intend to keep Maggie in the Union Market  
8 area as best as possible, and we continue to move her to  
9 locations to make sure that she has space to do her work, as  
10 well as with her husband. And then the gym on the first  
11 floor is actually one that -- we actually donated all of the  
12 equipment from a former space to that particular business  
13 owner to help him start his business.

14 Ken's been with us since the get-go, and we would  
15 like to try to find a way to keep him and his business in  
16 the Union Market area, so we will continue to keep  
17 conversations going to the best of our ability there.

18 VICE CHAIR MILLER: Well, thank you for that  
19 response, and I appreciate that you're -- you can call your  
20 tenants partners and that you're working with your partners  
21 to accommodate their needs. In particular, that is to be  
22 commended about, providing equipment to the fitness --  
23 fitness gym and to keep the artist studio space somewhere  
24 within the overall Eden -- Edens development, and if not on  
25 -- at this site in the future would be important too since

1 that, I think, would qualify as maker space under the PDR  
2 definition, so that would be useful, helpful. And then --  
3 then it's obviously a beneficial, well-loved use.

4 So, this is largely -- this is primarily a map --  
5 zoning map amendment consistency case with the Comprehensive  
6 Plan. The Comp Plan has the medium, as you've noted, the  
7 land use map has the medium residential stripe and the high-  
8 density commercial stripe and the PDR stripe, and the MU-8  
9 certainly is more consistent with that Comp Plan land use  
10 map -- land use dense -- map and density designation than  
11 the existing PDR 1 zone, which wouldn't allow for  
12 residential when medium residential is called for on the  
13 site, although you're not -- although we're not talking  
14 about the project, we are aware that this would -- will  
15 facilitate the hotel and commercial uses and not residential  
16 uses necessarily, although it would -- it would permit it in  
17 the future where PDR doesn't even permit it.

18 So -- so, I think the consistency, the Comp Plan  
19 consistency argument is certainly -- and that's just the  
20 land use map. This is pretty persuasive. And I realize  
21 there's this related BZA case, which you're having -- which  
22 would take to get the certain relief, including, I think,  
23 side yard parking and other loading, maybe, and other type  
24 of relief that are necessary to facilitate what otherwise be  
25 a matter-of-right project under the MU-8 zoning.

1                   And I think -- I think I'm designated to be on  
2 that case at the end of the month, so I look forward to  
3 hearing that if that goes forward. But I guess -- I guess  
4 out of curiosity, why did you -- if -- I think you've  
5 touched on it, why are -- why did you proceed with two  
6 separate applications, this -- the map amendment, which is  
7 before the Zoning Commission, and then the relief that's  
8 necessary to facilitate the particular project, whether it's  
9 parking relief, side yard, or other -- other relief.

10                  When I guess you could have theoretically applied  
11 as most of the other Eden projects have for PUD that would  
12 have done it all in one application. You didn't need the  
13 PUD set for density purposes or height because you're doing  
14 the matter-of-right, but you could have gotten under the  
15 PUD, the flexibility that a PUD provides for relief. Is it  
16 -- is it --

17                  Just out of curiosity, is it that the map -- that  
18 this two separate agency approach applications is more  
19 expedient? It would've been more expensive to be -- to do  
20 that or more complicated to do a PUD? Just out of  
21 curiosity, just in terms of our overall view of how map  
22 amendments come before us and how PUDs some before us, why  
23 did you choose to go both, to the BZA for the relief, and to  
24 us for the map amendment as opposed to just coming to us for  
25 map amendment and relief?

1                   MR. UTZ: Sure, I can start the answer. This is  
2 Jeff Utz with Goulston. It is, Commissioner, primarily  
3 related to the -- the concept of the building envelope that  
4 was in this case, is the pursuit of the 70-foot building  
5 that 5.0 FAR fits nicely within the map amendment profile  
6 that would be permitted under the MU-8, which really is, you  
7 know, an important distinction from the PUD plus map -- I  
8 mean, it is a more streamlined case, it is a more efficient  
9 case to -- to pursue, and it is faster even when combined  
10 with the Board of Zoning adjustment case that runs parallel  
11 as long as the timing is -- is worked out, similar to the  
12 way that the timing has worked out fortuitously if things  
13 stay as they are in -- in this month right now, July.

14                  There is the -- the matter-of-right kind of  
15 treatment within the small area plan that sets out the  
16 maximum building envelope within the kind of non-PUD concept  
17 is really kind of a fantastic roadmap for folks that are in  
18 this position that don't necessarily need to take advantage  
19 of that full, in this case, 120-foot height, both of the  
20 neighbors will be 120 feet right up to the lot line.

21                  Edens was able to put together a project profile  
22 that was able to slide into that midblock lot and not need  
23 to go up to that 120 and not need to go up to that you know,  
24 8.0 or -- or as they are. So it's really a kind of  
25 combination of all of those things that led to this pathway.

1       It ended up being more expeditious and streamlined path even  
2       though it is a two parallel processes.

3                   VICE CHAIR MILLER: Okay. Well, thank -- thank  
4       you for that response, I appreciate it. Let me just ask you  
5       about the -- the habitable space on the penthouse. What --  
6       what is the square footage of that, and can you estimate how  
7       much contribution that habitable penthouse space will  
8       trigger -- how much contribution that will trigger to the  
9       housing production trust fund for affordable housing?

10          MR. UTZ: Sure. Definitely. This is Jeff Utz  
11       with Goulston. Right now, the anticipated area of habitable  
12       use on the roof structure within the penthouse is about  
13       3,800 square feet, which would equate to a production trust  
14       fund contribution of about \$200,000. (Inaudible) --

15          VICE CHAIR MILLER: 200,000 just approximately is  
16       what you said?

17          MR. UTZ: Right. Approximately 200,000 for the  
18       HPTF contribution.

19          VICE CHAIR MILLER: Okay. And I realize we're not  
20       talking about a specific project, but you do have one in  
21       mind. Is the use of that eating and drinking establishment,  
22       the restaurant for the hotel, and other public users?

23          MR. UTZ: Exactly. That's exactly what it is.  
24       That will be one of the elements requested of the Board of  
25       Zoning Adjustment for that special exception relief for

1                   eating and drinking establishment.

2                   VICE CHAIR MILLER: Okay, thank you. Which you  
3                   could have also gotten through a PUD in our process, but you  
4                   outlined why that -- this is more -- overall, more  
5                   expeditious even though it's two different processes.

6                   I guess my only other question doesn't necessarily  
7                   relate to this application, so maybe I shouldn't ask it, but  
8                   I will. Since it's Edens and you're responsible for a lot  
9                   of the development, which you should take credit for,  
10                   because it's -- you have created, as the chairman said, a  
11                   destination or a new neighborhood that people want to live  
12                   in, work in, and visit with lots of amenities.

13                   But let me just ask you about one of the amenities  
14                   in the whole neighborhood, just generally, briefly. Is --  
15                   is there enough green space, open space in this  
16                   neighborhood? Are you looking at that issue going forward,  
17                   or do you think that the right balance has been -- has been  
18                   found or just -- can you just comment on that generally  
19                   about the green and open space because it's a lot of  
20                   development, a lot of hardscape development there that  
21                   wasn't there previously, although it was pretty much --  
22                   pretty hardscaped environment, even more so within  
23                   industrial history.

24                   But can you just comment on the green and open  
25                   space, which isn't -- in guess there's no -- none

1 necessarily affiliated with this project, although there  
2 might be a green roof up there, I guess with the rooftop,  
3 but can you just comment generally on that, on green and  
4 open space in the Union Market neighborhood and near here?

5 MR. ALLEN: This is Reynolds Allen with Edens.  
6 Thank you for the question. It's a -- it's an important  
7 point, and I think you hit on one of the -- one the reasons  
8 that we actually did create that green space up on the  
9 rooftop.

10 We felt there was a need, and so that's why we  
11 created that space. When you continue to look at each of  
12 our projects, we find opportunities to provide space like  
13 that. So in this particular case, we actually are setting  
14 this building back from the property line in order to create  
15 an area for the public to convene before actually entering  
16 the building itself.

17 So it's a small space constrained by small  
18 dimensions along the frontage, and so part of the depth, but  
19 we did find that that was important to forgo some of that --  
20 that density, some of that square footage in order to create  
21 an open space up front. It may not be green grass per say,  
22 but it's meant to operate and feel much like a green space,  
23 as you would think about it.

24 VICE CHAIR MILLER: Okay. Well, thank -- well  
25 thank you for that response and I look forward to hearing

1 more about that at the BZA. On that related case. I think,  
2 Mr. Chairman, that is it for my questions and comments at  
3 this time, so I thank the team again for your presentation  
4 and answers to our questions and I'll turn it back to you,  
5 Mr. Chairman.

6 CHAIRPERSON HOOD: All right. Commissioner  
7 Stidham, any questions or comments?

8 COMMISSIONER STIDHAM: Just one. You -- you did a  
9 really good job talking about the PDR in your presentation  
10 as it relates to any Comp Plan inconsistencies. Can you  
11 speak to the other policies that you are complying with that  
12 really outweigh those inconsistencies, and maybe that's a  
13 question for Mr. Dettman.

14 MR. DETTMAN: All right. Thank you for the  
15 question, Commissioner Stidham. Shane Dettman with  
16 Goulston.

17 I didn't get the opportunity to go through all the  
18 talking points on the slide, but we -- we don't think we are  
19 inconsistent with the PDR stripe, to the extent that the --  
20 the Commission thinks that we are inconsistent with the PDR  
21 stripe, although our designation is mixed-use. And a mixed-  
22 use is a designation in and of itself. Read, you know, as  
23 mixed-use, not individual component, but to the extent that  
24 the Commission was ultimately to determine that we are  
25 inconsistent with -- with the PDR stripe.

1                   I would say that the other policies that we're  
2 relying upon are the policies within the land use element  
3 that speak to the rezoning of obsolete PDR sites. The  
4 specific policy on that that exempts the Florida Avenue  
5 Market area from the requirement for PDR uses on PDR stripe  
6 sites. And I believe that there are a number of economic  
7 developments, policies -- the economic policies within the  
8 economic development element, particularly, those policies  
9 that talk about the district's core industries, one of them  
10 being hospitality, growing the hospitality sector in the --  
11 the direct and indirect job linkages that are associated  
12 with the hospitality industry that -- that this particular  
13 map amendment would facilitate.

14                   So, I would think that its policies in the  
15 economic development element upper northeast as well as the  
16 Land Use Element, that would outweigh any sort of  
17 inconsistency that might be there.

18                   COMMISSIONER STIDHAM: Great, thank you. Thank  
19 you for your response and for the presentation.

20                   MR. DETTMAN: Thank you.

21                   CHAIRPERSON HOOD: Okay. Let's see if we have  
22 anybody, Ms. Ackerman, from the ANC. Chair Guzman or  
23 somebody from ANC 5D, do we have anyone?

24                   Let me help you, we don't, so welcome to the --

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

1 CHAIRPERSON HOOD: All right --

2 MS. ACKERMAN: I'm just checking.

3 CHAIRPERSON HOOD: This is the appropriate thing  
4 for me to ask. Most of the time I already know, even when I  
5 ask Ms. Schellin, so -- but that's -- that's not my job  
6 duty. My job is to make sure I don't mess up anything here.

7 So anyway, hold tight, Ms. Ackerman. Do we also  
8 have anyone from -- we don't have anyone from DDOT as well,  
9 right?

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

11 CHAIRPERSON HOOD: Okay. So we're going to bring  
12 up Mr. Beamon, and I will give the DDOT report, so please,  
13 nobody ask -- don't ask me any questions. The DDOT report  
14 is Exhibit -- Exhibit Number 21, and it basically says that  
15 DDOT has no objections to the approval of the requested  
16 amendment, and it -- and its applicant must also -- his team  
17 already knows to talk about continued coordination, and that  
18 is all specified in Exhibit 21.

19 All right, let's go to Mr. Beamon. Let's bring  
20 Mr. Beamon up and you can give us your report. Thank you.

21 MR. BEAMON: All right. Good afternoon  
22 Commissioners, I'm Shepard Beamon with the Office of  
23 Planning. And since the application was set down, the  
24 Office of Planning recommends to the Zoning Commission  
25 approve the proposed map amendment, 24-04, to amend the

1       zoning map from PDR 1 zone to MU-8 B zone for the property  
2       at 1271 5th Street Northeast.

3               Under the requested MU-8 -- sorry, MU-8 B zone,  
4       the maximum building height is 70 feet, which would allow a  
5       building that would be appropriate or compatible with the  
6       height and development of the existing building to the south  
7       and any future buildings approved by the Gallaudet PUD to  
8       the north. And although there are no confirmed plans for  
9       the site, the applicant has stated that the intended use of  
10      the site will be for lodging and food and drinking  
11      establishment purposes.

12              OP has recommended that the map amendment be  
13       subject to IZ Plus requirements, just in the case  
14       residential uses are placed on the site in the future. The  
15       requested map amendment is consistent with the Comprehensive  
16       Plan maps, including the future land use map, which  
17       indicates that the site is appropriate for a mix of high-  
18       density commercial, medium-density residential, and PDR land  
19       uses, as well as the general policy map, which shows the  
20       site as appropriate for a multi-neighborhood center.

21              The site is also within the Florida Avenue Market  
22       small area plan, which classifies the sites as appropriate  
23       for medium to high-density zoning, which also allows a  
24       maximum 70-foot building height as a matter-of-right. When  
25       evaluated through the racial equity lens, the proposal would

1 not be inconsistent with the Comprehensive Plan and would  
2 uphold several relevant polices as it would advance  
3 opportunities for new commercial opportunities, jobs, and  
4 amenities in the Ward 5 area, and would not result in direct  
5 or indirect displacement of residents, as none currently  
6 reside on the property.

7                   The applicant has also implied that they and --  
8 are currently working with the current tenants on the site  
9 and will continue to work with them as those leases come to  
10 -- come to an end. And so with that, I'm going to conclude,  
11 and I will be happy to take any questions.

12                  CHAIRPERSON HOOD: Okay. Thank you, Mr. Beamon.  
13 Mr. -- okay, you can take that down. Mr. Beamon, let me  
14 just ask one quick question. I know you're relatively new.

15                  In the planning office, is there one person -- I  
16 know we've been given -- I know that may have changed now,  
17 and I know you're new to this. Will -- will this area be --  
18 will you be the planner for this entire area as we continue  
19 the progress or is it going to be different planners? And  
20 that -- that may be a question for Ms. Steingasser or Mr.  
21 Lawson, but I'm just curious.

22                  MR. BEAMON: That probably would be more of a -- a  
23 question for Mr. Lawson, however, I don't think that's the  
24 case, but I'll let Joel answer that one.

25                  CHAIRPERSON HOOD: Okay.

1                   MR. LAWSON: Hi, good evening. Joel Lawson with  
2 the Office of Planning. No, we tend not to have one planner  
3 who's in charge of a specific area like this.

4                   Certainly, there is a neighborhood planner who  
5 would be responsible for some of the broader planning  
6 initiatives, but in terms of Zoning Commission cases,  
7 Shepard may get other cases in Florida Avenue Market, or  
8 they may go to other staff members.

9                   CHAIRPERSON HOOD: Okay, thank you. I was just  
10 thinking that. Thank you, Mr. Lawson, I appreciate it. And  
11 Mr. Beamon, thank you for your report. Well done, thank  
12 you.

13                   All right, let's see if we have any follow-up  
14 questions or comments. Vice Chair Miller?

15                   VICE CHAIR MILLER: No questions or comments.  
16 Thank you, Mr. Beamon, for your report, and Mr. Lawson for  
17 your presence here today. Will -- will I be seeing you, Mr.  
18 Beamon, at the July 31st BZA related case or is that  
19 assigned to a different planner as well?

20                   MR. BEAMON: It's assigned to someone else.

21                   VICE CHAIR MILLER: Okay. Thank you. Well, I  
22 appreciate your report. Thank you, Mr. Lawson, too.

23                   CHAIRPERSON HOOD: Vice Chair Miller, since you're  
24 looking forward to the 31st, make sure you tell -- tell the  
25 chair of the BZA, do not postpone it or push it to a date

1 that I show up, so -- or Commissioner Stidham, because you  
2 may want that case on the 31st. Matter of fact, I'll tune  
3 in and --

4 VICE CHAIR MILLER: We can push it -- maybe we can  
5 push it ahead to -- because you're on earlier.

6 CHAIRPERSON HOOD: All right. Commissioner  
7 Stidham, any questions for the Office of Planning?

8 COMMISSIONER STIDHAM: No, no questions or  
9 comments. Thank you, Mr. Beamon, for your report, very  
10 nicely done.

11 CHAIRPERSON HOOD: Okay, Mr. Allen and Mr. Utz, do  
12 you have any questions for Mr. Beamon?

13 MR. UTZ: We do not, thank you.

14 CHAIRPERSON HOOD: Okay. Thank you, Mr. Beamon.  
15 I appreciate you as always. All right, let me see where we  
16 are. Ms. Ackerman, do we have any, while we're here, from -  
17 - do we -- I know -- do we have anybody here from ANC?

18 MS. ACKERMAN: No.

19 CHAIRPERSON HOOD: Okay. And the ANC voted  
20 unanimously except for the person who had to recuse himself  
21 for reasons as stated previously, and we have a letter from  
22 Chair Guzman, I'm not going to look it up, it's in the  
23 record. They are in support of this map amendment.

24 Did I characterize that correctly, Mr. Utz,  
25 without me having to try to find it?

1                   MR. UTZ: Correct.

2                   CHAIRPERSON HOOD: Okay. All right, let's keep  
3 moving. Let's go to -- Ms. Ackerman, do we have anyone here  
4 to support, opposition, or undeclared?

5                   MS. ACKERMAN: No.

6                   CHAIRPERSON HOOD: Okay, so we have no one here to  
7 testify, we'll let the record reflect we've called for that.  
8 Mr. Utz, do you have any closing? I don't think you have  
9 any rebuttal.

10                  MR. UTZ: I do have a short close, but no  
11 rebuttal.

12                  CHAIRPERSON HOOD: Okay. Go right ahead.

13                  MR. UTZ: Thank you so much, I will keep this  
14 very brief. Thank you again for granting us the time this  
15 late afternoon, early evening and talking through this  
16 application with us.

17                  We believe the application is really set to move  
18 forward. We have support, as mentioned, from ANC 5D, the  
19 Office of Planning, and DDOT, as well as from the two  
20 commercial tenants on the site, and there is no opposition.  
21 The application is directly aligned with the small area  
22 plan. It is not inconsistent with the future land use map  
23 or any other aspect of the Comprehensive Plan.

24                  If the Commission feels that it's appropriate and  
25 it supportive of the application, we would appreciate the

1 opportunity to go to the BZA hearing with proposed action,  
2 and possibly, even final action at the Commission's second  
3 meeting in July. We understand that the Commission is  
4 required to give NCPC an opportunity to respond, but NCPC  
5 has responded to the Commission for other recent PUD-related  
6 map amendments and Union Market, that such map amendments  
7 are exempt from NCPC's full review when those amendments are  
8 consistent with the Height act, do not implicate any federal  
9 interest, and are located outside of the L'Enfant Plan  
10 street.

11 As a result, if the Commission is favorable to  
12 this application, we appreciate consideration of the  
13 application this afternoon, and then again, at the  
14 Commission's second public meeting in July, assuming that in  
15 the interim, NCPC takes a similar position here as it -- as  
16 it has taken in this prior Union Market district zoning  
17 action.

18 Again, we thank you, Commission, the agencies, and  
19 the community, and really appreciate your time and  
20 consideration this afternoon. With that, we conclude our  
21 presentation and our remarks.

22 CHAIRPERSON HOOD: Thank you to Mr. Utz and the  
23 team, and also to the applicant and the community. I think  
24 when we see this type of support in this way, then I know  
25 the work has been done. Maybe one or two people may have

1       some opposition, but they have not surfaced, so we're going  
2 with that we have here in front us.

3           It looks like -- I don't want to talk any  
4 opposition. It looks like the record is complete for me,  
5 and it looks like you have a lot of support for the job well  
6 done, as you've been doing in communicating with the  
7 community. I will say that is this a -- Mr. Ritting, is  
8 this a one vote case or two votes?

9           MR. RITTING: Two votes.

10          CHAIRPERSON HOOD: Okay, okay. Well certainly, I  
11 don't have any problems. Even if it was one vote, I still  
12 wouldn't have a problem. I think it's pretty  
13 straightforward, not to just keep stuff laboring in docket,  
14 so let me hear from others.

15          VICE CHAIR MILLER: I concur with -- I concur with  
16 what -- your comments, Mr. Chairman.

17          COMMISSIONER STIDHAM: As do I.

18          CHAIRPERSON HOOD: Okay. All right. So can one  
19 of you all make a motion?

20          VICE CHAIR MILLER: I would move that the Zoning  
21 Commission take proposed action on Zoning Commission case  
22 number 24-04, NL 1271 5th Street, LLC, a map amendment at  
23 Square 3591, Lot 003 from PDR 1 to MU-8, and ask for a  
24 second, and note that the map amendment includes -- motion  
25 includes the recommendation from Office of Planning that the

1 map amendment included designation of IZ, Inclusionary  
2 Zoning Plus for the site should residential be developed  
3 ever on that site. Ask for a second.

4 COMMISSIONER STIDHAM: Second.

5 CHAIRPERSON HOOD: As removed, probably second any  
6 further discussion. Not hearing. And Ms. Ackerman, can you  
7 do a roll call vote, please?

8 MS. ACKERMAN: Commissioner Miller?

9 VICE CHAIR MILLER: Yes.

10 MS. ACKERMAN: Commissioner Stidham?

11 COMMISSIONER STIDHAM: Yes.

12 MS. ACKERMAN: Commissioner Hood?

13 CHAIRPERSON HOOD: Yes.

14 MS. ACKERMAN: The hearing -- this hearing has  
15 been approved for proposed action, three to zero to two,  
16 Imamura absent, not voting. Third, mayoral appointee  
17 vacant, not voting.

18 CHAIRPERSON HOOD: Okay, my colleagues, do you  
19 have anything else that you want to say? All right. So  
20 before I close out, let me just mention that the Zoning  
21 Commission will have its regular monthly meeting July the  
22 11th. I was going to say a short agenda, but I'm looking at  
23 the cases, so I'll just leave it at that. So July the 11th,  
24 the same -- on these same platforms at 4:00 p.m.

25 Let me thank the applicant and everyone who has

1 been involved with this case. Mr. Utz, again, and his team,  
2 we appreciate it. And with that, this hearing his  
3 adjourned. Goodnight, everyone.

4 (Whereupon, the hearing was adjourned at 5:06  
5 p.m.)

\* \* \* \*

REPORTER CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: D.C. Zoning Commission

Date: 07-8-2024

Place: Teleconference

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

Gary L. Shell

Gary Euell