

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETINGS

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THURSDAY

DECEMBER 9, 2024

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

COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, CHAIRMAN  
ROB MILLER, VICE CHAIRMAN  
TAMMY STIDHAM, MEMBER  
GWEN WRIGHT, MEMBER

OTHERS PRESENT:

SHARON SCHELLIN, Zoning Staff  
HILLARY LOVICK, Legal Staff  
PAUL YOUNG, Zoning Staff

The transcript constitutes the minutes from the Regular Public Meeting held on December 9, 2024

P-R-O-C-E-E-D-I-N-G-S

(4:00 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Wright, and Commissioner Stidham, as well as well as our Office of Zoning staff, Ms. Sharon Schellin, and our Office of Zoning Legal Division, Ms. Hillary Lovick and Mr. Paul Young who is handling all of our virtual operations. I would ask all others to introduce themselves at the appropriate time. Copies of today's virtual public hearing notice are on our Office of Zoning website.

Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on our Office of Zoning's website after the hearing. Accordingly, all those on Webex or by phone will be muted during the hearing. Only those who are signed up to participate or testify will be unmuted at the appropriate time. Please state your name and home address before providing oral testimony on your presentation.

Oral presentations should be limited to a summary of your most important points. When you are finished speaking, please mute your audio so that your microphone is no longer picking up sound or background noise.

If you experience difficulty accessing Webex or with your telephone call in, then please call our OZ hotline number at (202) 727-0789 to sign up or to receive Webex login or call in instructions.

All persons planning to testify either in favor, opposition or undeclared must sign up in advance and will be called by name. At the time of sign up, all participants complete the oath or affirmation required by Subtitle D 408.17. If you wish to file written testimony or additional supporting documents during the hearing, then please be prepared to describe and discuss it at the time of your testimony.

The subject of this evening's hearing is Zoning Commission case number 24-07. This is a zoning map of the Square 5734, Lots 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14, 15, 16, 17, 18, 19, 20, 811, 813, 815, and Squares 5735, Lots 1, 2, 3, 4. Again, today's date is December 9, 2024.

The hearing will be conducted in accordance with the business of 11 (indiscernible) Chapter 4 as follows: Preliminary matters, applicant's case. The Applicant has up to 60 minutes. Certainly, we've read and reviewed the materials. I don't believe we need 60 minutes. We can do them in 10 minutes or less. And that's basically to hit the highlights so the public will be familiar with what we're dealing with this evening. The Office of Planning and the Department of Transportation and other government agencies reporting the ANC. Testimony of

organizations and individuals each - organizations, five minutes, and individuals three minutes respectfully. And we're here in the order for those in support or opposition or undeclared, and then we'll have rebuttal and closing by the Applicant. I think we have two ANC's tonight, 8A and 8B. Off the top of my head, I believe it's 8A and 8B. While the Commission reserve the right to change the time limits for presentations if necessary, it intends to adhere to the time limits as strictly as possible so no time shall be exceeded.

At this time the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

MS. SCHELLIN: Just very quickly. The Applicant is being represented by Kyrus Freeman. They plan on taking about 10 minutes or less to hit the highlights of this case. As you stated, there are two ANCs, 8A and 8B. I see that Joseph Johnson, who is the chairperson of 8B, is on. Jamila White is the chairperson of 8A. I do not see her on yet. She may come on later. But as of right now there is nothing in writing in the record from either ANC. So, they would be the only representatives at this time, unless something in writing comes in.

Exhibit 23, the OP report, exhibit 22, the DDOT report, just another mention, exhibit 25 is a submission in support from the Skyland Action Team and residential support petition at

exhibit 25. So, other than that, staff has nothing else preliminary, and this case is ready to move up.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: I believe - I want to say, I believe the only expert witness was Brandis (phonetic) Elliott. And it's my understanding she will not be here. Mr. Freeman, when he is called forward, can let us know if he has any other experts. But I think that was the only one.

CHAIRMAN HOOD: Okay. Let's bring Mr. Freeman up and let's go ahead and move forward.

Mr. Freeman, you can introduce yourself and let us know if you have any experts. And let's go ahead and begin your case when you're ready.

MR. FREEMAN: Good afternoon, Chairman Hood, members of the Commission. Commissioner Wright, it's nice to see you this evening. For the record, my name is Kyrus Freeman. I'm a partner with the law firm of Holland & Knight, here on behalf of the Applicant. We do not have any experts tonight. But hopefully in the panelists, to the extent that we have anyone testify, Mr. Young, Shelynda Brown, on behalf of Enterprise Community Development, and LaToya Thomas, on behalf of Brick & Story. Again, they are available to answer questions.

So, I will try to keep it under 10 minutes. Mr. Young, if you could bring up our slide presentation, which is exhibit number 26 in the record. We have a full presentation, but I'm

going to kind of get to the key points, if you will. Mr. Young, if you could work with me, please. I'm going to try to move through these quickly. If you could go to slide 9.

So, what are we here for? As the Commission knows, we are here to rezone the site shown there in hatched area from RA-1 and R-3 to the RA-2 zone. It's about an eight-acre site. Currently proposed residential uses. Next slide, please.

These are some photos of the existing conditions. Next slide, please.

As the Commission knows, the test for map amendment, it's not about a project, it really about whether the proposed new zone is not inconsistent with the comprehensive plan and other policies and action programs related to the site. And in this case, I think the evidence of record demonstrates that the map amendment is not inconsistent with the flow, the policy map and the intent of the comp plan. Next slide, please, Mr. Young.

Our FLUM, future land use map designation for the site is moderate density residential. Our requested zone, RA-2, is specifically indicated as being consistent with the moderate density residential designation. The proposed density allowed under the proposed zone of 1.8 or 2.16 with IZ is specifically consistent with what the FLUM and comp plan indicate as appropriate density on the site. Next slide, please, Mr. Young.

The policy map indicates that the property is in a neighborhood conservation area. As the Commission knows and has

said in many cases that the conservation area is not intended to preclude development but rather allow development, particularly as it relates to housing and affordable housing. And our new zone would allow much more than that, more housing and more affordable housing than is currently available on the site. Next slide, please, Mr. Young.

This is just a comparison. I know, Commissioner Miller, you often ask for this upshot. Our map amendment would generate additional 1.8 available FAR, an addition of about 10 feet in height, an addition of about 20 percent lot occupancy, RA-2 compared to RA-1. Next slide, please, Mr. Young.

So, our application includes a detailed analysis of how the project is consistent with the comp plan, particularly when viewed through a racial equity lens. I would point out our comp plan analysis at exhibit 3E, the OP report at exhibit 11, the OP report at exhibit 23, and of course our slides here. I'm just going to quickly run through these. Next slide, please, Mr. Young.

We've indicated here many, many policies within the comprehensive plan that the map amendment will help advance or otherwise not inconsistent with. Next slide, please, Mr. Young.

The site is subject to something called a Neighborhood Investment Fund, the Anacostia Investment Plan, which calls for housing stabilization, more affordable housing. Our map amendment is consistent with that, in that it will create more

housing and affordable housing, provides additional density near the Skyland Town Center, and increases economic activity in the neighborhood. Next slide, please, Mr. Young.

So, we look at kind of historic patterns of discrimination and the legacy of that. Policies like redlining, zoning, urban renewal, displaced people, black residents and concentrated public housing east of the river, public and private investment in Wards 7 and 8 stem from historic and present-day structural racism which has contributed to marginalizing these communities. Next slide, please, Mr. Young.

Some of the policies that have been indicated as priorities for the area by the ANC and the other stakeholders are job training, a greater investment, more housing opportunities, more housing in order to decrease costs, safety, recreation and street improvements, and the ANC having engagement in the District's budget and priorities. Next slide, please.

As part of the comp plan and the racial equity, it requires extensive outreach and engagement with the effected community. We have had extensive engagement. It says here October 2023 through December 2024, but there's actually been a lot of engagement either prior to October 2023. Here is a list of what we've done since then. We, meaning the client and Brick & Story as their community engagement specialist, there have been a series of Skyland Action Team meetings which are primarily residents; Skyland community events; ANC presentations; virtual

quarterly residential resident meetings; virtual updates to neighbors; design-focused programming. And again, that focuses on the future, right, like what will happen once the map amendment is approved, door-to-door outreach, phone call outreach, and the creation of a project website. A lot of that engagement has resulted in support in exhibit 20C. We have a letter in support from a property owner adjacent to the site. And then exhibit 25 we have a petition in support of the map amendment signed by residents. So, there has been substantial engagement as reflected in the record, as well as by the support indicated.

Next slide, please.

Twenty-one and 22. Next slide, please.

These are - we prepare these. We know Commissioner Imamura likes to see the engagement. These are the timelines. So, this is - these two slides show that engagement across the timeline. Next slide, please.

I'm going to skip the disaggregated data regarding race and ethnicity. This map amendment will create more housing consistent with the city-wide goal of providing more affordable housing. Next slide, please.

The project will not result in displacement. All of the folks onsite will have the ability to relocate onsite during redevelopment of the site. I know Commissioner Hood, you asked at set down how will we ensure that existing residents are not harmed, I think is what you said, or treated fairly. And we have

included a detailed relocation plan at exhibit 20A in the record. Our 20A, as in apple. We've presented that to the community, as indicated in exhibit 20B, as in boy. And again, you'll see the petition in support speaks to some elements of the relocation plan. There will be no indirect displacement. Again, the goal here is to provide more housing that will remain affordable to current and future residents. And ultimately, there will be physical improvements to the property. Next slide, please.

This site is in close proximity to Metro, close proximity to public transportation, and a lot of different amenities in the neighborhood to come online. And this - the rezoning of the site will help advance and promote the provision of access to more opportunity. And, again, the comments on community really focus on how to make sure once the site is ultimately redeveloped, that development will be a benefit to the community. Again, more of a forward looking standard as opposed to the map amendment standard, but the goal is ultimately to develop a better condition that provides more amenities to residents. So, next slide, please, which will be my last slide.

Potential inconsistencies as part of the comp plan analysis. You have to identify any potential inconsistencies and indicate what policies may outweigh those inconsistencies. Again, we have not - a map amendment is not an approval of a project, but some of the recommendations of the comp plan are rehabilitation before demolition. Unfortunately, you get into

the condition of property. That will not be the case here. Net-zero buildings, the provision of onsite renewable energy. Although, we haven't fully designed the buildings for the future, but they may not meet those standards. But those potential inconsistencies are far outweighed by, again, consistency with the FLUM, consistency with the generalized policy map, all of the comp plan elements that the project will help advance, as well as the goals of the housing equity report to provide more housing and affordable housing, not just in this ward, but in the city as a whole.

So, that concludes my presentation. Again, Mr. Chairman, we believe - next slide, Mr. Young - that the map amendment is not inconsistent with the comp plan when viewed through a racial equity lens. We meet all standards for approval. We have resident support, OP support, and DDOT support. And, therefore, we'll respectfully request that the Zoning Commission approve our application. Thanks. And I am happy to answer any questions.

CHAIRMAN HOOD: Thank you, Mr. Freeman, Ms. Thomas and Ms. Brown. Very appreciative. I want to start off first. I don't have many questions. I think it's pretty straight forward. I have a few questions that I see. And then I'm going to come to Commissioner Stidham and then I'm going to come to Commissioner Wright, and then I'm going to go to Vice Chair Miller. And Vice Chair Miller, let me just extend our condolences on your loss of

your brother-in-law. You have our condolences to you and your family.

I don't know, Mr. Freeman, I think this may be for either Ms. Thomas or Ms. Brown. I'm not sure who did the engagement with the community. But I see here, when you have it captured. But I'm just curious, the attendance. And I always want to know, even though it's a map amendment, I always want to know, were you talking about project with the community. Because sometimes that makes our job a little harder. Or were you talking about the rezoning. And if we can just answer those two questions for me first.

MR. FREEMAN: So, I will let - I don't see Ms. Brown on. But I will let Ms. LaToya, Ms. Thomas take the response to that.

CHAIRMAN HOOD: Let me ask you this.

MS. THOMAS: Shelynda is on if you want her to respond first.

CHAIRMAN HOOD: Okay. I just want to let you know, she is on. I see her now.

MS. BROWN: Can you all hear me?

CHAIRMAN HOOD: Yes, we can.

MS. BROWN: Yes. So, I'm here. So, thank you for the question. To answer your question, we have focused, quite honestly, on both. Both, the project and the redevelopment at different stages throughout our engagement with the residents and

the community, stemming back from as early as, you know, four or five years ago.

MR. FREEMAN: And let me, Commissioner Chairman, when we - and it's a tough, tough line to cross, right. When we go and say, hey, we want to rezone a property, and here are the standards, right. I do map amendment standards, but folks want to know what does that actually mean? Which is why we then get into what does a relocation look like? And there's a relocation plan in the record. So, I do know that makes it a little more challenging. But the fact of the matter is, people ask those questions, and we try to be prepared to respond appropriately to the questions.

CHAIRMAN HOOD: I appreciate your answer. The reason why I'm asking, I just had a conversation last week. I don't necessarily agree with the process, but those are regulations. And I'm not saying this for my counsel to give me another dissertation, but I'm just saying that I know sometimes when coming from the Commission, the Commission has to parse out part of it because I know what (indiscernible). And what I've always asked applicants to do is to make sure that when you come for the hearing, it's just a map amendment and not about a project. But you basically help us to educate the community. So, when they come down it won't be our jobs hard, keep going back and forth trying to get people to stop talking about a project. So, that's something I ask to do. Even though I agree with them,

but I have to go with the - we, the Commission, have to go with the regulation. And you're right, it's hard. I've been talking about it for years. I'll probably leave the Commission still talking about it. But I've also been trying to figure out ways how to deal with that from a legal perspective. But I just wanted to know that so if we have any - what the expectations are of the community.

I will ask - and I appreciate the - you stole my thunder, Mr. Freeman, because I was ready to get on you about taking care of Commission Imamura and Vice Chair Miller, and the rest of the Commission. And I was waiting to see if anything was done that I had asked for. And you reminded me, I always like to hear about the relocation. So, I appreciate the Applicant for following through on that.

I don't really have - let me just ask Ms. Brown or Ms. Thomas. I think the second part of my - I thought I asked but I must not. Was there a lot of attendance and did you get to some of your outcomes? And you don't have to get into the project, but did you get into some of your outcomes by some of the feedback that you heard from the community? I guess, was this project, you know, whatever is going on, not the project but what's ever happening in front of us tonight, was it evolved around participation from - was it a collaborative effort? Maybe that's the quickest way to answer that - ask that question.

MS. THOMAS: Shelynda, would you like me to take this

one to start?

MS. BROWN: Okay.

MS. THOMAS: And I'd like to also come back to your earlier question as well. But let me just start off in order. So, in terms of turnout. So, obviously, you've seen we had engagement over the course of more than a year at this point. When we started off the process working with ECD, engagement was very, very low at the property. And so, a lot of our work was really trying to build up a network of residents who were engaging not just with us but also engaging with each other, and engaging with property management, and engaging with ECD. And so, over time what that started to look like was when we initially started, we had some very specific conversations with residents about the potential for redevelopment, the potential for a map amendment process, also other property-wide events in an effort to try to build community that were done in partnership with the property manager. And you may have seen a very small number of residents, five residents, ten residents, back in September, October of 2023. What that has transpired to, again, over kind of the last year and some change of continued work is we've had webinars where we've had more than 20 residents in attendance. We've had hybrid meetings where we've had as many as 35 or 40 residents in attendance. Again, either in person or virtual. There's been an increased uptick in the number of residents who are participating in the quarterly meetings, which are covered not

only this particular map amendment process, but also other asset management, property management, other property concerns. And so, again, is what I'm really trying to articulate is, and as you all know, is that resident engagement is not a quick process, nor should it be. There's a lot of community building, there's a lot of repeat conversations, there's a lot of showing up that is involved. And so, we've been continuing to work with ECD and the residents to try to build up the contingency of residents who are coming to the table to have a conversation, to ask questions, even if they're asking some of the same questions, or if they're new and coming to the table for the first time.

There was a question around how their feedback has informed the process. So, the architect for the project that's being proposed as the potential redevelopment has some involvement in the conversation -

MR. FREEMAN: Let me -

MS. THOMAS: Sorry, Kyrus. Go ahead.

MR. FREEMAN: Yeah. Let me just jump in here. Out of what they've heard has been incorporated into the site plans in terms of open space, in terms of security. So, some of those concerns, and a lot of those concerns have been incorporated. But the reality is, we're - this has to get approved before we get too far down that road. So, I don't want to - so, a future development hasn't been fully planned out yet. But once that happens, there will be continual engagement with stakeholders to

make sure all of those concerns are incorporated into a future redevelopment of the property.

CHAIRMAN HOOD: Okay. And I tried to carefully phrase my question to parse out the second part. And I appreciate you - the way you answered that.

I do have one other question about - I've been reading all this, I guess it should be simpler for me to understand this, but it's not. So, the Skyland Action Team and resident support petition, was this something that - when I see names, did they sign onto this, or this is just who it was sent to? I'm just trying to understand the mechanics of it.

MR. FREEMAN: So, LaToya, it looks like she's having some technical. But it was a Google document. So, those - the people on that last page actually signed it. But it's a Google document, so it was compiled and looked at.

CHAIRMAN HOOD: Okay. All right. We're definitely in this modern technology.

MR. FREEMAN: Yes. Thank you.

CHAIRMAN HOOD: All right. Let me see. Thank you all for answering my questions. And hopefully Ms. Thomas will be able to join us back.

Let's go to Commissioner Stidham. Do you have any questions or comments?

MS. STIDHAM: I don't have any questions or comments. I feel like it's fairly straight forward, and I'm good.

CHAIRMAN HOOD: Commissioner Wright, any questions or comments?

MS. WRIGHT: My only question is just to make sure I understand the relocation plan. I know you provided information about that. But to sort of put it in simplistic terms, the idea is I guess that folks who may have to move out of the first phase will be able to move into buildings that still exist in later phases on the same property or to other Enterprise properties if that's what they desire. And they all have a right to come back. Is that sort of a synopsis?

MR. FREEMAN: Yes.

MS. WRIGHT: Great. Well, I think that sounds really good. It sounds like you've got a lot of work in trying to make this project as seamless for the residents as possible. And I don't think I have any other questions.

CHAIRMAN HOOD: Thank you. Vice Chair Miller, do you have any questions?

VICE CHAIR MILLER: Thank you, Kyrus Freeman, and Shelynda Brown, and LaToya Thomas for presenting this Skyland map amendment today. It is a map amendment, and so it's largely a comprehensive plan consistency analysis. And I think you've demonstrated in the record that the proposed RA-2 zone is not inconsistent with the future land-use map designation of moderate density residential and also with the policy map designation of neighborhood conservation area which doesn't preclude development

particularly when additional housing and affordable housing is being facilitated, which is what's happening with this map amendment and the project that's - associated project that's being contemplated.

I appreciate the Applicant's community outreach and engagement. I know that ANC 8A and 8B are both affected ANCs, and I think we have at least one of them here tonight, and I look forward to hearing what they have to say. I appreciate the Skyland Action Team support petition that we have in the record as well, and the support you've gotten from Office of Planning and DDOT.

Let me ask about the ANCs. You did present - you don't have anything in the record yet, but we're going to hear from the ANC chair, I believe 8B I believe, Joseph Johnson in a minute. But did you - can you just briefly say, you did present to - I think it's in the record though. Can you just briefly say what presentations you made to the ANC, and are you contemplating a written letter of support at some point?

MR. FREEMAN: Yeah. I don't want to speak for the ANC. They're on. What I can say is we've gone to the ANC multiple times. I think the last correspondence I saw was that the SMD Commissioner was not at the last ANC meeting, so they wanted to - the Chair wanted to get feedback from the SMD Commissioner before taking a vote. That's my understanding. But I'll let the commissioner confirm that when he speaks.

VICE CHAIR MILLER: That's fair enough. Let me also ask, following up on Commissioner Stidham's question and the Chairman's question about the relocation plan. So, we get into the project, the potential project, potential displacement of existing - because there are existing - we know there are existing residents there, and we know that this map amendment will facilitate additional development, including the renovation or replacement of the units, the 200 and some units that are there. Now, what you need - which are basically at the end of their useful life. And so, that - and I - the increased density that the map amendment will - this site increase in density that the - or the small increase in density that the map amendment will allow is not only consistent - not inconsistent with the plan, it will facilitate larger units for families and a mix of units I think beyond what's there now, which I think are mostly one bedrooms.

So, if you could just touch on, briefly, the - on the relocation plan, our net of the present Action Support Team had a concern about whether the units would be affordable to the existing residents. If you can just briefly say how many of the 220 units are currently occupied or how many residents are actually on this site right now, and how - what assurance - can you just restate what's in the record about how assuring that the affordability will be there for those existing residents who need it.

MR. FREEMAN: So, I will let Ms. Brown respond to that.

MS. BROWN: You're asking what the current physical occupancy of the property is? I think we are currently about 98 percent occupied as of today. And what was your second question?

VICE CHAIR MILLER: And what assurances of those residents who are there now that they will be able to afford the rents of the replacement or temporary relocated property onsite, what assurance do you have?

MS. BROWN: Yes. So, we have a commitment with our agreement with the residents of the Tenant Association to do no displacement. Again, we - if this amendment is approved, we will be doubling the density of the site. We will be working with every resident to create an income stratification that matches the incomes of the residents that are there. So, we anticipate that there will be no displacement. In fact, we think in some cases we may have residents who reside at the property whose rents may in fact decrease from what they're currently paying, depending on where their current AMI levels will be once we advance the redevelopment and figure out the right income, financial income stratification. But we anticipate no displacement of any of the residents. And all residents that currently reside at the property that are in good standing on their rent will stay there. And rents will not increase for existing qualified tenants. Our letter agreement with the tenants is by no more than CPI plus two percent. So, -

VICE CHAIR MILLER: And that letter of agreement is - I saw the relocation plan. That letter of agreement is in the record as well. Is that correct, Mr. Freeman?

MR. FREEMAN: I think it's in the relocation plan.

VICE CHAIR MILLER: Yeah. Okay. I appreciate that response. I appreciate all the work that's been done with the community on this case. And that's it for me, Mr. Chairman. I turn it back to you.

CHAIRMAN HOOD: Thank you. I'm going to try to stay on what's before us. But Ms. Brown went through something that I'm always concerned about other projects for years. She mentioned that they're in good standing. And believe me, this is not our first rodeo with you not being in good standing. And you know what, I'm just going to ask you, Mr. Freeman. Do you know whether or not this Applicant is working with those who are not in good standing, have given good standing so they'll be able to return?

MR. FREEMAN: Yes. The answer to that is yes. And I think a big difference I would want to point out - and I've worked on a lot of those projects that you're probably thinking about. This is what we're calling naturally occurring affordable housing, right. So, folks are there. This is not public housing where they're there through a program, this is naturally occurring affordable housing. And in the future we're going to kind of get - I'm trying to keep it simple - put financing in

place that makes it permanently affordable.

CHAIRMAN HOOD: Okay.

MR. FREEMAN: And transition it from naturally occurring affordable to permanently affordable is a transition that ensures that affordability going forward.

CHAIRMAN HOOD: Okay. Thank you. And let me just say, I want to thank everybody for staying what's properly before us. Normally, I don't - I don't have that issue so far. As I said, we haven't finished. But I want to thank everybody for keeping it in perspective of what's actually before us. So, thank you.

Are there any other follow-up questions from our colleagues?

(No response.)

CHAIRMAN HOOD: Okay. Ms. Schellin, let's go to - hold on. Let me pull this up. Okay. So, do we have any other government agencies, Ms. Schellin? Oh, wait. No. Hold on. Let me go to - yeah, ANC. Let's bring up the ANC chairperson. If we have both, we'll bring both of them up. If not, whoever we have, let's bring them on?

MS. SCHELLIN: Only Mr. Johnson.

CHAIRMAN HOOD: Okay. Let's bring Chair Johnson up and let's see if he has any cross?

MR. JOHNSON: Good afternoon, Chairman Hood and the members of the Board. So, we voted to request a postponement on the project due to residents expressed that they were not fully

informed on everything pertaining to the project.

CHAIRMAN HOOD: Chair Johnson, let me cut you right off. What - did you submit something?

MR. JOHNSON: We submitted, I think it was late, to the secretary. Yeah. We submitted something, but I think it was -

MS. SCHELLIN: I just - Chairman Hood, if I may. I just responded to him. He sent it at 4:36 today.

CHAIRMAN HOOD: Oh, no.

MS. SCHELLIN: And I responded back, that would be a preliminary matter, and that should have been filed prior to the hearing starting.

CHAIRMAN HOOD: I'll take it from here. We're 30 minutes into -

MS. SCHELLIN: I'll put it in the record now. But -

CHAIRMAN HOOD: Put it in the record. And let me just say this. And I'm going to help you deal with that and then you can start asking questions. But we're 30 minutes into it. Let the record reflect that we got it 30 minutes after our hearing had begun. Our hearing had begun at 4:00. Chair Johnson, for now, and I'm going to deal with your issue in a few minutes, so hold tight. But for now, from what you've heard, do you have any questions? And not to what the Commission has done but from what you've heard thus far. And you and I will follow back up shortly on that other piece.

MR. JOHNSON: Well, yeah. I mean, the things that -

the concerns that we still have haven't been addressed. And so, we hear their plan, but the things that in terms of the residents don't have confidence in the relocation plan that they have in place. I have echoed to them many times that Enterprise don't have the best reputation in terms of relocating and doing these other things. The residents have expressed the same thing. I spoke to the commissioner prior to joining and, you know, the seniors is afraid that their rent and other things is going to increase because they was not properly, I guess, explained -

CHAIRMAN HOOD: Well, let me do this, Chair Johnson, for now. And I'm going to - I hear what you're saying. But for now, just for now, do you have any questions of what you've heard? I want to get you -

MR. JOHNSON: Yeah. I think, Chairman Hill, with all respect, I think -

CHAIRMAN HOOD: I'm not Chairman Hill. Hill is -

MR. JOHNSON: Chairman Hood. Excuse me. Sorry about that. Chairman Hood, the thing here is the same presentation that they have put on for you guys, they put on for us. The residents didn't feel that in the meeting there was a lot of left unanswered questions then. There's still a lot of unanswered questions now. Both commissions, 8B and 8A have agreed to, you know, request a postponement to allow us the proper time and opportunity to deal with those residents that have those concerns so that we can properly vote on the project.

CHAIRMAN HOOD: Okay. All right. That's good. All right. So right now - so, I'm going to come back to that. You don't have any questions of them right now?

MR. JOHNSON: No.

CHAIRMAN HOOD: So, let's come back to it. I'm going to come back to Chair Johnson.

Ms. Schellin, let me go through the process.

MS. SCHELLIN: Just the Office of Planning.

CHAIRMAN HOOD: So, that's all because DDOT is, they're usually not here for these.

MS. SCHELLIN: Right. They just submitted a report.

CHAIRMAN HOOD: So, do we have any other government agencies?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. Let's just go to the Office of Planning. And DDOT is -

Okay. Ms. Brown-Roberts?

MS. BROWN-ROBERTS: Good evening, Mr. Chairman and members of the Zoning Commission. I did do a slight presentation, but I will forego that in the interest of time and just go over my verbal presentation.

Again, we - I will stand on the record. Again, I'm Maxine Brown-Roberts from the Office of Planning. On this application BZ Zoning Commission 27087. In summary, the map amendment is not inconsistent with the comprehensive plan. As

we have outlined, the RA-2 is not inconsistent with the recommendations of the future land-use map or the generalized parcel map. We have also outlined in our report the many policies, city-wide elements, and also specific to the (indiscernible) office area where the proposal will not be inconsistent.

In regards to the inclusionary zoning, we have also outlined that in our report. And we have demonstrated that in the southwest planning area there is - they have the most affordable housing in the city. And, therefore, we are not recommending IZ Plus for this map amendment.

With that, I will stand on the record again and I'm open for questions. Thank you.

CHAIRMAN HOOD: Thank you, Ms. Brown-Roberts. As always, I think it was a great report. Let me see what others may have.

Commissioner Stidham, do you have any questions or comments for OP?

MS. STIDHAM: No questions or comments. But thank you again for a great report, as normal.

MS. BROWN-ROBERTS: You're welcome.

CHAIRMAN HOOD: Okay. And Commissioner Wright, any questions or comments for the Office of Planning?

MS. WRIGHT: No questions. Thank you.

MS. BROWN-ROBERTS: Thank you.

CHAIRMAN HOOD: And Vice Chair Miller?

VICE CHAIR MILLER: Thank you, Ms. Roberts.

MS. BROWN-ROBERTS: You're welcome. Thanks.

CHAIRMAN HOOD: Mr. Freeman, with that, does the Applicant have any cross?

MR. FREEMAN: No, Mr. Chairman.

CHAIRMAN HOOD: Okay. Thank you, Ms. Brown-Roberts.

MS. BROWN-ROBERTS: You're welcome.

CHAIRMAN HOOD: Thank you. All right. Ms. Schellin, let's bring up Chair Johnson, and let's make sure we don't have the chair from ANC 8A.

MS. SCHELLIN: Okay. I'll check one more time for Ms. White, Jamila White. I do not see her. Looking one more time. And I do not see that Mr. Young brought her. So, she is not on.

CHAIRMAN HOOD: So, Ms. Schellin, the letter that Mr. Chair Johnson is referring, did you send it back to him or did you put it in the record?

MS. SCHELLIN: Oh, no. It's in the record. It's being put in the record. I forwarded it to ZC submissions for them to upload it now.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: Do you not see it? I can forward it to all of you.

CHAIRMAN HOOD: Yeah. If you can just forward it to me.

MS. SCHELLIN: Sure.

CHAIRMAN HOOD: I'd like to read it.

MS. SCHELLIN: I'll do it right now.

CHAIRMAN HOOD: Again, let the record reflect that the letter that we received, the letter of the postponement request, came in 30 minutes after the hearing had already started. At least I was made aware of it. So, I don't know what - I did hear something. I want to go back to Chair Johnson and just have a conversation with him in a minute. I'd like to see the letter first though.

MR. FREEMAN: If I could ask Ms. Schellin, could you send that to me as well, just so I could take a look at it while everyone else is, please.

CHAIRMAN HOOD: Meanwhile, so we can keep moving, Chair Johnson, if you want to go ahead and just give us - we've heard some of it. I have the letter now. Go ahead and give us your presentation to us.

MR. JOHNSON: As we have expressed in our public meeting, we are not against the project. But the problem is, residents have echoed concerns to their commissioner that was not present at the time that we were going to take a vote on the project. And so, with those concerns arising at that time, we basically made it clear to the developers that we were going to request a postponement to address those concerns because when they were making their presentations, the same information that

they shared today in terms of the Action Committee and things of that nature, it was made clear at that point that the residents that was at the property is 98 percent occupied. And you have a total of 20 residents showing up at a meeting. And we made this very clear to the developers, it was a little concerning. And in terms of why they wasn't coming out, or why they was not getting involved, the residents did echo in the last couple days of me, you know, reaching out to commissioner Paul Trantham that, you know, these concerns were valid. Commissioner Paul Trantham was dealing with some health issues. And so, I was able to get him and echo on these concerns. Again, it is not new. We told the developers - I think we had a meeting with them at our ANC office, and then I think they came to the public meeting twice. The first time to give a presentation, and then the second time basically to tell us the updates or whatever the case is. And so, I guess my take on it as the chair of 8B, and what we came up - and the residents even expressed this in the last meeting that we just had on November 19th, that it doesn't make any sense if the Action Pack, or Committee, or whatever it is, is formed of residents, a lot more residents should have been aware of a major development like this. And I'm, again, you know, I'm fair when any developer come. It doesn't matter if it's a for-profit, non-profit, whatever it is, I'm fair to all developers. The problem here is, we want to support the project, but at the same time we want to make sure that those residents, the ones that

have expressed, the seniors that's going to be impacted by this - and some of them expressed that they don't have family - we want to ensure that they know everything about the process, what's going on, and how this relocation really looks. Because as I had mentioned, Enterprise do not have the best reputation in terms of relocating tenants. And I have personally expressed that to Ms. Brown and the rest of the team. And so, that's where we stand.

Commissioner Jamila White and myself agreed to request a postponement, again, to give them an opportunity to go back to these residents and give them that information. We more than happy to vote on the project, but I do want those residents to be able to walk away with this information pertaining to something. For most of them it's going to be probably a life-changing thing because they've been there for so many years.

CHAIRMAN HOOD: Thank you, Chair Johnson. I'm going to say some stuff you're probably not going to like, but it's the reality of it. And I will tell you that what I said previously about the map amendments and projects, I specifically say that for a reason. And it's difficult for me to understand it. And I do it. I've been doing it for years. And I have the same questions. A project is not actually in front of the Commission tonight. I do hear your concerns. I think there's another step. But I want to try to get some assurances as much as I can, which is proper before us, which is a zoning map amendment, which is

different than a project. So, everything you talked about was more or less a project. And I agree. I think my colleague always says it best, Vice Chair Miller. We know that this map amendment is going to facilitate a project. But one of the things that I always want to see is community engagement. And right now, in front of us tonight, is the map amendment, not a project.

Some of the concerns that I'm hearing you asking, I'm going to say to Mr. Freeman, and to Ms. Brown, and to Ms. Thomas, the community honestly, from what I'm hearing from Chair Johnson, they don't have any confidence in you. And to me, that is something - and we will see you again at some point in time because I'm sure we'll be around. But you have to establish and build that confidence. Now, I appreciate the relocation, but you've got to make sure that the community has confidence. Because it's, obviously, I don't know what your track record has been, but from what the chairperson is saying, they don't have - they don't have a problem with whatever you all want to deal with, you all work together. That's why I ask - that's why I ask the specific question, was this a community and Applicant driven project that you been working. But that's another part. The zoning map amendment is before us. So, Chair Johnson, that's another part. Right now, all we're dealing with is the map amendment. But let me ask you - let me ask it to you this way so we can get back on course. Can the ANC at some point - because you have another 30 days regardless of what we do tonight -

Ms. Schellin, it's two -

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. Everybody is shaking their head.

Thank you.

MS. SCHELLIN: Yes.

CHAIRMAN HOOD: Okay. So regardless of what we do tonight, I would like for you all to respond to the map amendment part of it. And that's why I was - Mr. Freeman, I want to make sure they understand, the communities understand that this is not about a project for us tonight, it's about a map amendment. And then later on down the line some of the things that I'm hearing Chair Johnson's concerns, I'm hoping, you know, that you all will be able to put them on promise land that we will give them some assurances and give them some confidence as we continue to move forward in this project. I think it's a win/win for both. But they need some assurances, they need some predictability, and most of all, they need the trust obviously. But let me do this.

Do any of my colleagues have any questions on any of those not germane to what we're dealing with tonight? Does any of my colleagues have any questions on what Chair Johnson has mentioned?

Let me start with Commissioner Stidham?

MS. STIDHAM: No. No questions for me.

CHAIRMAN HOOD: Okay. Commissioner Wright?

MS. WRIGHT: The only comment is that it would be great

to have more detail on the relocation simply because you're doubling the density. And you already have a property that's 98 percent occupied. So, it's going to be a challenge, when you do the first phase, to relocate people onsite. They may have to be relocated to other properties owned by Enterprise. Hopefully nearby. I understand you're making a commitment to do that, but it's - it is complicated.

You know, I agree, we're looking at a map amendment. And the sort of simple question before us today is, is that map amendment consistent with the comprehensive plan, and the FLUM, and all the things that have the initials. And, you know, it appears that that is not a question. It appears that it's quite clear that the map amendment is consistent with the comprehensive plan and the FLUM, and the GPM and, you know, all of those great things. But I think that, you know, what you're really being asked to get into with the community is sort of a very nitty gritty explanation of, you know, how a relocation would work. And because we aren't dealing yet with a full-blown, fully-designed project, I also understand it's hard to actually give that kind of detail and make those kinds of assurances because in essence you haven't, as you've said, you haven't fully designed a project yet. But it sounds like, you know, we do need to have you go back to the community and really talk about this relocation plan in detail. And the good news is, because this is a two-vote project, that you have 30 days to go back, and the community

has 30 days to get back to us and tell us what their thinking is about whatever you all can present to them.

So, you know, I think the question before us about, does this map amendment, is it consistent with the comprehensive plan? I think the case has been made pretty clearly that it is. But, you know, I think the Chair was right, we're sort of needing to build some more confidence in the community that you're going to be able to do an effective relocation plan.

So, those are no questions, just my thoughts.

MR. FREEMAN: Sure.

CHAIRMAN HOOD: Okay. Thank you. And Vice Chair Miller, questions, comments?

VICE CHAIR MILLER: No questions. Just thank you, Chair Johnson, for your appearance here and presenting the testimony that you did today. And I hope that - I would make the comment that I hope that the collaboration between the ANCs and the Applicant, as stated by the Applicant, will continue and the ANCs will work with the Applicant to try to address any outstanding concerns. Thank you.

CHAIRMAN HOOD: Okay. All right. I think we have - I do want to not necessarily get a question or response tonight, but I do want to pose a question to Ms. Lovick. I know she's listening. If the relocation - I guess what I'm trying - this is a map amendment. And I know we do this in other situations. And I'm trying to parse out the project piece. Can I include

the relocation - and I ask that as just asking for previously, but is that, the relocation issue and this map amendment a reason for me - and I'm not saying I'm doing this, I'm just asking out loud, she doesn't have to respond now - a reason to deny it? I don't think it is, but I would like that question, and I want to know how much involved that relocation piece is for this map amendment since we're not talking about a project. And I see you're on, so you may be able to help me now in front of everybody. So go right ahead.

MS. LOVICK: Okay. So, part of this analysis is - well, the main - the main part of this analysis is comprehensive plan consistency. Whether or not the proposed RA-2 zone is not inconsistent with the comprehensive plan. And in that analysis racial equity is a part of comprehensive plan consistency. And so, because of that, within racial equity you have consideration about preventing displacement. And on these particular facts, because the site is occupied by so many residents, you have to consider relocation as a part of your comprehensive plan consistency analysis. So, I mean, I think that you just need to get to a place of - with regard to the record, about what the relocation is. That's what I would say. I don't think that it's a basis for denial. Because racial equity alone isn't solely a basis for denial of an application I don't think. I mean, when you're doing a whole comprehensive plan consistency analysis. But I do think on these facts you do need to feel confidence with

regard to what's in the record about the relocation and the right of return.

So, what I would suggest to you, I think there are a couple of options for you. You can move forward with proposed action, and you can ask the Applicant to go back and to try to have some, you know, some conversation with the ANC and see if you can get a submission into the record from the ANC. Or, I mean, you could hold off on proposed action to allow more time. You know, those are the two options for you, potentially, I think. But either way, this application, because it's a map amendment, it has to be referred to NCPC, and they get a 30-day comment period.

CHAIRMAN HOOD: Okay. Thank you, Ms. Lovick.

MS. LOVICK: Sorry. Hopefully, that wasn't too long, since you say I give dissertations.

MR. FREEMAN: Yeah. But I don't know where -

CHAIRMAN HOOD: Hold on for a second, Mr. Freeman. Now, you don't - actually, I have the last dissertation about the map amendment and all that. And I will tell you, I appreciate it. That was very helpful. And I want you to know, Ms. Lovick, I fooled around with that thing yesterday, trying to understand. I'm still there, but I have to follow the regulations. So, I'm going to follow the regulations. So, anyway, that was very helpful. But I will tell you, Ms. Lovick, since you're on. When you explained it, it made a lot of sense. But it's almost like,

you've seen those boxes, those gifts they give you, and you have like 10 boxes, and if you open up one box, and then you go to other box, you got to open up another box, and you got to open up another one. That's what it felt like. But that was a very good explanation, and I thank you for that.

So, we will - Mr. Freeman, you've heard my colleague mention, right, as well as myself and others, talking about the relocation. We need to tighten that up.

MR. FREEMAN: Can I just comment.

CHAIRMAN HOOD: Hold on. We're not going to debate. I don't want you to debate my legal counsel because that's who I depend on.

MR. FREEMAN: No. I'm not debating. I definitely will not debate Ms. Lovick.

CHAIRMAN HOOD: Okay.

MR. FREEMAN: I just want to make sure we're clear on what's already in the record.

CHAIRMAN HOOD: Okay.

MR. FREEMAN: We do have a full relocation plan in the record. Mr. Young, if you could pull up exhibit 20A. So, I think the challenge is not that the information is not being provided. I think the challenge is people may just not be coming to the meetings when we're providing the information. And I think those are - we are happy to continue to provide the information. We can't - to the extent people don't come to

receive the information, we can't control for that.

So, Mr. Young, if you could pull up exhibit 20A as an example. I want to get to a specific question on exhibit 20A. Or can I share my screen? Here's the relocation plan. If you could go to page 12 of this document, Mr. Young. All right. There was a specific question about seniors. Phase I, senior housing and multi-family. If you can enlarge that. We have a detailed plan about how we're relocating seniors and to where. So, - and I guess you can't see it. I can't see it here. But to the question about whether we actually have a real relocation plan, there is a real relocation plan that's divided by phase and by building. We've presented that. This is a long form of it. It's 58 pages. If you look at exhibit - you can close this if you want, Mr. Young.

If you look at exhibit 20B. We have a presentation, condensed version of the relocation plan which we have presented. So, I think, you know, with all due respect to Chairman Johnson, the conversation seems to be like centered around as not present any information. And that's just not true. We've prepared the information. We have presented the information. We're happy to continue to present the information. We're happy to talk to people. We're happy to do all of that multiple times, as many times as necessary. The map amendment, without the map amendment there is no relocate - there is no project in the future. Right. So, we don't want to get into relocation that you're going to

move here, you're going to move there, if we don't even know that we're going to have a map amendment, number one. Number two, this is two, three years from now. This is not tomorrow. So, again, I think the thought that we're not providing the information just isn't completely accurate. But we're happy to continue to provide the information in any meetings moving forward.

To the extent that Chairman Johnson said certain people still have questions, let us know. We knock on doors. Let us know who still have questions. We're happy to go meet with them.

CHAIRMAN HOOD: Mr. Freeman, we're going to move on because I think some of that can be in your rebuttal as we get to that point.

But anyway, my main question was - I'm going to go back to Commissioner Wright. So, I think she mentioned additional information. Do you want to expound on that Commissioner Wright, or are you fine with what the explanation has already been, or do you want to see something different than what we already have?

MS. WRIGHT: Well, no. I mean, I think that the relocation report is fine. Although, what I'm hearing from Mr. Johnson is a skepticism that it can actually be accomplished. You know, that you can say you're going to relocate people and lay out a plan for how you're going to do it, but there's a certain skepticism. And, I mean, maybe we can delve into that a little bit more. I mean, in looking at what he just had up on

the screen about Phase I, you were talking about relocating onsite. Again, it flashed up pretty fast, you know, 68 families. I think that was the number. But what I would be concerned about is if you have low vacancy in the other parts of the site, you know, how are you going to be able to relocate them onsite?

And so, you know, maybe you are, you know, going to try to, by attrition, have greater vacancies so that you can move, you know, over the next two or three years so that you can move those. Again, you'll have to excuse me because the numbers flashed quickly, if it was 68 families, you know, how are you going to move those 68 families into the other parts of the property? And I think it just may be that there's some, you know, you've written everything down, there just may still be some skepticism from the community members that it's actually going to work. And I don't know if you can, you know, address that. I think that was also why I was saying that, you know, until you actually have a project, it is very hard to pin everything down. Because, again, in your first phase you have two buildings, the senior building and the multi-family building. And depending on which of those buildings gets completed first, it depends if that will affect your relocation plan. And, I mean, you haven't - I doubt that you've worked out all of those details yet. And so, it's a little bit of a chicken and egg kind of issue because you're laying out a good, very, you know, thought out relocation plan, but you're still going to have to work out

the details as you actually develop the project.

MR. JOHNSON: Chairman Hood, if I may, for a moment?

CHAIRMAN HOOD: Sure. Let me - Chair Johnson, I'm going to come back to you.

Let me just - yeah, go ahead. Go ahead, Chair Johnson. Because I didn't finish with you. I was coming back to you. But go ahead.

MR. JOHNSON: Oh, no, no. Take your time. I'll be here. Take your time.

CHAIRMAN HOOD: Yeah. Okay. I was just trying to figure out. I think the path forward, Mr. Freeman, is going to be, again, like we start - we actually started off here explaining - and I know it's difficult. And, you know, I appreciate my counsel always making sure I stay on track. Because when it comes to this issue, trying to figure out which is which, and not talking about a project. I understand the difficulty. Believe me, because I deal with it consistently. And we deal with it consistently. But I think what - and I can't remember what class it was, I took - I've only been out of school a few years, but Commissioner Wright, I think it's logic. If "A" doesn't happen, then "B." You know, that's kind of - we need to kind of, I think, fine tune that. I'm not sure. I'm not putting words in your mouth, Commissioner Wright, but I'm trying to figure out. Like you said, if something is missing in here, we don't have enough people here to fulfill this, then what happens? Is

that kind of where you were going? I'm trying to follow you so we can make sure we get the correct response.

MS. WRIGHT: Right. I mean, I think what I was just saying, and it's very hard to answer all of these questions because you have laid out a relocation plan that makes a lot of sense theoretically, but you won't have all the answers until you actually begin developing your project in detail. And knowing which building is going to be built first and which building is going to be built second, and how much vacancy you're going to be having in the remaining buildings that are in Phases II and III. So, you know, it's a very complex issue.

I think that what the community is asking for - and rightly so because, you know, it affects their lives, their day-to-day lives. You know, they're looking for assurance that people will not be displaced. And I think that you're looking to provide that assurance, but maybe it hasn't gotten to the point of trust yet that, you know, you're really going to be able to accomplish this without the displacement. That's just why I think, you know, and again, I'm also very cognizant that what we're dealing with is the map amendment and consistency with the comprehensive plan. And again, I think that, you know, a very strong case has been made that the map amendment is consistent with the comprehensive plan. But what I think is, again, sort of, you know, maybe needs to be done - and I don't know if it can be done in the next 30 days because of the holidays falling right in the

middle of the next 30 days - is some additional conversation about, you know, how the displacement would be avoided. How the relocation plan would be implemented with different options, based upon, you know, how the project might play out in the future.

And so, I just feel like it needs that additional conversation. You know, it's a 58-page relocation plan. It's very impressive. I tried to sort of summarize it in a paragraph or so, but I can imagine for the people who might be affected and who aren't dealing with relocation plans all the time, it's probably pretty overwhelming. And, you know, I just think that there probably needs to be some additional conversation about it.

CHAIRMAN HOOD: Okay. So, Mr. Freeman, you all can continue to have the additional conversation, trying to. And I do know that when you do get to that project stuff some of this may tweak, but for me, once I hear from Chair Johnson, I think we're going to go ahead and move forward unless my colleagues have something else. You've heard what Commissioner Wright has requested. And we can do that in 30 days. If not, I don't see this being prolonged a lot because it's so many uncertainties until you really actually start doing a project, the way I see it. And maybe I'm by myself on that island.

But anyway, Chair Johnson, you wanted to say something?

MR. JOHNSON: Yes. I just want to jump in really quick just to make it clear. As I stated before, and we'll - we're

more than happy as the process go on to try to provide, you know, this information. Enterprise, on three separate projects, they had a detailed relocation plan, and it did not fully work out as they outlined in their report. And so, Commissioner Wright was absolutely right. The community only concern here is, they want to know and have confidence that this is going to work. Displacement for residents that have been there for 20 and 30 years, this is where they call home. And so, if they get displaced, the rent in the city is just outrageous. And so, if the rent that they are paying now or they've been paying for 30 years is reasonable to them, being displaced is going to hurt them and could possibly lead to other things because a majority of the people there are seniors. And so, - and again, just to be clear, as a chair of the Commission, because of Commissioner Paul Trantham having health problems, I'm trying to make sure that I do my part in response to what he provided me but also what residents have stated that, okay, if there's a relocation plan in place, they want to have confidence that it work. And all of these things that I'm mentioning to the Board today, I have mentioned to Enterprise. And in the public meeting the concern is there. And this is one of the reasons why Commissioner Jamila White of 8A did not vote on the project as well, because those concerns were there, and we want to make sure that if we voted in by our people that we advocate for the people to the best that we possibly can.

And so, I understand that this is just a map amendment and there's a second phase to this. I get that. But at the same time, if we say that displacement is one portion of whatever it is, and then you go down the line and residents get displaced, I mean, it's almost like, wow. And as I have stated, the proof is there. Enterprise don't have a decent reputation. They have done this on three other properties in the District, in Southeast, where residents were displaced. And, again, the proof is there. It's a part of the records, you know. And so, I mean, I leave it to the Board members to do what they do. But, again, we advocating on behalf of our residents and I believe that, you know, we going to continue to do what we do, and continue to engage in the developers and hope that as they come back to Mr. Freeman point, no way was I trying to say that the developers did not provide information. They, in fact, did provide information but the information was not clear enough for the community.

And so, just to be clear, information were provided. Concerns were also raised at that time that was not addressed by the developers, even in the November 19th meeting that they were unable to address. They got frustrated and, you know, that's what it was. Residents expressed that during that meeting as well. And so, their concerns was the rent is going to increase, they going to be displaced and not have anywhere to go. And so, you know, I thank that the Zoning Board. And I'm here if you

guys have any questions for me.

CHAIRMAN HOOD: Okay. Thank you, Chair Johnson. I heard you loud and clear.

MS. WRIGHT: Can I ask a quick question?

CHAIRMAN HOOD: Sure. Go ahead.

MS. WRIGHT: So, I'm just making sure I understand. Assuming this map amendment ultimately is approved, there is a second phase. I'm assuming the project would have to come back to this body; is that correct?

CHAIRMAN HOOD: Possibly. It may and it may not. It depends on what relief they're asking for. Because if they're asking for some type of relief, maybe it would go back to the Board of Zoning Adjustment. I doubt pretty much, unless they do an amendment or something, or ask for - I don't know what they may ask for, so it's hard to speculate. But the only place I think it would probably go is to the BZA if something else comes up on this project. But I can tell you that I believe that - I think there are other rules in place for engagement in the city, besides just the Zoning Commission. When they get ready to go down the full track. I'm not sure what all they're going to do once they do a project, once they design it. In that project - let me just - not to evade your question. But in that project, Mr. Freeman, or to the Applicant, make sure I would hope - that's why I ask that this be not necessary just a Applicant's driven project but also a community-driven project so they can look out

for them when it comes to their rent increases or not increases, give them some predictability. And I think what to ask from the community is not an ask to being not heard before, this ask has been asked on a number of occasions. And I've been here 25 years, and I've heard this asked for.

Let me also mention to you, Chair Johnson. Paul Tranham knows that this Commission is - I know Paul Tranham very well. I know him very, extremely well. He knows that this Commission has always been fair and we do the best we can for the residents because we too live in this city. So, make sure that that's conveyed as well.

MR. JOHNSON: Chairman Hood, I would say this. You know, both of my mentors, Saundra Segars (Phonetic) and Anthony Mohammad. So, I clearly know that this Commission, as well as the BZA, have always been fair. But we are advocating on behalf of our constituents that voted us in. And so, the only thing - you know, and that's what we doing. And so, we know that, you know, you guys have been fair. BZA have been fair. But we are advocating on behalf of the residents that voted us in.

CHAIRMAN HOOD: I got you. You know what, I had so many cases. I remember you mentioned that to me before, and I told you you had some great mentors. Trust me.

MR. JOHNSON: That's exactly what you said.

CHAIRMAN HOOD: Once I hear those names I'm going to say the same things. I've been working with them for years.

But let me go back to you, Commissioner Wright. I want to make sure your - I think you're going to help us get to where we need to be. Commissioner Wright, you wanted to continue your question?

MS. WRIGHT: Well, I was just, you know, again, wondering, you know, is there anything - and maybe Ms. Lovick can suggest some ideas. Is there any way to more, in a concrete way, say that the relocation plan, the one that has already been - the 58-page one that has already been submitted, needs, as a condition of this map amendment, needs to be flushed out. And when the project is ultimately designed, it needs to actually be able to show where the units are going to be that people will be relocated to.

MS. LOVICK: There are no conditions of approval to a map amendment. A map amendment, like once you, once you approve a map amendment, essentially what you're saying is that development on the site, as a matter of right, under the approved RA-2 zoning that's proposed, is permissible. And so, essentially, the Applicant would be able to move forward with development as a matter of right, based on the RA-2 zoning, with no additional conditions.

What I was trying to convey earlier was just that the relocation is a consideration in the overall comprehensive plan consistency. When Mr. Freeman directed us to the record, to exhibit 20A, I do see at exhibit 20A, page 14 actually of that

document provides a relocation plan that shows in phases all 244 existing units in phases. So, I do think that that - at least under ideal circumstances - provides some clarity as to what's intended. We - you know, there's no way for us definitively to know for sure that ultimately years down the road that absolutely no one will be displaced. I mean, that's just impossible. And so, all I was trying to get was further assurance to give the community a little bit more confidence. And, I mean, I think, that - I don't think that that needs to come actually from an additional submission. Maybe that - this is an idea. Maybe what you could do is you could, if you want to move forward with proposed action, you could move forward with proposed action, and you could ask that the Applicant offer to meet with Mr. Johnson and answer the questions that the community has been raising, and that then there be a submission to the record, a post-hearing submission to the record from the Applicant, commenting on the outcome of that meeting and the ANC, the ANC's collectively, then submitting whatever written report that they would want to submit to the record. That's what I would suggest.

MS. WRIGHT: That's definitely the direction I was sort of moving. I think your comments about the fact that the relocation report could be considered in the realm of, you know, equitable development which is part of a comprehensive plan actually, you know, honestly, would give us a reason for saying this has inconsistency with the comprehensive plan. But I don't

really think that it does. I think that it is consistent with the comprehensive plan. I think the relocation plan is a very detailed effort to try to do equitable development. I think the thing we're all struggling with is what you just said, which is nothing can be pinned down to everyone's satisfaction at this moment in time because the project hasn't been designed, they don't know which building is going to be built first, second, et cetera. We don't even know two to three years from now what the, you know, availability on the rest of the site is going to be for empty units to move people into. I mean, it's very, very challenging and, you know, to get to that level of specificity to give the community confidence. But I think what you've laid out is a good idea, which is to really ask - again, it's hard in the next 30 days because of the holidays, but I feel it can still happen, to have the Applicant meet with the ANCs and go over in very clear, not complicated detail what the relocation plans would be, and to try to build a system of checks and balances that will give the community some confidence that it can be implemented. And that everyone would then get back to us with some supplemental filings to just say this happened, and this is what we think. And that would help so that when we have to look at this again in 30 days we have that information.

MS. LOVICK: Yeah. And I mean just to clarify. What I was suggesting, because I did hear Mr. Freeman's comment about the fact that there has been this outreach, but the Applicant

can't control who has been receptive and who has been in attendance. So, what I was suggesting - and again, this is just a suggestion. It's up to the Commission to decide what it would like to do, and what its directive will be, but that Mr. Johnson meet with the Applicant directly to convey what the specific concerns are that he's being told by participants in the community who, you know, just, for whatever reason, have not been able to attend these meetings so that he can potentially convey back to those people, this is what I was informed of, and is there - at least to try to give them some kind of peace of mind. That's what I was suggesting.

All right. I'll be quiet now.

CHAIRMAN HOOD: I sat back because I was trying to think. I definitely have been - and I appreciate Ms. Lovick bringing that up. I always do that in all cases when we have issues like that, the community continue to work. But I want to make sure it's defined, Mr. Freeman, what we're going to be talking about. Only thing we're going to be talking about is relocation. That's it. Nothing else, not about a project, how many windows, how many doors, or whatever else is going on over there, how many cars are going to park, none of that. It's going to be talking about relocation. Because that's what's in our germane right now. And you may have already done it. And if somebody doesn't show up, fine. We just need a report back. At least make the attempt so the Commission will know that we've

done - we've covered what we can do to try to move things forward in a collaborative way, as my colleagues have mentioned.

So, I think we have beat that horse enough. Chair Johnson, do you have any closing remarks? Oh, hold on. Does anybody have any other questions of Chair Johnson?

(No response.)

CHAIRMAN HOOD: Okay. All right. Chair Johnson, thank you again for taking time to come down and provide your testimony.

MR. FREEMAN: I don't know if this is a question, Mr. Hood.

CHAIRMAN HOOD: Hold on a second. You have cross-examination for him too as well.

MR. FREEMAN: I do. Just wanted to see if we could pin down a date for the next ANC meeting.

CHAIRMAN HOOD: Are you serious? You all can't talk about that off the Zoning Commission? That will be the first - to have a meeting. You want to pin a date down at the Zoning Commission hearing for a ANC meeting?

MR. FREEMAN: No, sir.

CHAIRMAN HOOD: But you know what, Mr. Freeman, I'm going to help you out. Mr. Johnson, Chair Johnson, can we pin down - I've never heard of this. Can we pin down a meeting so you all can schedule a meeting. Can you all schedule that right now, please?

MR. JOHNSON: A public meeting or what, Mr. Freeman?

MR. FREEMAN: We'll connect with you all.

CHAIRMAN HOOD: Go ahead and do it.

MR. FREEMAN: No. We'll -

CHAIRMAN HOOD: It's just normally done outside of the Zoning Commission.

MR. FREEMAN: Yeah, I know. We're just - we're in the holiday season, so schedules get a little mixed up.

CHAIRMAN HOOD: Let's do that right now.

MR. FREEMAN: We'll deal with that later.

CHAIRMAN HOOD: No, no. Do it right now. You're right.

MR. FREEMAN: Mr. Chairman Johnson, I just wanted to know when is the next ANC's public meeting?

MR. JOHNSON: So, that is December 17th. So, it's the third - we meet the third Tuesday of every month.

MR. FREEMAN: Okay. So, if we could be on that. And then we'll certainly communicate with you prior to that meeting.

MR. JOHNSON: All right. Consider it done.

MR. FREEMAN: All right. Thank you.

CHAIRMAN HOOD: I always tell my friends who are ANC commissioners that the Zoning Commission is not ANC meeting. But I've seen we've turned into that. No question. That's just me talking. All right. I do have a lot of friends, Mr. Freeman, that are ANC commissioners.

All right. So, thanks, Chair Johnson. We appreciate it. Looking forward to hearing some feedback within 30 days,

which would take us into 2025, I believe. Ms. Schellin will give us the schedule.

All right. Ms. Schellin, do we have anybody else who is here to testify in support, opposition, or undeclared?

MS. SCHELLIN: No one else.

CHAIRMAN HOOD: No one else. Okay. All right.

Mr. Freeman, do you want to give us some rebuttal? Do you have any rebuttal? I don't think so because you've already rebutted it out for about 45 minutes to an hour.

MR. FREEMAN: Yeah. I don't have any rebuttal.

CHAIRMAN HOOD: Do you have closing?

MR. FREEMAN: I do have closing. I think - well, I think the only thing I would say maybe in rebuttal, I think Enterprise's history in terms of development in the District is not as it has been presented. They actually did a great job of redevelopment and relocation. So, for the record, I obviously wanted to state that.

In closing, I think everything we heard tonight, we're happy to respond to. I think we've provided that information. We're happy to continue to provide that information. I think what I have heard from everyone is that what we're here for, rezoning of property, is fully consistent with the comprehensive plan in a FLUM designation for the property.

So, I don't think there's any question about whether we meet the standards for approval. I think - again, I don't

want to speak for anyone. We have a relocation plan. So, to the extent that the Commission needs to ensure that there is no displacement, that is in the record. So, we do believe that we meet the standard for approval of the map amendment. We would request that the Commission move forward with proposed action as suggested tonight. We're happy to meet with the ANC on December 17th, and we'll continue to present information that is not too much in the project because that's not what's before the Zoning Commission, but we're happy to continue to present information to whoever comes to receive that information. But we would ask that the Commission take proposed action so that we can continue to move forward in this process with the Zoning Commission and then other processes beyond that.

So, that is my rebuttal and closing.

CHAIRMAN HOOD: Okay. Thank you, Mr. Freeman, Ms. Thomas and Ms. Brown. We appreciate it. And also Chair Johnson. So, thank you all for participating in this proceeding this evening. You've heard the request. Even though we do propose, nothing really coming into effect until it's final. I think we'll be heard - we can signal that we are looking forward to possibly approving this project. We can do that in proposed. And then before we get to final we will wait to hear back from the ANC on the relocation piece. Not a project, but the relocation piece. And then I think that's the path forward.

Let me look at my colleagues to see if they have any

objections, anybody want to add something, take something away?

Vice Chair Miller?

VICE CHAIR MILLER: I agree with everything that you've said and look forward to the ANC's meeting with the Applicant and our receiving the feedback on that relocation plan.

I just wanted to emphasize the point that's been made previously that because this is a map amendment, we don't - we can't do conditions that address any concerns. I just wanted to ask - because the project - there's not a project before us. It's a map amendment, consistency with the comprehensive plan. But a comprehensive plan, as has been pointed out, does have the racial equity requirement to which it gets us into talking about potential displacement and the assurance that they can all return and be able to go forward with the new unit and the replacement, temporary replacement units.

I just wanted to ask a question that might help us. I mean, that will definitely help us to continue the feedback from that collaboration and maybe obtaining some kind of agreement from the ANC like you have from the Skyland Residents Action Team which purportedly represents the individuals and families that live there. We have the letter of support. So, hopefully, we can get something similar from the ANCs.

But I wanted to ask just not to prolong this, but to the Applicant and OP, also planning. Would this - would the subsequent - if we did the map amendment and the project comes

forward, if it met all the standards of the RA-2 zone, and they're not asking for relief, it wouldn't go before the BZA or us. But the project would apply for a permit. And I wanted to ask Ms. Brown-Roberts. Would this type of project, would this type of project, could this type of project be subject to the large tract review process the Office of Planning employs to work out concerns for matter-of-right projects that are on large - that are large? I don't know if this meets the criteria that OP has. But that would be one way for a government agency to be keeping track of the collaboration going forward, after whatever action we take. So, I wanted to put that question to - about our tract with you. Is this a potential large tract review project that would be reviewed once it is a project? If Ms. Brown-Roberts could briefly answer that or the Applicant, Mr. Freeman?

MR. FREEMAN: Yeah. I know the answer to that. We looked at it. It depends. It depends is the answer. Large tract review applies to projects of 50,000 square feet or more. So, it depends on the actual phase-in of the buildings as they move forward and what's actually included in each future phase. So, the answer is a typical lawyer answer, it depends. What I would say is there are other things what would become applicable, right. So, when you file a public space permit application for DDOT, that triggers DDOT, that triggers ANC. So, I think the point of your question is there are a lot of other reviews, DOEE, right? Like, there are a lot of other reviews that even this

Commission has said in cases that are triggered during a permitting process, beyond the scope of the Zoning Commission. I know a number of cases where you have said that, and that is the case here. There are a number of reviews that have involved the ANC as you go through permitting.

VICE CHAIR MILLER: Thank you for your response. If Ms. Brown-Roberts is still here from the Office of Planning and can be brought in, if she has a comment, I'd be interested in hearing whatever comment she has about the large - the potential large tract review of a future project.

MS. BROWN-ROBERTS: I'm sorry about that, Mr. Chairman. They had me on mute the whole time, so I couldn't respond.

Okay. If there is a subdivision that the - then they - they're not going to approve you with go. So, that's really our - now, so if they re-subdivide the property, then that could trigger the large tract review.

VICE CHAIR MILLER: And during the large tract review process you, you being the Office of Planning assures that there is community engagement and that concerns are at least identified and potentially addressed.

MS. BROWN-ROBERTS: Yes. Definitely.

VICE CHAIR MILLER: All right. Thank you. I appreciate Mr. Chairman allowing me that additional question.

CHAIRMAN HOOD: Sure. No problem. And, you know, one of the things that - I'm going to stop digression in this. But

one of the things that I heard us all keep repeating to ourselves. So that tells you how difficult it is. I know we're not talking about a project. I'm starting to hear that from everybody now, including - I know I always say it, but, you know, and I appreciate our legal counsel as well. But we have to remind ourselves. This is not necessarily easy. So, anyway. So, I know what the community goes through because we go through it too.

Mr. Freeman, did you finish your closing?

MR. FREEMAN: Um, -

CHAIRMAN HOOD: Yes.

MR. FREEMAN: I think so. I thought I was asking the Commission to take proposed action was the last thing I have on here.

CHAIRMAN HOOD: Okay. Yeah. I heard that part. So, yes, you're finished.

All right. And I think I responded too. But anyway, anybody else have anything else?

(No response.)

CHAIRMAN HOOD: I think the plan that we talked about, as was proposed, Commissioner Wright, myself and others have mentioned what we'd like to see. We know that there's going to be - and I think Chair Johnson for making that arrangement for the 17th and they're going to be talking to Chair Johnson prior to the 17th to get everything tied down to talk about relocation,

not a project.

So, I am ready to move forward. And let me hear from others. Let me ask this, this way. Any unreadiness about moving forward for proposed only.

(No response.)

CHAIRMAN HOOD: Now, let me just make it clear. Proposed doesn't mean final. It just means what it means, proposed. So, anyway.

All right. Would somebody like to make a motion?

Commissioner Wright?

MS. WRIGHT: Thanks. I move that we move forward with the first vote on zoning case number 24-07, which is Skyland Place, LLC, zoning map amendment at Square 5734, Lots, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 811, 813, 815, and Square 5735, Lots 1, 2, 3, and 4 with all of the discussion that we've had tonight in the record. That's my motion.

CHAIRMAN HOOD: It's been moved and properly seconded. Thank you. Any further discussion?

(No response.)

CHAIRMAN HOOD: Not hearing any, Ms. Schellin, can you do a roll call vote, please.

MS. SCHELLIN: Yes, sir. Commissioner Wright?

MS. WRIGHT: Yes.

MS. SCHELLIN: Commissioner Stidham?

MS. STIDHAM: Yes.

MS. SCHELLIN: Commissioner Hood?

CHAIRMAN HOOD: Yes.

MS. SCHELLIN: Commissioner Miller?

VICE CHAIR MILLER: Yes.

MS. SCHELLIN: The vote is four to zero to one to approve proposed action Zoning Commission Case Number - oh, boy, I lost the case number - is it 24-07. Yes. 24-07. The minus one being Commissioner Imamura not present, not voting.

Would you like for me to schedule some dates for due dates?

CHAIRMAN HOOD: Yes. Give us some dates. Yes.

MS. SCHELLIN: Okay. So, I think I heard that they were going to try to meet on December 17th, or they were going to the ANC's meeting on the 17th. And in consideration of the holidays, if we could have the Applicant's or the ANC's submission by December 31st, give them some extra time because of the holidays, 3 p.m., on December 31st.

And then we will have the Applicant respond by January 8th, 3 p.m. And provide then (audio interference with parties logging off) of law by January 8th, 3 p.m. And we'll put this on for the 30th of January, at 4:00, on your meeting agenda. Thank you.

CHAIRMAN HOOD: Okay. Thank you. Are we all on the same page? You know, I was thinking something, and I'm going to ask it. Has anybody ever heard of anybody making a motion and

the person seconds the motion, but the seconder of the motion, and then they vote against the motion overall? Has anybody ever heard of that?

MS. WRIGHT: (Nods head affirmatively.)

CHAIRMAN HOOD: You have? Okay. I thought I was the only one that witnessed that. Okay. Good. They made - they second the motion, and then when it came time to vote for it, they voted against it. I don't get it. Anyway, maybe one day -

MS. WRIGHT: They second it just for discussion purposes and then they end up - I've seen this in other jurisdictions. Not here, but in other jurisdictions.

CHAIRMAN HOOD: Okay. Well, I made a motion, somebody seconded it, then they voted against it.

Okay. The Zoning Commission meeting on December 12th, 2024, - Ms. Schellin, that's not a meeting though, is it? That's a Office of Planning in the 23-07?

MS. SCHELLIN: This week. Yes. Thursday - I mean, next week is the meeting. We did it later to try to - since you only did one.

CHAIRMAN HOOD: Okay. Okay. All right. So, with that, again, I want to thank everyone for their participation and all the work you put into this case. And with that, this hearing is adjourned. Good night, everyone.

(Whereupon, the above-entitled matter went off the record at 5:44 p.m.)

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

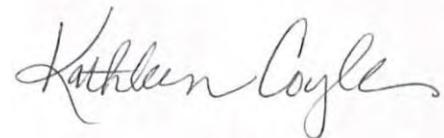
In the matter of: Public Meeting

Before: DCBZA

Date: 12-09-24

Place: via Webex

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