

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE 25-13

+ + + + +

THURSDAY

DECEMBER 11, 2025

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning convened via teleconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. MILLER, Vice Chairperson
JOSEPH IMAMURA, Commissioner
GWEN WRIGHT, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, A/V Operations

OFFICE OF ZONING LEGAL DIVISION PRESENT:

JACOB RITTING, Esquire

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS
JOEL LAWSON

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OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT:

ALEXANDRA CAIN

ALSO PRESENT:

ART ROGERS, DHCD
CHERYL CORT, Coalition for Smarter Growth
MARK TESCHAUER
MAXIMILLIAN COLUMBINA
TOM LALLEY
ANC COMMISSIONER ANN MLADINOV, ANC 3A05
ANC COMMISSIONER TOM QUINN, ANC 3E04
ELIZABETH VADEN, WIN Ward 3
CHRISTOPHER VADEN
PATRICK MCANANEY, Somerset Development, D.C.
SPENSER DETTWYLER
DENNIS JING, DC YIMBYS
PAUL TUMMONDS, Goulston & Storrs
SHANE DETTMAN, Goulston & Storrs
BOB WARD
STEVE SEELIG
WILL TEASS, American institute of Architects
JOSHUA PEACOCK
ELLEN MCCARTHY
SANTHA SONENBERG
ROSALYN DOGGETT
RICK RYBECK, Just Economics
MICHELE COLEMAN
MEG MAGUIRE, Northwest Opportunity Partners CDC
DEIDRE BROWN
SUSAN LAING
GAIL SONNEMANN, Ward 3 Housing Justice
MARY ALICE LEVINE
JUDY CHESSLER
SHELLY REPP, Committee of 100
WALTER SCHUMANN, Tenleytown Neighbors Association
LAURA RICHARDS
AIDAN JONES
ANNE MURPHY
NATALIE AVERY, Friendship Heights Alliance

The transcript constitutes the minutes from the
Regular Public Hearing held on December 11, 2025.

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Wright, Commissioner Stidman, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Paul Young, who will be handling all of our virtual operations, and we are also joined by Office of Zoning Legal Division, Mr. Jacob Ritting. I will ask all others to introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on Office of Zoning's website. Please be advised this proceeding is being recorded by a court reporter. It's also webcast live via Webex or YouTube live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on WebEx or by phone will be muted during the hearing. Only those who have signed up to participate or testify will be unmuted at the appropriate time.

Please state your name before providing oral testimony on your presentation. Oral presentation 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

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1 difficulty accessing Webex with your telephone call-in, then
2 please call our OZ hotline number at 202-727-0789 to receive
3 Webex login or call-in instructions or if you need assistance to
4 sign up to testify. All persons planning to testify, either in
5 favor, opposition, or undeclared, must sign up in advance and
6 will be called by name. If you wish to file written testimony
7 or additional supporting documents during the hearing, then
8 please request that the submission be entered into the record and
9 be prepared to describe at the time of your testimony.

10 The subject of this evening's hearing is Zoning
11 Commission Case No. 25-13. This is a Text and Map Amendments to
12 create new Wisconsin Avenue Mixed Use Zones by the Office of
13 Planning. I will not read all the squares and lots. I will just
14 ask staff and all those involved to make sure that we have
15 captured all the squares and lots because that would probably
16 take me 15 minutes. So either way, let's just make sure that we
17 capture them right so we have an accurate record.

18 The hearing will be conducted in accordance with the
19 provisions of 11-Z DCMR Chapter 5 as follows, preliminary
20 matters, presentation in this case is by the Office of Planning,
21 report of other government agencies, report of the ANC, testimony
22 of organizations and individuals each, organizations five
23 minutes, individuals three minutes respectively, and we'll hear
24 in the order from those who are in support, opposition and
25 declare. While the Commission reserves the right to change the

1 time limits for presentations if necessary, it intends to adhere
2 to the time limits as strictly as possible, notice that no time
3 shall be ceded.

4 At this time, the Commission will consider any
5 preliminary matters. Does the staff have any preliminary
6 matters?

7 MS. SCHELLIN: Just very briefly. There was a notice
8 issued that came up that we would like the Commission to consider
9 a waiver. The affected ANCs for this case are ANCs 3A and 3E.
10 The public hearing notice incorrectly stated 3C was the affected
11 ANC; however, the notice did go to all ANCs across the District.
12 OP met with ANCs 3A and 3E discussing this case prior to the
13 hearing. 3E has submitted a report as well as 3A, and so we
14 would ask that the Commission would waive the defect in the notice
15 since both ANCs are participating in the hearing.

16 Thank you. And this is a waiver of 11-Z DCMR, Section
17 502.10.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 MS. SCHELLIN: I'm sorry. It does not apply to that,
20 I'm sorry. That notice waiver provision does not apply because
21 it's only certain notice defects, and this is not one of them,
22 so it does need a waiver from the Commission. So while the way,
23 you know, there are certain things that can be waived, this one
24 we need the Commission to waive the fact that the ANC, the proper
25 ANC, was not on the notice.

1 CHAIRPERSON HOOD: Okay. All right.

2 Since we noted all the ANCs and the notices have been
3 notified, the notice was incorrectly stated, the ANC 3C. We've
4 heard from Ms. Schellin. So the correct ANCs are ANC 3A and 3E.
5 Any objections to waiving our rules on that? Any objections?
6 Nothing?

7 VICE CHAIRPERSON MILLER: No objection. I agree that
8 there's good cause. Actual notice was given to all the ANCs
9 including 3A which is going to, I think, participate this evening
10 and has been involved in commenting to OP and us on this matter.

11 CHAIRPERSON HOOD: Okay. Anything else, Ms. Schellin?

12 MS. SCHELLIN: Just to let you know that the other
13 agency that will be participating is Alexandra Cain from OAG.
14 DDOT will not be participating.

15 Thank you.

16 CHAIRPERSON HOOD: Okay. And let me just say that I
17 was made aware today of an issue about our 24 hour rule. I'm
18 going to ask those who have concerns about that. First of all,
19 we'd like to have the information so we can read your submission
20 before we get to this proceeding. But even though you were not
21 able to submit it, the process is to request the day of and I
22 can tell you 100 percent of the time we will accept it, re-open
23 the record.

24 So I would advise those who have concerns, I've gotten
25 those concerns, and one thing we do is we make sure we hear the

1 public's input. We don't stifle anyone. So I would advise those
2 who may have had some concerns, just ask before you get started.
3 We don't need a whole lot of background. We do this all the
4 time, and we submit it. I'd rather for you to spend your time
5 of whatever your issue is so we can -- because we have not had
6 the opportunity to have your submission. We'll be just giving
7 it, I guess, once you submit it, once you ask to submit it and
8 we ask to come to record, we'll get to spend your time on your
9 testimony. That will be very beneficial and helpful to us. But,
10 you know, that's just my request, the Commission's request. But
11 again, you can use your time as you see fit.

12 So with that, can we bring up the Office of Planning?
13 Okay. Ms. Brown-Roberts, are you presenting?

14 MS. BROWN-ROBERTS: Yes. Okay. I'm on.

15 CHAIRPERSON HOOD: Okay. We'll turn it over to you.

16 MS. BROWN-ROBERTS: Okay then.

17 Good evening, Mr. Chairman and members of the Zoning
18 Commission. Maxine Brown-Roberts representing the Office of
19 Planning on Zoning Commission Case 25-13. I'm also joined by
20 Joel Lawson and Art Rogers from DHCD.

21 OP is pleased to present the proposed text and map
22 amendment to you this evening. The revitalization of the
23 Wisconsin Avenue corridor has been a priority for residents,
24 property owners, and businesses in the area as well as the City.
25 They have been involved and participated in the recommendations

1 of the 2021 comp plan Wisconsin Avenue development framework and
2 the instant proposed text and map amendment processes. They've
3 also emphasized with great interest in expanding housing and
4 affordable housing, retail, open space, and other active uses to
5 revitalize the corridor. Next slide.

6 The process begun with the housing equity report which
7 encourages housing affordability throughout the City and the D.C.
8 Comeback Plan which encouraged removal of barriers to the
9 production of affordable housing. Next slide.

10 The Rock Creek West roadmap identified three areas
11 within Rock Creek West, one of which is the Wisconsin Avenue
12 corridor which efforts should be made to increase the production
13 of housing and affordable housing supported by vibrant public
14 spaces, retail, services, and other amenities. Next slide.

15 The process consists of three steps which builds on
16 each other. The planning process begins with the Council adopted
17 Comprehensive Plan, which included the citywide and area elements
18 and the maps. The Comprehensive Plan recommended increase in
19 density around Friendship Heights and Tenleytown Metro Stations,
20 the area between the metro stations and an area south of
21 Tenleytown, and made specific policies regarding increasing
22 housing and affordable housing. The comp plan also recommended
23 Wisconsin Avenue as a future planning analysis area.

24 Based on recommendation of the Comprehensive Plan, OP
25 in conjunction with the community and others prepared a detailed

1 planning process to study and develop the Wisconsin Avenue
2 development framework. Based on these recommendations outlined
3 in the comp plan and the Wisconsin Avenue development framework,
4 the zoning is being proposed to implement the specifics of the
5 neighborhood plan, which is to be approved by the Zoning
6 Commission. Next slide.

7 OP's petition is for a text amendment to create three
8 new mixed-use zones and to map the zones for properties fronting
9 on Wisconsin Avenue between Western Avenue and Rodman Street
10 including four identified areas. They include the Friendship
11 Heights Metro Area, the Friendship Heights Transition Area,
12 Tenleytown Metro Area, and other properties along the Wisconsin
13 Avenue corridor. Discussions on revitalization of the mixed-use
14 corridor began in 2021 update of the comp plan, which based strong
15 emphasis on the provision of new housing and affordable housing
16 opportunities, again, particularly in the Rock Creek West
17 planning area where data indicated a lack of dedicated affordable
18 housing. The Wisconsin Avenue corridor was highlighted as one
19 of those areas. This led to changes in the generalized policy
20 map and the FLUM. As with any zoning map and text amendment,
21 the policy level direction comes from the Comprehensive Plan.
22 The Wisconsin Avenue development framework also provides
23 additional guidance on how to craft the zoning. So we are now
24 in the zoning implementation phase, translating that policy
25 direction and guidance to zoning. Next slide.

1 The generalized policy map designates the corridor as
2 a regional center at Friendship Heights, a multi-neighborhood
3 center Tenleytown, Main Street mixed-use corridor between
4 Friendship Heights and Tenleytown, and south of Tenleytown. The
5 corridor is also within a future planning analysis area, and the
6 analysis has taken place and resulted in the Wisconsin Avenue
7 development framework in February of 2024. Next slide.

8 The future land use map also indicates a variety of
9 designations. Friendship Heights has a mix of high density
10 residential and commercial and local public facilities. The
11 transition area is recommended for moderate density residential.
12 The Tenleytown area is recommended for high density residential,
13 medium density commercial, and the remainder of the Wisconsin
14 Avenue corridor is a mix of medium density residential and
15 moderate density commercial. As stated in our report, the
16 proposed zones are not inconsistent with the maps as they would
17 allow building form, density, and a mix of uses, particularly
18 commercial uses at upper floor residential uses with affordable
19 houses as anticipated by these designations. Next slide.

20 The Wisconsin Avenue development framework was
21 developed with dedicated community engagement and input providing
22 guidance to supplement the comp plan's direction regarding
23 density and use mix for new zoning for the area. It also provided
24 direction for the revitalization of public spaces and
25 compatibility to adjacent lower density residential uses. Next

1 slide.

2 The framework presents four guiding principles for the
3 corridor. To prioritize housing, especially affordable housing
4 supported by active retail, restaurants, and cultural and
5 entertainment uses; designing public space to encourage
6 walkability, connectivity, and access to transit; designing
7 building massing and height to complement neighborhood context
8 and emphasize local landmarks; and designing buildings to
9 maximize availability, variety, flexibility, and sustainability
10 of housing and retail. Not all the guidelines associated with
11 these principles are achieved through zoning, but the framework
12 directs OP to work with the guidelines and implement them into
13 zoning text where possible while public space improvements and
14 other recommendations will be addressed through other approval
15 processes.

16 Three new zones are proposed for the future development
17 along the corridor, and the RA zone is proposed for the selected
18 transition area. Based on the policy guidance of the comp plan
19 map with the framework element and additional recommendations of
20 the WADF, the new zones are based on the MU-10 and MU-8 as their
21 base along with the FAR, height, and lot occupancies recommended
22 in the WADF. Next slide.

23 The Friendship Heights Metro Area includes properties
24 generally bounded by Wisconsin Avenue, Western Avenue, Harrison
25 Street, and bisected by 45th and Jennifer Streets. The area has

1 three mixed uses and an RA-2 zone. Proposal is to rezone the
2 entire area to the new Friendship Heights Mixed-Use Zone,
3 otherwise called MU-10/FHM. Next slide.

4 Based on the comp plan's recommendation for high
5 density residential and high density commercial, the framework
6 plan recommended an FAR of 7.8 with IZ, a height of 130 feet with
7 upper level setbacks adjacent to buildings in the lower density
8 R-2 and a lot occupancy of 80 percent for all uses except for
9 the WMATA bus facilities. It also recommends predominantly
10 retail along Wisconsin Avenue and retail and other commercial
11 uses also along Jennifer and 45 Streets. Pedestrian connections
12 are also included and in identified areas along the corridor to
13 break up large blocks, provide connectivity between streets and
14 open public spaces. In this area, a pedestrian corridor is
15 proposed between Wisconsin Avenue and 44th Street, and there are
16 design requirements for these areas as well. Next slide.

17 The illustrations shown on these slides are not
18 reflective of any particular project, but some of them were used
19 in the WADF studies or in the final plan. This slide demonstrates
20 the required building setbacks from the lower density residences
21 fronting on Harrison Street. Next slide.

22 This slide demonstrates the required building setbacks
23 from the residences in the RA zone fronting on Harrison Street.
24 Next slide.

25 This slide shows examples of a pedestrian corridor that

1 is used to break up the buildings as well as to provide a
2 connection between Wisconsin Avenue and 44th Street and there's
3 also an example of an existing pedestrian connection which is at
4 the city center in D.C. Next slide.

5 The Friendship Heights transition area is shown as
6 three areas that provide protection to lower density residential
7 uses from higher density development. These are large portions
8 of properties fronting on 45th Street in between Harrison and
9 Garrison Street to the east and west of Wisconsin Avenue. They're
10 currently zoned RA-2, which is low density, but are designated
11 on the comp plan under FLUM for moderate density residential.
12 Next slide.

13 The standard RA-2 zone would allow 2.16 FAR with IZ-
14 Plus at a maximum of 50 feet to provide transition between the
15 higher density MU-8A/WA and the MU-10/FHM zones as well as to
16 generate additional housing and affordable housing. Next slide.

17 This slide demonstrates the scale and height in
18 relation to the lower density residential residences which are
19 separated by a street. The next slide.

20 The Tenleytown Metro Area refers to properties
21 generally fronting on Wisconsin Avenue between Chesapeake, 40th
22 Street and Albemarle Street. Next slide.

23 The Tenleytown Metro Zone, which is the MU-10/TTM, is
24 based on the policy direction again of the Comprehensive Plan for
25 high density residential and medium density commercial with the

1 framework recommending an FAR of 7.2 with IZ, a height of 110
2 feet with recommended setback requirements for buildings along
3 Wisconsin Avenue and 40th Street. The zone provides for a maximum
4 15-foot ground floor height and retail concentrated along
5 Wisconsin Avenue and retail and other nonresidential uses along
6 the other adjacent street. An east/west pedestrian corridor is
7 also recommended between Wisconsin and 40th Street to break up
8 the building massing, and provide a mid-block connection between
9 the avenue, the school recreational areas, and residences to the
10 east of 40th Street. Next slide.

11 Again, these are just some illustrations showing, and
12 the elevation at the top left shows the setbacks at upper floors
13 and adjacency of the school, the recreational area, and
14 residences across 40th Street. The one on the left shows the
15 building masses looking north along Wisconsin Avenue from
16 Albemarle Street, and the illustrations on the bottom shows
17 pedestrian corridor to break up building and provide some
18 pedestrian movements. Next slide.

19 The Wisconsin Avenue Mixed-Use Zone, which is MU-8A/WA,
20 is to be mapped on properties generated between Friendship
21 Heights and Tenleytown High-Density Zones and south of Tenleytown
22 for infill development along the corridor. Next slide.

23 The density proposed for this zone is 5.4 FAR with IZ-
24 Plus, a height of 75 feet, and 8 percent lot occupancy. With
25 new developments about low density residential area, which is the

1 RF and the R zones, a 12-foot rear yard is also required, and
2 then there are also some upper level setbacks. A pedestrian
3 connection is also recommended between Wisconsin and 42nd Street.
4 Next slide.

5 This slide demonstrates the rear yard and upper floor
6 setbacks against lower density residential areas. Next slide.

7 To be relevant, OP also incorporated the framework's
8 recommended design requirements for the three new zones and
9 includes an 80 percent lot occupancy to provide private and public
10 open spaces, recreational areas, and relief around large
11 buildings, transition and compatibility requirements to address
12 the relationships between new development adjacent to lower
13 density properties, front facade articulation above ground floor
14 to address potential long undifferentiated facades due to the
15 length of some of the blocks, and at least 75 percent of the
16 front facade at street level for new buildings being built to the
17 front line. Retail entrances should also be staggered and at 25
18 feet and 40 feet for other commercial uses along the designated
19 roadway. There's also a requirement for individual entrance to
20 the commercial spaces along the designated roadway and those are
21 to be made at grade and at the sidewalk. New retail spaces would
22 have transparency of 50 percent, at least 50 percent, and parking
23 and loading would be accessed from side streets or alleys. Next
24 slide.

25 Specific design requirements are also proposed for the

1 pedestrian connection through especially the large blocks. These
2 would be a minimum of 20 feet with a 10-foot clear way. They
3 would be uncovered for a minimum of 75 percent of its length,
4 provide clear sight lines between connecting streets, be open and
5 available to the general public on a continuous basis, be used
6 only for additional commercial frontage, outdoor seating, open
7 green space, and will not be used for loading, parking, vehicular
8 access, or trash storage. Next slide.

9 At the time the WADF was completed, it was not
10 envisioned that all the guidelines would be incorporated into the
11 zoning as required and that a discretionary process like design
12 review would be needed to ensure their implementation. However,
13 OP has been able to incorporate some of the relevant guidelines
14 into the zoning and has not recommended a design review process
15 for by-right development. Review by the Zoning Commission of any
16 PUD or BZA for any relief from these regulations would still be
17 available. Next slide.

18 So since setdown, we have made some changes to the text
19 to capture more fully the intent of the WADF in all the new zones,
20 and we also provide a definition for the WMATA bus facility and
21 adding also a use category. We also recommend exempting historic
22 buildings from the design guidelines and clarify that pedestrian
23 corridors would have a minimum of 20 feet and 10 feet clearway.
24 We have set more clearly the standard that has to be met for
25 relief from the design guidelines and we also would like to

1 clarify that IZ-Plus also applies to properties in the RAF-2
2 zone, RA-2 zone. Next slide.

3 Since setdown, we have heard various comments regarding
4 IZ-Plus, that it could be detrimental to development and also
5 that it is not providing deeply affordable units. However, IZ
6 applies a sliding scale that requires an increase in share of
7 affordable units depending on the overall density change
8 permitted by the map amendment. IZ-Plus is just one of the tools
9 that is created to generate affordable housing and are
10 incorporated in the Comprehensive Plan, which highlights the need
11 for greater affordability in high cost areas and around transit
12 station and high capacity surface transit corridors just like
13 Wisconsin Avenue. The increased IZ affordability requirement is
14 a critical tool in fulfilling various Comprehensive Plan
15 policies, which sets a goal of a minimum of 15 percent affordable
16 units across all planning areas in the city with Rock Creek West
17 having the greatest difficulty in achieving its 2025 affordable
18 housing goals.

19 To date, we've had 32 IZ-Plus cases that have been
20 approved across the City to support both subsidized affordable
21 housing projects and otherwise market redevelopments. This
22 includes a market rate project currently under construction at
23 3427 Wisconsin Avenue, where the affordability requirements more
24 than tripled as a result of the IZ from approximately 2,000 square
25 feet to over 6,600 square feet. And we have Mr. Rogers from DHCD

1 who is here to answer any of your questions and also address any
2 other things regarding the IZ process. Next slide.

3 OP has also been approached regarding the use of form-
4 based codes to implement recommendations of the WADF, and we have
5 reviewed form-based codes using other jurisdictions around the
6 country and have had conversations with planners in Arlington
7 County regarding their form-based code experience. Form-based
8 codes are typically followed planning exercises which are
9 intended to produce form-based code unlike the planning process
10 that was contemplated for this corridor. The implementation of
11 form-based code at this point would require reopening the WDAF
12 planning process for further direction. Form-based codes also
13 tend to include some form of review process outside of normal
14 permitting processes, which can include a design review body as
15 well as specialized training for staff in administration of the
16 process.

17 Finally, they also tend to include direction for
18 development of the public realm, which the zoning regulation do
19 not control. However, we have included some suggested changes
20 in the text and have incorporated some building form guidance
21 from the Comprehensive Plan and the WADF into the zoning
22 requirements themselves, including some provisions unique to this
23 area. Delay the implementation of the comp plan and the WADF
24 direction into zoning by restarting the planning process with a
25 form-based zoning could lead to delays. Next slide.

1 We are also proposing an 80 percent maximum lot
2 occupancy for all uses in the Friendship Heights and Tenleytown
3 zone. This is a recommendation of the WDAF to provide private
4 or public open spaces, recreational areas, and give relief around
5 large buildings. With the requirements to have buildings along
6 the lot line along Wisconsin Avenue, most of the open spaces
7 would be provided at the rear and sides of buildings. It also
8 provides transition and compatibility to address the relationship
9 between new development adjacent to low density residential
10 properties. Next slide.

11 In summary, and on balance, the proposed text amendment
12 is not inconsistent with the 2021 Comprehensive Plan and the
13 guidelines and prescriptions within the WADF. The proposal would
14 provide housing and affordable housing, retail and service uses
15 at a high level of density close to the metro station and at
16 lower heights and densities elsewhere. We designed guidelines
17 to ensure an active streetscape along the avenue and to lessen
18 potential impacts on adjacent residential uses.

19 Therefore, the Office of Planning recommends approval
20 of the proposed text and map amendment. We also ask for some
21 flexibility to work with OZLD to address any areas of
22 clarification or corrections or any other direction from the
23 Commission.

24 Thank you, Mr. Chairman, and I'm available for
25 questions.

1 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts. We
2 appreciate you going through that presentation with us. I'm sure
3 we probably have some questions and comments.

4 I'm going to go with Commissioner Wright first, then
5 Vice Chair Miller, Commissioner Imamura, Commissioner Stidham,
6 and I'll see if I have any other questions. All right.

7 Commissioner Wright, please.

8 COMMISSIONER WRIGHT: Thank you.

9 I have a variety of questions, and they aren't
10 necessarily organized in a good way. So I'm just going to sort
11 of put them out there. You talked about the sort of mid-block
12 pedestrian connections as being important, and there's language
13 in the text amendment about what these mid-block pedestrian
14 connections should be like. But my understanding is that they
15 are not required, that they are suggested; is that correct?

16 MS. BROWN-ROBERTS: We're recommending requiring them.
17 I mean, they are in --

18 COMMISSIONER WRIGHT: So how is that required --

19 MS. BROWN-ROBERTS: -- the designed guidelines.

20 COMMISSIONER WRIGHT: Yes. How is that required in the
21 zone specifically, because I know you have it in the study. But
22 when you zone, you know, an area, how is the specific pedestrian
23 connection required?

24 MS. BROWN-ROBERTS: It's, as I say, we have the design
25 guidelines that are incorporated into the zoning, and that's

1 where we have addressed them.

2 COMMISSIONER WRIGHT: But the guidelines only become
3 pertinent if a project includes the pedestrian mid-block
4 connection. What happens if a, again, this is we're talking
5 about a by-right project, what happens if they say for a variety
6 of reasons that's not possible?

7 MS. BROWN-ROBERTS: Again, it's one of the
8 requirements, and so they would have to come in for brief.

9 COMMISSIONER WRIGHT: Okay. So you are viewing that
10 the way the zone is written now, that it would be an absolute
11 requirement?

12 MS. BROWN-ROBERTS: Yes.

13 COMMISSIONER WRIGHT: And there are guidelines about
14 what the character of that mid-block connection would be?

15 MS. BROWN-ROBERTS: Yes.

16 COMMISSIONER WRIGHT: Okay. And I'm going to want to
17 double check with our office, our legal staff to make sure that
18 they concur that the way it's written in the zone right now makes
19 it an absolute requirement, not a recommendation. So just to
20 warn our legal staff that I'm going to be asking them to weigh
21 in on that too.

22 I understand the concern about sort of a form-based
23 code approach. I've said before, I'm 100 percent in favor of
24 increasing density, particularly residential density at metro
25 stations and along corridors, but it needs to be done correctly.

1 We led the effort in Bethesda, which has ended up with 300-foot
2 tall buildings near the metro station, but we had a very specific
3 set of guidelines and we actually created a design advisory panel.
4 And so if someone wanted that height, it was not a by-right
5 process.

6 They needed to do three things. They needed to go
7 through the Design Advisory Panel and use the guidelines that
8 were in adopted design guidelines that the, you know, that the
9 County adopted. They needed to increase the amount of affordable
10 housing from the normal amount, which in that area was, like, 15
11 percent. They had to go up to at least 17.5 percent. Most of
12 them went beyond that, but they had to increase the amount of
13 affordable housing above the minimum that would otherwise have
14 been required for that area. And third, they had to contribute
15 money to a fund to help build out public open space.

16 And one of the other things that that I am concerned
17 about is that I did hear you talk about how by saying there would
18 be 80 percent lot coverage, you were going to assure that
19 individual developments provide public open space. The only
20 thing I would say about that, and again, this is something that
21 we've had a lot of experience with, those provide what we always
22 would call postage stamp open spaces, small open spaces that are
23 not on individual properties, that are not generally well used
24 by the public.

25 And so what we focused on, again, in adding a lot of

1 density along the Wisconsin Avenue corridor in Bethesda was
2 actually identifying areas to combine the open space requirements
3 to create larger open spaces that would become central gathering
4 places and placemaking opportunities for the community rather
5 than each development having their own small postage stamp open
6 space.

7 Our mid-90s plan for Bethesda did exactly what you're
8 suggesting and required, I can't remember if it was 10 or 15
9 percent of the land for each development to be set aside for some
10 sort of open space, and it ended up not succeeding. It ended up
11 creating, again, these small unused postage stamp open spaces.
12 So I am concerned about that approach which, again, I think is
13 the way this current text amendment tries to address the Wisconsin
14 Avenue design study's goal of having open space up and down the
15 corridor.

16 In terms of affordable housing -- and again, I've read
17 through comments from the ANCs, and from the Committee of One
18 Hundred, and from a variety of folks. What I'm not clear on is
19 is there basically a requirement that every project in all these
20 zones that we've just been going over provide 20 percent
21 affordable housing? And if that is true, at what levels of
22 affordability are they required? So that's like a question, and
23 maybe Art Rogers might want to address that as well.

24 MR. LAWSON: Joel Lawson here from the Office of
25 Planning. I can start to address that one, and thank you for

1 the question.

2 Like any IZ-Plus project, the amount of IZ would depend
3 on how much of the density that they're actually proposing to
4 use. So the more restrictive the zoning becomes, you know, the
5 less chance we'll receive, you know, more affordable housing on
6 the sites. So it's the typical IZ program that applies on many
7 properties, as Maxine pointed out, you know, presentation across
8 the City. The affordability levels would be, if my memory serves
9 me right, the affordability levels would be 60 percent MFI for
10 rental or 80 percent MFI for for-sale units. The one exception
11 being that the Commission retained the 50 percent MFI requirement
12 for any penthouse space that's provided.

13 So that's the typical IZ requirement. We're not
14 proposing to rewrite IZ as part of this. Again, the point of
15 this exercise that we're going through is to implement the policy
16 that's brought forth in the Comprehensive Plan and in, you know,
17 with the additional guidance of the Wisconsin Avenue Development
18 Plan. There's not a guidance in there for us to rewrite the
19 affordable housing program for the section of the corridor, so
20 we're simply proposing.

21 COMMISSIONER WRIGHT: Well, let me ask that question
22 because, and again, maybe I need to get a little bit more educated
23 on this. Typically, IZ-Plus happens when you are not doing a
24 by-right project for the most part. It happens when you're doing
25 something where you're getting some additional density, whether

1 it's through a PUD or a rezoning or through something, you
2 basically say this project will have to do IZ-Plus, which is 20
3 percent.

4 MR. LAWSON: Right. Not quite, but almost. When a PUD
5 is applied for then an applicant provides a proffer, which would
6 typically include affordable housing. So IZ-Plus actually does
7 not apply if a PUD is requested. So if a PUD is requested, it
8 would not be IZ-Plus. So it applies when there is a map amendment
9 and that could be a map amendment requested by the property owner,
10 which is typical, or a map amendment approved by the Zoning
11 Commission, you know, along the corridor such as this one. We
12 also applied IZ-Plus, you know, on Pennsylvania Avenue Southeast,
13 Connecticut Avenue in Chevy Chase. So there are other areas
14 where IZ-Plus has been applied in this way.

15 COMMISSIONER WRIGHT: So, again, my question, it
16 generally, you say it needs to be IZ-Plus when you're getting
17 some increase in density. I mean, that is sort of the public
18 policy exchange in a way that, you know, you're getting more
19 density in a particular location and not in exchange for that,
20 but as a part of that, you're providing in the public interest
21 more IZ. And so in this situation where there is a major new
22 text amendment that provides a lot of additional density, I can
23 understand the idea of saying, well, you're going to do IZ-Plus.

24 However, I guess my question is, you know, how is that
25 IZ-Plus then calculated? Because if you have by-right a major

1 increase in density, are you essentially saying for every project
2 that is a by-right project, they must do, again, approximately
3 20 percent IZ. Is that the end goal, and if that is the end
4 goal, wouldn't it be simpler to simply say in these zones you're
5 required to 20 percent IZ?

6 MR. LAWSON: Well, that's essentially what IZ-Plus
7 does. IZ and IZ-Plus established the affordable housing
8 requirement, and that's been consistent with from what I
9 understand to be, I don't administer, it's a pretty complicated
10 process to administer, mostly by DHCD working with Department of
11 Buildings (audio interference) creating a new separate process
12 for this portion of the corridor. So in this case, depending
13 again on how much of the bonus density that the applicant uses,
14 their requirement would be more typically 18 --

15 COMMISSIONER WRIGHT: It's not bonus density anymore.
16 I mean, that's the point. It's not bonus density. It is now
17 by-right density.

18 MR. LAWSON: Yes.

19 COMMISSIONER WRIGHT: So (audio interference) --

20 MR. LAWSON; But for the purposes of IZ, the delta
21 between what the zoning permits now and what the zoning will
22 permit if this zoning is approved, that's the bonus that's being
23 received. That's all established in the IZ-Plus regulations
24 themselves.

25 COMMISSIONER WRIGHT: Right. But what I'm, and again

1 maybe, you know, maybe Art Rogers would like to talk also. What
2 I'm not clear on, again, is when you've rezoned something to a
3 higher density, there is no bonus density. It becomes a by-right
4 zoning and even if they don't use all of their by-right zoning
5 for whatever reason, it's not bonus density. So how would you
6 do that calculation? I mean, right now, we're changing the amount
7 of density that goes on certain pieces of property. It's not
8 bonus. So wouldn't it just be a much simpler, cleaner, I mean,
9 I'm not suggesting change the whole IZ program. What I'm
10 basically saying is by this text amendment, we're giving everyone
11 a great deal of additional bonus density, more and it's by-right.
12 So shouldn't we, in a very simple way, just say and everyone must
13 include 20 percent IZ. We aren't going to argue about, you know,
14 it should be 18 percent or 17.5 or, you know, any of that. You've
15 gotten this additional density. Whether you use it or not, you've
16 gotten it and it should just be across the board flat 20 percent.
17 I mean, that seems to me a really simple way to to resolve it.

18 MR. LAWSON: Yes. The program is definitely more
19 complicated than that and I understand what you're saying. Of
20 course, the issue that you're raising would apply to any map
21 amendment, not just the map amendment along Wisconsin Avenue, any
22 IZ-Plus amendment, that would be the case. Once the map amendment
23 is approved, that becomes the density that's anticipated on that
24 property.

25 And I'm certainly happy to have, you know, Art, who's

1 much more of an expert on this than me, kind of weigh in on this.
2 But again, we do not feel that it would be appropriate or
3 consistent with the policy direction we've received to create a
4 new IZ program through this case. You know, if the Commission
5 has questions about the IZ program and IZ-Plus, then that may be
6 a very legitimate discussion to have elsewhere, if that's a word,
7 elsewhere, you know, in some other forum. But that program,
8 whatever that is, would then apply across the City. I don't
9 think that we're (audio interference).

10 COMMISSIONER WRIGHT: No, I'm not suggesting that. I'm
11 not suggesting that. I'm really suggesting because we're
12 creating brand new zones and in brand new zones, the Navy Yard
13 and in other parts of the City, we have a whole variety of very
14 specific and unique conditions. And so I'm sort of saying in
15 this zone, because it's a new zone, we are creating a new IZ
16 program. We're basically saying, in this particular zone, all
17 properties do 20 percent IZ. But I understand if Art Rogers
18 wants to say something, great. I have other comments too. I
19 don't want to get too sidetracked onto this.

20 MR. ROGERS: Hi. Can everyone hear me? Okay.

21 So I am Art Rogers. I am the housing preservation
22 officer for the Department of Housing and Community Development,
23 and then previously I was senior housing planner at OP. And so
24 I worked very heavily on the IZ-Plus case. So -- and I'm basing
25 this on memory.

1 So I think I hear two concerns, or I hear one concern
2 and I want to raise a concern. So the first concern is that
3 there's an operational concern about how it's implemented. And
4 so the current process is that when a zone is changed, it has a
5 plus added to it and so rather than create a whole new MU-4 or
6 MU-7 with a specific IZ requirement, a plus is just added to the
7 zone designation. That immediately for DOB, for the Department
8 of Buildings, triggers that this is an IZ-Plus zone and that the
9 project now has to meet that sliding scale that is in the
10 regulations.

11 I think the concern I would raise is that sliding scale
12 was designed on a specific economic analysis on how the increasing
13 affordability requirement affects the economic feasibility of the
14 project. And so if you're able to use that full density that
15 would be permitted, then you would have an 18 to 20 percent
16 requirement. But if you are not able to use that density, one,
17 because maybe you chose not to or maybe there were specific site
18 conditions that made it difficult, that the IZ requirement be
19 based on the sliding scale of the density that is actually used.
20 And so that and again, that was based on a specific economic
21 analysis that tested the impact of the increasing affordability
22 requirements on the feasibility of the site, given the balance
23 that's provided by the additional density.

24 So I think those are the two things I would want to
25 just try to explain, and I'm happy to take more, if there are

1 more questions on it.

2 COMMISSIONER WRIGHT: That's very helpful. And I'm
3 sure we'll be talking about this some more.

4 The final topic that I wanted to bring up is the whole
5 design review issue. When we looked at Connecticut Avenue in
6 Cleveland Park and Woodley Park, I was comfortable or more
7 comfortable about some of those proposals knowing that the
8 Historic Review Board is also going to be reviewing all of these
9 projects, and that there's an opportunity for public
10 participation and a public hearing before the Historic Review
11 Board, and that the community will have a chance to weigh in on
12 the specific designs.

13 The current proposal does not provide for any design
14 review process, and the design guidance in what I've seen so far
15 in the text of the new zone is really not adequate to provide
16 for, to assure for good design. And in fact, you know, some of
17 the images in the PowerPoint from the study essentially do show
18 that, you know, you could end up with, they were massing studies,
19 but they do show you could end up with a essentially box with a
20 small setback on the ground floor. And that is not, you know, I
21 don't think that is what the the study hoped for and I don't
22 think certainly the people who live in the neighborhood and who
23 participated in a lot of public meetings, I don't think that's
24 what they hoped for either. I think they were looking for
25 something where there would be a lot of new housing, and it would

1 be, you know, bigger buildings, but there would be an opportunity
2 to have a design review process.

3 And I do understand that the goal is to make development
4 of new housing as easy as possible and by-right development is
5 as easy as possible. But you really, I think, potentially end
6 up with buildings that will not contribute to the communities in
7 which they're placed without either some level of a design review
8 process or much more detailed sort of form-based code type
9 language in the zone. I think you have to have one or the other.
10 And right now, you know, again, from a lot of the letters that I
11 read from the ANC, from some of the residents, there had been a
12 strong expectation that there would be some design review
13 process, and they are concerned that that isn't part of the zone.
14 And again, I will tell you in, you know, with 30 years of
15 experience in this realm, that the language that you currently
16 have is not sufficient to create really high quality design, and
17 that will have a lot of compatibility with the community.

18 So you know, so I guess my question is, although the
19 Wisconsin Avenue study contemplated some kind of design review,
20 why did you all not include that in the zone?

21 MR. LAWSON: Thanks. I think the main question, I'm
22 sure you're going to hear this from, you know, other people who
23 are commenting, is to make sure that the development that is
24 anticipated under this planning actually goes forward. So I do
25 believe that we have incorporated into the zoning as regulations,

1 as requirements of the zoning, not as guidelines that the
2 developer can choose to ignore, but as actual requirements, all
3 of the setback, step back, vertical articulation, ground floor
4 activation requirements that the framework plan brought forward.
5 It certainly also addresses the form-based guidance from the
6 Comprehensive Plan itself in terms of building height, in terms
7 of building density.

8 We've taken some unusual steps in the zoning such as
9 the vertical articulation of buildings and such as requiring the
10 lot occupancy limit, which are relatively unique to this zoning.
11 But so I think that we have incorporated it as requirements rather
12 than as suggestions in the zoning what it was that the design
13 review was intended to address, you know, in the first place. We
14 do feel that that'll make for a process, which may actually result
15 in some new construction being able to move forward along this
16 corridor and, again, I suspect you're going to hear from some
17 members of the public about why they believe that's important to
18 happen as opposed to establishing processes that will essentially
19 ensure that no development happens along the way.

20 COMMISSIONER WRIGHT: Well, I mean, again, I really,
21 really have to push back a little bit about that. Design review
22 does not mean that projects won't happen. I mean, we created in
23 Bethesda a design review process that never existed before 2017.
24 There was no design review process. We created it, and it did
25 not stop people from moving forward with projects. In a period

1 of literally three years, we created over 400 affordable units,
2 new affordable units in buildings that had not existed before.
3 It wasn't tearing down existing low-scale development. These
4 were 400 new affordable units that had never existed before. And
5 we did that with a design review process that was fair, that was
6 based on guidelines, that was well run and in addition to that
7 we, you know, well, I won't quote the number, but we got several
8 millions of dollars of money towards creating open spaces,
9 combined open spaces in downtown Bethesda.

10 So I definitely, definitely reject the idea that a
11 design review process will bring all development to a halt. I
12 actually think if it's a well-run design review process, it will
13 be embraced by the building community, and it will end up
14 providing more buildings that are compatible and that are
15 something that the community can embrace as well as the
16 development community.

17 I mean, I've heard this over the last several years of
18 pitting design versus housing, design versus housing. I just
19 remind folks that we tried in the '50s and '60s in urban renewal
20 effort creating great swaths of housing like Cabrini Green, and
21 they all got torn down because they ended up being inhumane.
22 Lots of housing, but inhumane places that people did not want to
23 live in. And it is so important that we balance the idea of
24 getting lots of new housing, all completely in favor of that, but
25 high quality design that really helps create important places,

1 not just swaths of housing.

2 So I, you know, that's something I feel very, very,
3 very deeply about and I would say this is a great example of a
4 place where we want great new amounts of housing, but we also
5 want it to be great design that is compatible with the community
6 and that those two things are not mutually exclusive. They are
7 not mutually exclusive as much as some people would like to say
8 they are.

9 So anyway, I'll get off my soapbox. You can tell it's
10 something I feel strongly about. So I'm continuing to be
11 concerned about the lack of design review in this particular
12 current version of the text amendment. I'll just put that out
13 there and I'll stop talking and let my colleagues raise their
14 issues.

15 MR. LAWSON: First of all, I think Bethesda is great,
16 you know. I think it looks fantastic and the District is not
17 -- we have a lot of experience with design review as well. We
18 have many parts of the City that are subject or have been subject
19 to a design review. Most of those areas are relatively complete
20 by now, but have been subject to a design review. Again, in this
21 case and by the way, I don't think anybody's proposing anything
22 anywhere approaching something like an urban renewal project. I
23 think that's, you know, an unfair comparison of what we're
24 proposing to do. I think what we're saying is that we'd be able
25 to incorporate what the planning documents have said should be

1 incorporated into the regulations themselves.

2 You know, again, we're not proposing to undertake a new
3 planning process for Wisconsin Avenue. That's not why we're here
4 tonight. We're here tonight to implement the planning that has
5 already been done and we feel that the zoning that we brought
6 forward does that in a way that balances some of the issues that
7 that you've been raising. I totally understand your concerns and
8 your comments. We'll be interested in hearing from members of
9 the public on this, and I'm sure that you're not alone. I'm sure
10 that there are many other people who are going to comment one
11 way or another on this issue. But I just want you to know that
12 it's not like we were treating the question lightly. It's not
13 like we didn't consider what was the appropriate process to go
14 forward and what did best address of those planning priorities
15 and those planning documents.

16 So, thanks.

17 CHAIRPERSON HOOD: Okay. We're all complete. So we
18 will go to Vice Chair Miller.

19 VICE CHAIRPERSON MILLER: Okay. Thank you, Mr.
20 Chairman, and thank you, Joel Lawson and Maxine Brown-Roberts,
21 and I think Karen Thomas and former direct Deputy Director
22 Steingasser, and the entire Office of Planning, and especially
23 the neighborhood planning staff that led to the Comprehensive
24 Plan amendments five years ago for this corridor and other
25 corridors, the future land use map increases in density, and the

1 work that you've done since then on the Rock Creek West Roadmap,
2 the Wisconsin Avenue development framework, and the Housing
3 Equity Report, all of which are trying to get at increased housing
4 and especially affordable housing in the Rock Creek West area and
5 particularly along this corridor.

6 As you identified, Ms. Brown-Roberts, this is one of
7 the opportunity areas that was identified in some of those
8 studies. I can't remember which particular one, but maybe it was
9 the comp plan, I don't know. So thank you for your comprehensive
10 report tonight and both verbally and the written report and all
11 the documents.

12 On the IZ, following up with this on the IZ-Plus
13 discussion, I mean, everyone's all over the place frankly, even
14 amongst the ANCs. There's a recognition that they want to get
15 that development done. They want it to be feasible and get the
16 housing so that that triggers the affordable housing, but there
17 was an issue raised which I really wasn't aware of which you,
18 Mr. Rogers, probably can explain to me and to the public a little
19 better that there's some kind of a cap on the density increase
20 at one point. If you're getting over 125 percent increase in
21 FAR, which in some cases they say is being provided in this
22 corridor with this proposed zoning, you can't get the
23 proportionate maximum affordable housing trigger above -- I don't
24 know if it's 18 or 20 percent.

25 So I think it might be useful to have a table, which I

1 think one of the ANCs did ask for, of at what density levels
2 being used because that's the, as I understand it, that's the
3 trigger for IZ, at which density levels that you're getting, the
4 density increase levels you're getting, how much percentage IZ
5 affordable housing under our MFI levels that we currently have,
6 you have to provide. But can you explain the concern that there's
7 this 125 percent cap and we're in this proposed zoning, in some
8 cases, is providing more than 125 percent FAR potential increase?
9 I don't know if you understand my question. I'm not sure I do
10 either.

11 MR. LAWSON: I'll take a crack at it. So when we
12 designed the IZ-Plus program, we looked at how the costs of
13 buildings increase as their density increases. So the cost of
14 constructing a building that's three stories is much less
15 expensive than the cost of building a building that is over eight
16 stories, and because you're shifting from wood frame construction
17 to all steel and concrete over that change in density. And so
18 while you're providing the ability to build more, the value of
19 that decreases on a marginal rate because the cost of construction
20 is getting bigger. And so the sort of the interest that the
21 developer has in maximizing that density might decrease if the
22 requirement continues to go up when you start hitting those steel
23 and concrete buildings.

24 I'd have to go back and look at the record and the
25 analysis to look at the sort of largest increase in density that

1 we reviewed. But the idea of that sliding scale, as I said, was,
2 and that maxes out at 18 percent for steel and concrete
3 construction and at 20 percent for non-steel and concrete
4 construction. The reason for that sliding scale was those change
5 in construction costs as you increase density and have to go
6 higher and higher, because fire code requires that buildings
7 change from that wood frame to steel and concrete so people have,
8 you know, a protected escape route essentially.

9 So if you want, we can dig back into the record and the
10 analysis and look at the largest change in density that we
11 reviewed back then. But yes, I'd like to think that I was pretty
12 thorough and recognize that there was just only so much that just
13 density can do to create, the affordable units.

14 VICE CHAIRPERSON MILLER: Well, I think it would be
15 helpful at least. I don't want you to research all of what you
16 previously studied in terms of economic studies, but I think it'd
17 be helpful to have what that current sliding scale is in terms
18 of density increase, FAR increase versus the required IZ-Plus set
19 aside and whether there is a cap, as some of the testimony of
20 those who want more affordable housing, we all want more
21 affordable housing. It's how you get any housing to get the
22 affordable housing, but how some of the testimony is saying that
23 there is a cap on that sliding scale at 125 percent and in some
24 cases, in this particular proposed zoning, the testimony is
25 there's more than 125 percent FAR increase. And we know that

1 there's a doubling of the height in Friendship Heights, I think,
2 for example, and then a lot of increase in the height in
3 Tenleytown as well, but not maybe doubling.

4 So I think it'd be useful to have that scale and a
5 clarification as to whether there's a cap and whether it would
6 be prudent to lift that cap in this case. I agree that we
7 shouldn't design or redesign the IZ program in this case. If we
8 make changes in the IZ program, which some of us believe we do,
9 and we have made changes along the way as we've gone along with
10 with your assistance -- with your great assistance, I don't think
11 we should do it on a case-by-case basis. It should be citywide.
12 But if we can get clarification on what the scale is, the sliding
13 scale is, and if there's a cap and whether maybe for that aspect
14 of it, whether it would be appropriate to lift it for this
15 particular proposed zoning given the very substantial increase
16 in FAR and height along the corridor for these proposed zones.

17 So that would be a request I'm making on behalf of
18 others. I think 3A, ANC 3A requested that and others, I think,
19 have requested that. So I would request that to be provided. Do
20 you think that would be possible?

21 MR. LAWSON: The sliding scale is part of the zoning
22 regulations, so that's very easy for OP to provide. And, but I
23 think what I hear you saying though is whether or not it would
24 be prudent to remove that cap of 18 and 20 percent, and if I
25 understand you correctly, what would be the risks and the benefits

1 of increasing beyond that 18 to 20 percent requirement? Is that
2 where you think you want to explore?

3 VICE CHAIRPERSON MILLER: Yes. That's correct. I
4 mean, and that's a whole economic analysis, but I'm not sure when
5 IZ-Plus was adopted that you were contemplating this kind of
6 substantial increase in FAR for so many properties along one
7 corridor. So yes, I mean, if you're able to do something, even
8 if it's an estimate I think it'd be helpful.

9 So just to clarify, some of the testimony said IZ-Plus
10 will be mapped, Ms. Brown-Roberts, Mr. Lawson, or Mr. Rogers,
11 whoever wants to answer this, IZ-Plus will be mapped. It's
12 proposed to be mapped along with proposed zoning for all of these
13 zones.

14 MS. BROWN-ROBERTS: That's correct.

15 VICE CHAIRPERSON MILLER: Without any exemption of
16 particular properties? I mean, there was some talk of WMATA
17 wanting an exemption for its property, but that is not what's
18 currently the proposal that's before us. There's no exemption
19 of the IZ-Plus designation which would be mapped in the entire
20 corridor. Just to clarify, is that the case?

21 MS. BROWN-ROBERTS: That is the case.

22 VICE CHAIRPERSON MILLER: Okay. Thank you.

23 And also to clarify, not that I need clarification
24 necessarily, but I think others might as was raised in some of
25 the testimony, the planned unit developments would still be --

1 this is essentially an enhanced matter-of-right zone, which has
2 form-based code elements in it, as Commissioner Wright's
3 discussion with Mr. Lawson indicated and which the proposals
4 clearly shows that the setbacks, step downs, the facade
5 articulation, the ground floor open space requirements. But
6 this -- I've lost my train of thought.

7 MS. BROWN-ROBERTS: I think you were asking if --

8 VICE CHAIRPERSON MILLER: The PUD.

9 MS. BROWN-ROBERTS: -- the PUD would be --

10 VICE CHAIRPERSON MILLER: Just clarify the PUD would
11 be available.

12 MS. BROWN-ROBERTS: Yes.

13 VICE CHAIRPERSON MILLER: But they probably wouldn't
14 be utilized unless they needed some kind of relief because you
15 can get the maximum density and height that a PUD would provide
16 with this enhanced matter-of-right zone, but you may need other
17 relief that the PUD would provide and that might come before us.

18 MS. BROWN-ROBERTS: That's correct. That's correct.
19 Yes.

20 VICE CHAIRPERSON MILLER: Okay. That's what I wanted
21 to clarify. Thank you.

22 So in terms of all those form-based elements, the
23 setbacks, the step downs, the street frontage, the facade
24 articulation, the ground floor, open space, you know, I think I
25 understand the dialogue that Commissioner Wright was having. You

1 know, it seems to me should we have the design review process to
2 get the right form-based elements that we're talking about in
3 this zone. There are a lot of form-based elements in this zone.
4 Some people don't think the setbacks are enough or the step down's
5 enough. I'd rather have discussion about what they should be.
6 They should be a lower level before you're setting it back or
7 stepping down. Let's have that discussion and debate and see
8 what the pros and cons of that are and how much housing you might
9 lose or gain.

10 But so, I mean, you can either go one way or the other.
11 Nobody wants to see a monotonous line of boxes down Wisconsin
12 Avenue. But I think if there were the appropriate setback, step
13 downs, and facade articulations articulated right in this zone,
14 which are there, but maybe they need to be different. Maybe they
15 need to be enhanced. Do you have any comment on that, Mr. Lawson?

16 MR. LAWSON: Just a quick one. Again, I sound like a
17 stuck record, I'm sorry. But this is not a planning exercise
18 we're going through right now. That discussion happened. That
19 discussion happened as part of the development of the Wisconsin
20 Avenue Development Framework Plan. So the conversation with the
21 community has already occurred, and that's codified in that plan.
22 The goal for the Office of Planning right now is to implement
23 that policy and that guidance from the Comprehensive Plan and
24 from the Wisconsin Avenue plan into the zoning. So I, again, I
25 don't think that we're proposing to reopen the planning exercise

1 because that's not what we're here to do.

2 VICE CHAIRPERSON MILLER: And I wasn't proposing that
3 either, but that planning exercise in that Wisconsin Avenue
4 Development Framework did contemplate design review would be
5 happening.

6 MR. LAWSON: For all of the provisions that are in that
7 plan, which we've incorporated into the zoning. So I'm not sure
8 what the design review would be for when we've now established
9 them as requirements.

10 VICE CHAIRPERSON MILLER: So that's all really I want
11 to get at, if people think that those design elements need to be
12 changed. Not to have another planning exercise, but if they
13 think that isn't enough without a design review process, it might
14 be easier just to change some of them in this exercise, in the
15 zoning exercise whether, you know, it's one floor difference of
16 where the setback is or whatever. I'm just suggesting that is a
17 possibility in lieu of having a design review for every property
18 along this corridor in addition to the rezoning that we're doing.

19 The development framework plan did call for clarity and
20 consistency. We all are aware, particularly along this corridor,
21 of the delays that have happened with development, mostly PUD
22 development that the Zoning Commission approved with ANC support
23 usually, but with appeals that if the development never happened
24 or it got delayed for years. So I'm not looking to create another
25 review process that's going to delay and add expense to

1 development of housing when it's hard to get any housing built
2 under the current matter-of-right zoning today, and it seems like
3 for the foreseeable future based on economic analysis, but that's
4 just my perspective on that.

5 MR. LAWSON: I think I may have misunderstood kind of
6 what your original comment was and, yes, based on what you just
7 said, yes, I agree with you that we'd be happy to look at
8 additional changes to the zoning proposal that wouldn't be
9 inconsistent, obviously, with the Comprehensive Plan direction
10 or significantly inconsistent with the guidance from the
11 development framework, that absolutely would be something that
12 we'd be interested in taking a look at the direction of the Zoning
13 Commission.

14 VICE CHAIRPERSON MILLER: Thank you. That was what my
15 point was. I'm sorry I didn't make it clear initially.

16 Mr. Chairman, I've gone on too long and we have a lot
17 of public here so I'm sorry to have delayed things and I'm sure
18 we'll have other questions after the public speaks. But I turn
19 it back to you, Mr. Chairman.

20 CHAIRPERSON HOOD: Thank you, Vice Chairman. I'll say
21 you're one of the most polite guys I've ever met. So, but you
22 didn't have to do all that apology. You did exactly what we're
23 supposed to do, so thank you.

24 Let me go to Commissioner Imamura.

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. And

1 like Vice Chair Miller, I am interested in hearing from the
2 public. I'll keep my comments brief and appreciate the questions
3 asked by Vice Chair Miller and Commissioner Wright.

4 I understand there's a lot of consternation about this
5 map and text amendment. I find this rather exciting, so I'm not
6 sure anybody who says zoning is dry, this has been a riveting
7 conversation and really appreciate sort of the, it's been civil,
8 thoughtful, and a very robust discussion here and for the public
9 to witness this, you have public servants like Mr. Lawson and Mr.
10 Rogers with decades of experience here along with Commissioner
11 Wright's own experience, and so I think this conversation here
12 has been incredibly, this collision of ideas really has been very
13 helpful.

14 And so I appreciate Commissioner Wright and her
15 comments about the mid-block pedestrian connections, and I
16 appreciate Ms. Brown-Roberts' response to those. Especially
17 Commissioner Wright's comments about postage stamp open space
18 certainly is a concern that I share with her on that. Also
19 appreciate the number of questions and explanations about IZ-
20 Plus here. I've just got a couple notes here that I'm just
21 reading through and want to just remark on the design review
22 process.

23 So here we are where Mr. Lawson has explained a number
24 of times where the planning exercise here has already taken place
25 with the formulation of the Wisconsin Avenue Development

1 Framework here, and they are charged with implementing that
2 policy, and that's what's before us tonight. I agree to the
3 extent that Commissioner Wright's comment about the design review
4 process that we looked at last week where there's HPRB sort of
5 design review. You know, good urban design is always enhanced
6 when there's another agency that's also reviewing it. That's the
7 checks and balances, and that's where this is a great example of
8 where government is working well and the process is working well.
9 So whether it's HPRB or CFA reviewing, NCPC, I think that's always
10 helpful to have another agency's input and influence.

11 Certainly appreciate the public's comments or at least
12 many people in the public that have commented about and having
13 input in the process and in design reviews. I'm not sure that I
14 have a position to take on this quite yet. I would like to hear
15 a bit more from the public, but I think that there might be some
16 middle ground here. The Chairman always says that these kind of
17 conversations lead to better outcomes, and so I think that we
18 will find that better outcome here, and find sort of the
19 appropriate checks and balance both for the IZ and as well as
20 the design process here or whatever the design outcome might be.

21 As I've said before, zoning is an imperfect process and
22 so it requires conversations like this to make it better. So as
23 Vice Chair Miller has said, we've got a number of people in the
24 public that are prepared to testify tonight and share their views,
25 and I look forward to those views. And again, I just want to

1 reiterate, I appreciate the experience and expertise in the
2 position that OP is in and what they put forward, as well as Mr.
3 Rogers from DHCD. I think that's all that I have to say, Mr.
4 Chairman.

5 Again, I think most people know where I align and in
6 terms of just sort of good quality urban design and how to get
7 there as well as open public space. Certainly, we want to avoid
8 postage stamp open spaces. So that's not effective for anyone,
9 or useful. So I look forward to furthering this conversation and
10 more collision of ideas from everyone. So thank you, Mr. Lawson.
11 Thank you, Mr. Rogers. Thank you, Ms. Brown-Roberts, also for
12 your expertise and the work that you do and that you brought
13 forth tonight.

14 That's it, Mr. Chairman.

15 CHAIRPERSON HOOD: Thank you, Commissioner Imamura.
16 Commissioner Stidham.

17 COMMISSIONER STIDHAM: So I will not take a long time
18 because I think a lot has already been said and I really want to
19 hear from the public.

20 But as a planner with the National Park Service, I
21 did -- you know, this is where the rubber kind of meets the road,
22 right? And this is where we really need to think about what this
23 includes and how it gets implemented and foresee in advance what
24 this will look like.

25 So it's a very important conversation and being one who

1 has jurisdiction over a lot of public spaces within the District,
2 a postage stamp public space is not acceptable. The community
3 deserves more. They need more. So we'll be taking a close look
4 at that. But really do appreciate all of the work for OP and
5 look forward to the continued conversation tonight.

6 CHAIRPERSON HOOD: I want to thank all my colleagues
7 wherever you are and, again, as I always say, and I want to repeat
8 what Commissioner Imamura said about this discussion gets better
9 outcome. But I do want to associate myself 100 percent with what
10 Commissioner Imamura just mentioned because I know I'm 100
11 percent with him about the different checks and balances.

12 And as I was listening and I heard my colleague,
13 Commissioner Wright, mention Montgomery County and Arlington,
14 I've heard it, and I think Arlington last week, and I feel like
15 I need to say this. I actually meet with them quarterly. I told
16 the Mayor about this. We talk about different issues and at the
17 last meeting we had, they made me appreciate the District of
18 Columbia a lot better. And I said in front of all of them we've
19 all gotten to be good friends, but I know that they have
20 processes, what they do in Arlington, what they did in Fairfax,
21 what they did in Fairfax City, what they did in Arlington, what
22 they did in Montgomery, what they did in Prince George's, and the
23 Chair over there now is a very, he and I have been friends for
24 years. But when we finished having our discussions, I appreciate
25 the District of Columbia even more and I told them all that

1 because I looked at all of the hurdles they have to jump through
2 and all the nuances.

3 So I said that to say this, I appreciate the planning
4 process of what the City has done. I do know that we may not
5 all agree with it, but I'm sure that some neighbors support, some
6 neighbors in opposition, and some neighbors are trying to still
7 figure it out like myself. One of the things that I would like
8 to really see, and I think Commissioner Stidham just said, rubber
9 meets the road. I've been trying to figure out, and I want to
10 align myself with, I think it's Meg Maguire. I looked at it last
11 night. Let me make sure I'm aligning myself with the right
12 person. I think it's Ward 3 Justice. Is it Ward 3? What, who
13 is this? NW Opportunity Partners. No, it's another. I want to
14 align myself with them. And there's another one, Mr. Lawson and
15 Ms. Brown-Roberts, and I want us to look at their perspective
16 about affordable housing. Are we really getting there? That's
17 what I want to achieve. And I agree with the Vice Chair about
18 the, I think it's 125 cap.

19 Some of those things we need to revisit because I want
20 to make sure that what we're doing here we really achieve. We're
21 really getting there and I'm going to find out before this hearing
22 is over who exactly said that because this record is very
23 voluminous. I want to say Meg Maguire's group, but it may have
24 been Gail. But anyway, I'll find out. I won't belabor the point
25 as my, yes, Ward 3 Housing Justice. And that is, but both of

1 them actually, but that is Gail Sonneman. I would like Ms. Brown-
2 Roberts for you all to look at that. And, I mean, I know you
3 look at all of it. For me, they have kind of pinpointed exactly
4 where I'm trying -- where I think that we need to be trying to
5 get, especially when we talk about doing these up in Ward 3.
6 This is where we're trying to get to. And I'm not saying I could
7 just get to it by a swath or just putting this in place, but I
8 believe when you all had all those discussions, that's what you
9 were trying to achieve and that goes back to what Commissioner
10 Stidham said, where the rubber meets the road. That's all, that's
11 where it all meets with me.

12 I don't have anything else. I do want to hear from the
13 public. I think the public is waiting, and I know that we're
14 going to hear a lot of different views. Looking forward to
15 hearing it, and then we're going to have to come together and do
16 exactly what Commissioner Imamura said. I always say, we're
17 going to have to have that dialogue, and we're going to have to
18 come together, try to do what's best for the City, and I know
19 that that, Mr. Lawson, that you all have had many, many
20 conversations with the public whether they agree or not.

21 I do know we have some letters here that are in support.
22 We have some letters in opposition, and we have some other
23 letters, other suggestions and I'm sure all that has been
24 discussed, but we're going to do the best we can for the best
25 interest of the City. So I want to again commend everybody for

1 even getting us to this point.

2 Any follow-up questions? Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 I just want to follow up on your comment about other
5 cities in the DMV here and just offer this as sort of perhaps
6 start of the new marketing to say D.C. does it better.

7 CHAIRPERSON HOOD: Well, after they finished telling
8 me about the missing middle and everything else, I said, oh, no.
9 So anyway, I'll just leave it at that. And I'm still learning
10 too. I've been around a while, but I really appreciate all of
11 them. We exchanged different ideas, and I'm learning a lot. And
12 I've said this in the meeting. D.C. Office of Planning, I want
13 you all to know I said, I appreciate what we do in the District
14 of Columbia better. So, and I made that statement to them. So,
15 and I'm going to mention it to them again when we meet in
16 February. So thank you all. All right.

17 Let's see. Ms. Schellin, let's go to the Office of
18 Attorney General.

19 MS. SCHELLIN: Let's see. He's already got her up.

20 CHAIRPERSON HOOD: Okay. Ms. Cain. Yes, Ms. Cain.
21 Ms. Cain, you may begin whenever you're ready.

22 MS. CAIN: I'm trying to sort out my video and then I
23 will be right on. There we you. All right.

24 Good evening, Commissioner Hood, members of the
25 Commission. Alexandra Cain on the part of the Office of the

1 Attorney General. We're pleased to be here in support tonight
2 of the rezoning. Can you go to the next slide, please, Mr. Young?

3 I was going to say OAG is in support of the rezoning
4 along Wisconsin Avenue, which we believe will serve and advance
5 the Comprehensive Plan's goals of increasing housing and
6 affordable housing along key transit corridors, and particularly
7 in high cost opportunity areas like the Rock Creek West planning
8 area. Next slide, please, Mr. Young.

9 So as OP already discussed, we believe that the
10 rezoning as anticipated does match with what the Comprehensive
11 Plan and its maps call for in terms of density and uses along
12 this corridor. I am focusing on sort of the northern portion.
13 I know it extends down, but really wanted to focus on these two
14 higher density nodes of Friendship Heights and Tenleytown. So
15 as OP said, both are designated as either a regional center in
16 terms of Friendship Heights or as a multi-neighborhood center in
17 terms of Tenleytown on the generalized policy map. And notably,
18 the Wisconsin Avenue Framework did identify both of these areas
19 as having the capacity to support up to 80 percent of residential
20 development within a quarter mile of these two metro stations.
21 So this is really where, you know, the density and a residential
22 density is anticipated by the Comprehensive Plan.

23 And just to call out some numbers from the framework,
24 in terms of what that 80 percent represents in terms of actual
25 units, it was estimated that that would come out to about 9,500

1 new housing units with approximately 1,700 being affordable. So
2 moving over that need for additional density concentrated around
3 metro stations is reflected in the Future Land Use Map. As you
4 can see, again, around Friendship Heights and Tenleytown, both
5 areas are calling for high-density development with a focus on
6 Residential. And then stepping down that density as you move
7 along the corridor into medium-density areas along Wisconsin
8 Avenue and then the smaller areas of moderate-density around
9 Friendship Heights to provide that additional transition down
10 into the surrounding lower-density areas. Next slide, please,
11 Mr. Young.

12 So critically, this additional density will help
13 advance the housing and, critically, the affordable housing goals
14 for Rock Creek West. Under the Mayor's Housing Order and the
15 Housing Equity Plan, Rock Creek West was assigned a goal of 1,900
16 units. To date, based on the numbers that we have from DMPED,
17 only about 6 percent of new units have been produced. So they
18 are very short from that goal. And the Rock Creek West roadmap
19 identified both Wisconsin and Connecticut Avenues as able to
20 support up to 70 percent of Rock Creek West housing goals. So
21 in those two corridors alone, you could add a spectacular amount
22 of new housing provided that the density and the zoning is there
23 to allow that. So you can see the graph is sort of showing what
24 that shortfall is now versus what it would be if those additional
25 units are added.

1 Now, this new density will not only support housing,
2 but it will also go to supporting economic development in the
3 area. You know, there are other provisions for residential above
4 ground floor commercial space, the design features that are
5 designed to enhance that pedestrian experience going along the
6 corridor help make the corridor more vibrant, more attractive to
7 both businesses and business patrons. The additional density is
8 also supportive of the Comprehensive Plan's transportation goals.
9 It will support, you know, better pedestrian networks, help
10 produce more efficient transportation infrastructure, and all of
11 this will help enhance the overall affordability of the area,
12 reduce the need for personal vehicle use by providing alternative
13 forms of transportation. It provides amenities and retail within
14 walking distance. All of this will help make Rock Creek West a
15 more attractive area to a wider spectrum of District residents.
16 People with different income levels, different household
17 compositions will all be able to come and take advantage of the
18 many resources that are available in this area of the City,
19 including good schools, active community organizations, again,
20 access to different kinds of both public and private amenities,
21 you know, all the things that make for great District
22 neighborhoods. Next slide, please, Mr. Young.

23 So finally, I do want to touch on sort of two aspects
24 of the text and map amendments that we wanted to highlight and
25 these are sort of, it's the hot button issues that everyone has

1 been talking about tonight. So first of all, we are supportive
2 of OP's decision to make this density available by-right and
3 streamlining the development process. We understand the concerns
4 about providing, you know, those tightening design features and
5 making sure that they're there to both ensure that there's quality
6 design and also mitigate, you know, some of the potential impacts
7 of this added height and density. But we believe that
8 incorporating those into the regulations themselves is ultimately
9 the better way to go about that.

10 That way it's clear to District residents, to people
11 developing their properties, to the Commission itself, you know,
12 what is the requirement in this area, rather than going through
13 an additional discretionary design review process. As you
14 probably know, development in this area of the city has
15 historically been very expensive to pursue. So anything to sort
16 of streamline that process, allow people to actually make use of
17 their properties sort of more efficiently in a way that can
18 produce the needed housing in this area we think is a vital,
19 vital choice.

20 Finally, the application of IZ-Plus, one of OAG's
21 favorite topics. We are supportive of its application. There
22 is a lot of density that's being added here and there should be
23 that commensurate giveback in terms of additional affordable
24 housing. We understand the concerns that have been raised by
25 members of the public and members of the Commission tonight about,

1 you know, sort of the intricacies of IZ-Plus. We would, I think,
2 strongly encourage the Office of Planning to consider, you know,
3 an evaluation of the program to date to see how it's working, to
4 see if those initial calculations and assumptions that
5 undergirded the original adoption of the program are still valid
6 or if they need to be updated to reflect current market trends,
7 it's just the way the District is changing. But we think that
8 probably should occur as a separate process where that is being
9 evaluated in terms of looking at the IZ program and the IZ-Plus
10 program specifically as opposed to delaying this much needed
11 density in this area. So final slide, please, Mr. Young.

12 So that concludes my testimony. Like I said, OAG is
13 very supportive of the proposed rezoning, and I'm happy to answer
14 any questions that the Commission may have.

15 Thank you.

16 CHAIRPERSON HOOD: Thank you, Ms. Cain, and also giving
17 the perspective of the Office of Attorney General. Let's see if
18 we have any follow-up questions or comments.

19 Commissioner Wright?

20 COMMISSIONER WRIGHT: No. I have no questions or
21 comments. I think that, again, I think we're all aligned on the
22 goals. I think we all have very much the same goals. But the
23 devil's in the details and that's sort of where we're now boring
24 down into some of these details that are a little harder. But
25 in terms of the overall goals, which I think you laid out very,

1 very well and no disagreement at all. It sounds like we're all
2 very aligned.

3 CHAIRPERSON HOOD: Thank you.

4 Vice Chair Miller?

5 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
6 thank you, Ms. Cain, for Office of Attorney general's very concise
7 and focused testimony and report on focusing on the consistency
8 of this proposed zoning with the comp plan, not just the future
9 land use map but other planning exercises that involve the
10 community, and your translation of this proposal into the number
11 of units that could be produced that would actually meet goals
12 that had not been met by the City, by Rock Creek West in this
13 area in terms of dedicated affordable housing. So I appreciate
14 the focus and your testimony in support.

15 CHAIRPERSON HOOD: Commissioner Imamura?

16 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Good
17 evening, Ms. Cain. It's good to see you.

18 I don't have any questions. I just have a couple of
19 comments. One, I always appreciate your reports. As Vice Chair
20 Miller said, you always provide some additional clarity and
21 information and what I appreciate most is your level of
22 professionalism that you bring to your testimony and your
23 presentations. That being said, you've also historically over,
24 or I guess since I've been on the Commission, I know that you
25 have had some tough nights before and have received a lot of

1 tough questions, particularly from Commissioner Stidham's
2 predecessor. So I want to add a little bit of levity tonight in
3 that I'm guessing you are enjoying this conversation and kicking
4 back with popcorn and watching the dialogue go back and forth,
5 and so as rightly so.

6 Again, thank you. I appreciate your report tonight or
7 your presentation and the support that you're offering OP
8 tonight. So continue to sit back, enjoy your popcorn and, again,
9 thank you very much for the time that you put in to your
10 presentation and the work that you do on behalf of the City.

11 Thank you, Mr. Chairman.

12 CHAIRPERSON HOOD: Thank you. Well said. And I think
13 all of us from Commissioner Stidham's predecessor and the
14 predecessor before that. So anyway, anyway, all of them, they
15 were great though. Let me see.

16 Commissioner Stidham?

17 COMMISSIONER STIDHAM: I am well aware of my
18 predecessors and vow to not do that to you here. Not saying I
19 won't ask the hard questions if they need to be, but my approach
20 is a little bit different. So thank you for your time tonight
21 and always.

22 CHAIRPERSON HOOD: I want you to be like both of them
23 because I used to love going, we used to have a good time. So
24 anyway. All right.

25 But let me ask you, Ms. Cain. I don't want to

1 misconstrue what you said, and it'd be good if you could write
2 that down for me so I could keep it because I like it. When you
3 were mentioning about not doing the design review, I forgot how
4 you worded it, and I looked back at your slide to see if it's
5 captured it. It's just how you worded it. Could you refresh my
6 memory and word that again? Just in other words, run the tape
7 back and repeat what you said about the increase by-right, and
8 you don't think that we should do -- I think I heard you say you
9 don't think we should add another step or another layer of a
10 design review. I think that's what I heard.

11 MS. CAIN: I think what you're getting at, I think our
12 position is that rather than going through a discretionary design
13 review process which is, you know, inherently subjective, it is
14 discretionary. Rather, it's better to build those things into
15 the regulations themselves and I think, Commissioner Wright, I
16 think, you know, to your comment, I think it can be done both
17 ways. I think from our standpoint, you know, we are lawyers. We
18 like things written down. We like clear rules. So that's
19 obviously sort of where we're coming at things from. So I think
20 that would be our position rather than having applicants go
21 through a design process that, you know, may not be the most
22 clear either for them or for District residents, just based on
23 personal experience, you know, back when I was working for the
24 Commission I remember a lot of times in design review cases
25 District residents were thinking that it was like a PUD and that

1 there would be public benefits and that there would be sort of
2 this more back and forth with applicants, which is not the case
3 in design review.

4 So I think if those requirements are in the regs and
5 they're well written and they're clear, I think from our
6 standpoint that would be sort of the more efficient way to address
7 these issues, which are important. You know, the way the built
8 environment looks is important for how the City interacts and how
9 it grows. So definitely don't want to diminish that as an
10 important factor. But just think that this is the better avenue
11 to do it.

12 CHAIRPERSON HOOD: Okay. I got you that time. So
13 thank you, Ms. Cain.

14 Again, I appreciate your providing testimony and
15 appreciate that following up and helping me understand that last
16 point. So thank you.

17 MS. CAIN: Of course.

18 CHAIRPERSON HOOD: Have a great evening.

19 MS. CAIN: Thank you.

20 CHAIRPERSON HOOD: So, Ms. Schellin, I don't think we
21 have anybody from DDOT, or do we?

22 MS. SCHELLIN: We do not. They will not be testifying
23 this evening.

24 CHAIRPERSON HOOD: Okay.

25 Do we have any other government agencies before I go

1 to Office of Planning? I mean, not the Office of Planning. I'm
2 getting mixed up.

3 MS. SCHELLIN: No other government agencies.

4 CHAIRPERSON HOOD: I'm doing a PUD. I'm sorry.

5 MS. SCHELLIN: No other government agencies.

6 CHAIRPERSON HOOD: All right. Let's go to our ANC
7 Commissioners. Do we have 3A or what is it, 3C? No. No. Not
8 3C. Well, who the ANC Commissioners are, let's bring them.

9 MS. SCHELLIN: Yes. We have, let me see who we have
10 here for 3A and --

11 VICE CHAIRPERSON MILLER: As Ms. Schellin is looking
12 at that, Mr. Chairman, I would just note that at Exhibit 126, we
13 do have the DDOT report stating no objection to the proposed
14 rezoning, and what jumped out to me is that they showed the
15 maximum build-out with the increase from the current zoning, what
16 the increase in units would be 5,800 residential units, which
17 we've learned tonight is not necessarily, we're not going to get
18 to that. Not everyone's going to use that and then we learned
19 that the 20 percent doesn't necessarily apply. It's a sliding
20 scale. But if it was 20 percent, it'd be 1,100 IZ units under
21 IZ-Plus. So just wanted to point that out.

22 CHAIRPERSON HOOD: All right. Thank you. Thank you,
23 Vice Chair. Appreciate that. Also, reminding us about the DDOT
24 report. Thank you. All right.

25 Ms. Schellin?

1 MS. SCHELLIN: So Ann Mladinov, I'm sure I messed that
2 up, ANC 3A, and Tom Quinn for ANC 3E.

3 CHAIRPERSON HOOD: Okay. Let's bring them up. And,
4 Ms. [Maldino], if you can correct Ms. Schellin and I, we'd greatly
5 appreciate it. And we can start with you, and then we'll go to
6 Commissioner Quinn. Ms. I think {Maldino}. Can you unmute? All
7 right. We'll come back to you, Commissioner. Let's go to
8 Commissioner Quinn. Are people having a problem unmuting?

9 MS. SCHELLIN: In the bottom of your screen, you'll see
10 an option to mute or unmute. Or if you hit your space bar, that
11 will sometimes do it.

12 CHAIRPERSON HOOD: That's the Mike Turnbull rule. He
13 told me that one night. Sometime it doesn't work if you click
14 on another screen. Can anybody unmute? Any of our Commissions?

15 COMMISSIONER STIDHAM: Yes.

16 COMMISSIONER IMAMURA: Yes.

17 CHAIRPERSON HOOD: Well, I know we can unmute. No.
18 I'm mean --

19 COMMISSIONER STIDHAM: Oh, you meant the others.
20 Sorry.

21 CHAIRPERSON HOOD: I'm sorry. I meant the ANC
22 Commissioners. I'm sorry. Because it seems like neither one of
23 them can unmute. I know we don't have it locked. Commissioner
24 Quinn, can you unmute? All right.

25 MS. SCHELLIN: Maybe they need to log off and log back

1 on because we cannot unmute them. I've sent them several requests
2 to unmute, so they may need to log off and log back on.

3 CHAIRPERSON HOOD: So if you can hear us, we're going
4 to move on. If you all can hear us, Commissioners, if you log-
5 off and log back on, we'll bring you back up. We're going to
6 move on. Let's take them down. Let's work with them, see if we
7 can get them up.

8 Ms. Schellin, can we bring on our first those, I mean,
9 those are all the ANC Commissions, correct?

10 MS. SCHELLIN: That's correct. They're the two that
11 are affected, yes. The two affected ANCs.

12 CHAIRPERSON HOOD: Okay. Let's start bringing up those
13 who are in support.

14 MS. SCHELLIN: Okay. Sure.

15 CHAIRPERSON HOOD: And when they come back on, let's
16 do them right away.

17 MS. SCHELLIN: Well, we'll, right. We'll stop the
18 panel. Finish that panel and then go to ANC. Sure.

19 CHAIRPERSON HOOD: Right.

20 MS. SCHELLIN: So the first four for this panel would
21 be Cheryl Cort, Mark Teschauer, Tom Lalley, and Maximillian
22 Columbina.

23 CHAIRPERSON HOOD: Okay. We will begin.

24 MS. SCHELLIN: Okay.

25 CHAIRPERSON HOOD: You really need four. Yes. You

1 have all four up. Okay.

2 Ms. Cort, you may begin.

3 MS. CORT: Thanks, Chairman Hood. My name is Cheryl
4 Cort with the nonprofit Coalition for Smarter Growth.

5 We are pleased to testify in support of this rezoning
6 proposal to increase housing opportunities along this important
7 metro corridor and high opportunity area. This proposal
8 implements the Wisconsin Avenue Development Framework, or I'm
9 going to call it the Development Framework, and offers the
10 potential for thousands of new homes and the benefit that comes
11 with it attracting new shops, restaurants, and services around
12 these two metro stations, Friendship Heights and Tenleytown, and
13 the Wisconsin Avenue Transit Corridor.

14 This significant upzoning advances the District's goals
15 to create more housing and more affordable housing, especially
16 in high opportunity areas. Opening up this corridor to thousands
17 of new homes, people, and families benefits the entire City by
18 creating new housing capacity beyond redeveloping areas like the
19 Ward 4 H Street Northeast. Ward 3 should be growing too. There's
20 no better place to add so many new housing opportunities than
21 Upper Wisconsin Avenue Transit Corridor, which is one of the
22 priorities identified in the Rock Creek West Planning Area in the
23 comp plan. We support the proposal's departure from the
24 uncertainty of a design review process and note that D.C.'s unique
25 legal status as not a state has specific vulnerabilities that

1 lead to risk, delay, and really proposals not even being proposed,
2 especially in Ward 3.

3 Instead of the design review process, the zoning has
4 enhanced guidance for new and redeveloped buildings to foster a
5 more walkable public realm. The proposed rezoning uses a more
6 form-based approach to guiding development to realize its vision
7 from the Development Framework and the Comprehensive Plan.
8 However, we recommend that while still advancing this case,
9 additional improvements be made to the building form and public
10 space guidance to ensure that the changes realize the vision of
11 the Development Framework. Our goal is to both encourage
12 significant new housing opportunities while also creating great
13 public spaces from grand to intimate for all kinds of people to
14 enjoy.

15 We have worked with others including Ward3Vision
16 Steering Committee members to propose an approach to making these
17 revisions with Office of Planning, and a memo was submitted to
18 you through the Ward3Vision submission by Ron Eichner. We
19 appreciate that OP met with us and has responded to these
20 recommendations. While OP doesn't think they're feasible, we
21 believe that small amount of outside expertise in form-based
22 codes can build on all of the work that we've done through the
23 Development Framework and these zoning text amendments to refine
24 the zoning changes to create the guidance needed. This can be
25 accomplished in a matter of months as a part of this case hearing

1 process and implemented through standard zoning administrative
2 review process.

3 I ask you to read my testimony. I will mention IZ-
4 Plus briefly. We reiterate our support for IZ-Plus as a tool to
5 create affordable housing, which was created in -- the IZ-Plus
6 part was created in 2021, but we recognize significant changes
7 in cost and market factors mean that we might need to reassess
8 IZ-Plus assumptions to produce affordable units while not
9 discouraging production of housing in general. If we don't build
10 housing, we don't build any affordable housing. And so we do
11 want to maximize the utility of this market-based zoning tool,
12 but recognize its limitations and we recognize that it could also
13 need to be paired in some instances with things like available 4
14 percent tax credits or other subsidies. Evaluation of IZ-Plus,
15 however, is a separate issue from this zoning case. We encourage
16 OP to investigate and refine this affordable housing tool, but
17 we do not believe that it's appropriate to re-evaluate it as
18 a part of this case.

19 I point you to my testimony where I reiterate some of
20 the steps that we could take to refine the zoning text in order
21 to bring in a more form-based approach that I think would get us
22 all the way where we need to be. But we want to encourage the
23 Zoning Commission to continue to move forward with this case,
24 delaying it and we do have time because no one's building
25 anything, things aren't penciling out at all right now. So there

1 is time for us to do this. We think we can get it done. We have
2 the opportunity to improve these zoning text amendments, to
3 provide the guidance that we do to create a human scale
4 development along with all of this very much desperately needed
5 housing that really should be going in Ward 3, where Ward 3 has
6 tapped out so much so many housing opportunities, both market
7 rate and affordable.

8 Thank you.

9 CHAIRPERSON HOOD: Thank you, Ms. Cort. Hold tight.
10 We may have some questions.

11 Let me try to see if we can get Mark Teschauer, and if
12 I mispronounce anybody's name tonight, please just correct me,
13 or correct us. Go right ahead.

14 MR. TESCHAUER: All right. Good evening, Chairperson
15 Hood and Commissioners. My name is Mark Teschauer.

16 I've been a resident here in Northeast for almost five
17 years, and I support the proposed rezoning along the Wisconsin
18 Avenue corridor. This proposal will encourage more housing
19 options, including affordable housing in this high opportunity
20 neighborhood. We'll also support the District's climate goals
21 by supporting more transitory and community development and
22 making it more convenient and affordable for D.C. residents to
23 meet daily needs using more active public transportation.

24 There are many aspects of this rezoning that speak to,
25 me and my concerns as a District resident. One of these involves

1 housing affordability and the cost of living. I'd love to remain
2 a District resident, become a homeowner someday, but housing
3 costs are very high and delaying liability to pursue
4 homeownership in the District. We need to be doing more to
5 encourage more housing production in D.C. in order to increase
6 housing supply and keep housing costs in check. The Wisconsin
7 Avenue Development Framework estimates that up to 9,500 units
8 could be produced as a result of this rezoning, of which 1,700
9 could be dedicated affordable units. Increasing housing
10 potential in high opportunity areas like Friendship Heights and
11 Tenleytown gives all D.C. residents better options, meaning more
12 people can live there, and it relieves some development pressure
13 on other parts of the City and reduces displacement pressures
14 there for lower income residents.

15 Another reason to support this proposed rezoning is
16 climate change. I've long cared about the climate because of the
17 ways both, big and small, it would harm me and the places and
18 people I care about and we're living in a time where we're
19 experiencing these changes firsthand and need action across all
20 levels of government to address the climate crisis. Welcoming
21 more homes and people to Wisconsin Avenue is part of the climate
22 solution to reduce how much people need to drive. Building
23 housing near transit and amenities like shops and retail make it
24 easier for residents to be less dependent, meaning they reduce
25 transportation expenses by driving less or even giving up their

1 car. This action even supports realization of the District's own
2 Carbon Free D.C. and Sustainable D.C. 2.0 Plan goals.

3 I urge you to approve this proposed rezoning. Thank
4 you for your consideration.

5 CHAIRPERSON HOOD: Thank you, Mr. Teschauer. If you
6 can hold tight we may have some questions for you.

7 Tom Lalley? Lalley? Tom Lalley? The last name is
8 spelled L-A-L-L-E-Y, if I'm messing up that bad. Okay. Can you
9 unmute at the bottom of your computer? Okay. Let's hold tight.
10 Let's go to Maximillian Columbina. There you go. We're not
11 getting no sound from you. Might want to turn your sound up.
12 Okay.

13 MR. COLUMBINA: My microphone was disabled.

14 CHAIRPERSON HOOD: There you go.

15 MR. COLUMBINA: Thank you for having me here today. I'm
16 a Ward 3 resident. I grew up in the AU Park area, so I'm directly
17 affected by this subzoning. It's something that I really care
18 about, you know, because just growing up here, I think it's been
19 a huge lack of not only housing, of housing variety but also of,
20 like, amenities, especially on this corridor that we're
21 addressing, you know, Friendship Heights and Tenleytown.

22 You know, as a young resident, it's very unattractive
23 to well, not unattractive, but there is just not a lot of
24 amenities to keep people like me around here, and I think that's
25 a shame for Ward 3, definitely think it is. And so I just want

1 to say that I really do support this subzoning because I think
2 it's important to bring new residents in and kind of bring new
3 life to this this part of town too. And also in the grander
4 context of housing affordability, I think it's also important for
5 us to allow for the creation of more units.

6 So that's what I have to say. So thank you. Thank
7 you for your work. Appreciate it.

8 CHAIRPERSON HOOD: Thank you. If you can hold tight,
9 we may have some questions. And if Mr. Teschauer comes back,
10 you can bring him back up. We may have questions as well. Mr.
11 Lalley, I hope I pronounced that correctly.

12 MR. LALLEY: Yes. Sorry for the technical issues
13 earlier. Thank you, Chairman Hood and members of the Zoning
14 Commission for the opportunity to testify today.

15 My name is Tom Lalley. I'm a lifelong resident of Ward
16 3 and live with my wife and two kids in the house I grew up in
17 and the 3700 block of Yuma Street. So I support the upzoning
18 proposal for Wisconsin Avenue. I believe this proposal will
19 improve my family's quality of life by bringing greater vitality
20 to our neighborhoods. I'm particularly excited to see more
21 housing, especially more affordable housing.

22 Affordable housing is the main reason my family is even
23 in Ward 3. In 1966 my parents bought my house. They had two
24 young kids and another one, me, on the way and not a lot of money.
25 Today, there's no way people like my parents could afford to buy

1 my house. They'd struggle to buy any place in Ward 3. My
2 grandmother also lived in Ward 3 because of affordable housing.
3 She was a World War II refugee with limited means and lived for
4 nearly 20 years at Friendship Terrace in Tenleytown. I also love
5 the upzoning. That upzoning supports greater mobility. My family
6 walks, bikes, takes the Metro, takes the bus, and we own a car.
7 We love having places to walk to, and we look forward to even
8 more places to walk to.

9 So I lived my whole life with underused spaces in Ward
10 3. For instance, it's an enormous waste to still have single-
11 story commercial buildings steps away from the Tenleytown Metro
12 more than 40 years after it opened. So I love Ward 3 as it is,
13 but we live in a city and cities change, especially cities like
14 D.C. that have a growing population and a severe housing shortage.
15 The proposal before the Zoning Commission is more than good
16 enough.

17 Thank you for the opportunity to speak in favor of this
18 proposal tonight.

19 CHAIRPERSON HOOD: Okay. Thank you very much. Think
20 I've gotten everyone, hold on a second. My screen is jumping
21 around moving. I don't know this is the software. Hold on.
22 Give me one second. Okay. There we go.

23 I think I've gotten everyone. Okay. Great. Thank
24 you. Everybody disappeared. All right. Do we have any
25 questions? My colleagues, any questions of anyone on this panel?

1 I'm looking at you, looking okay. I don't see any comments,
2 anybody?

3 (No verbal responses.)

4 CHAIRPERSON HOOD: All right.

5 VICE CHAIRPERSON MILLER: I'll just thank each of the
6 panelists for their testimony and advocacy. Cheryl Cort, I
7 appreciate particularly your testimony. I think we're going to
8 hear from other Steering Committee, Ward3Vision Steering
9 Committee members, and upcoming panels, which are more maybe
10 specifying some of those clarifications and enhancements and
11 refinements that you alluded to that you've all sent to Office
12 of Planning. I look forward to Office of Planning officially
13 responding to that if that isn't, I don't think that's in the
14 record. I don't know if you have a response. I thought you said
15 that you might have gotten some kind of response. I don't think
16 I've seen it. If you have I'd like to see their response to it.
17 So that's all I want to say.

18 MS. CORT: It's in the record. It's in the hearing
19 report. It's brief.

20 VICE CHAIRPERSON MILLER: Okay. Okay. All right.
21 Thank you.

22 CHAIRPERSON HOOD: Okay. I don't have any questions
23 as well. Well, again, we want to thank this panel. We appreciate
24 you all providing the testimony, so thank you all. Appreciate
25 it.

1 MS. SCHELLIN: And we're back with the ANCs.

2 CHAIRPERSON HOOD: And Ms. Schellin?

3 MS. SCHELLIN: They're back.

4 CHAIRPERSON HOOD: So let me say this. I'm looking at
5 my colleagues. Do we need five minutes? We've been going for
6 two hours. Okay? I'm seeing yes. Let's come back in five
7 minutes, which would be 6:11. And I'm sorry to the public. Give
8 us five minutes.

9 MS. SCHELLIN: Okay. Maybe we can pull the ANCs up and
10 see if they can get on in the meantime.

11 CHAIRPERSON HOOD: Yes. You can pull the ANCs up.
12 Thank you.

13 MS. SCHELLIN: Yes. We'll do that. Mr. Young, if you
14 want to pull up Mr. Quinn and Ms. -- already got them? There
15 you go.

16 Ms. Mladinov and Mr. Quinn, do you guys want to try to
17 unmute and see if we can hear you?

18 MS. MLADINOV: Can you hear me?

19 MS. SCHELLIN: We can.

20 MS. MLADINOV Oh, excellent. Thank you.

21 MS. SCHELLIN: Mr. Quinn, we see you, and I see you
22 were able to get off of mute. Excellent.

23 MR. QUINN: Are you, can you -- I've had a lot of IT
24 problems tonight. Can you hear me okay?

25 MS. SCHELLIN: We can. We can. So as soon as they

1 come back, we'll get to you guys. Thank you.

2 MR. QUINN: Thank you.

3 (Whereupon, there was a brief recess.)

4 CHAIRPERSON HOOD: Ms. Mladinov, you may begin.

5 ANC COMMISSIONER MLADINOV: All right. Thank you very
6 much. My name is Ann Mladinov. I'm representing ANC 3A. I'm
7 Commissioner for ANC 3A05.

8 Thank you very much for this opportunity to testify and
9 also thank you for all of the attention, I can tell that you have
10 given to all the statements from the ANCs and the public. That
11 means so much. You have worked on a number of text amendments
12 this year, so many affecting our ANC, and it's been a challenge
13 to keep up. So I know you all have done even more. Thank you
14 also to your staff and also the Office of Planning who have made
15 lot of investments of time working on these text amendments, and
16 we appreciate their work and their effort.

17 This text amendment is very important to our ANC
18 because Wisconsin Avenue is the major commercial corridor in our
19 Commission area and in Ward 3. It's the major site for frequent
20 bus service, the Metro, the library, the post office, and the
21 senior services. All day it's busy and all of us need it. So
22 it matters to us and to the whole region really. Our ANC was
23 just formed in the 2022 redistricting, so we have piggybacked on
24 our colleagues from ANC 3E who used to serve the portion of
25 Wisconsin Avenue that's now in our ANC and is subject to this

1 text amendment. So thanks to Tom and all of the people there.

2 We didn't have a chance to coordinate on positions. We
3 had our presentation in October and voted in November, and they
4 had their presentation in November and voted in special time in
5 December. So we had to make our own way. We tried to look at
6 general principles and the general approach of the zoning text
7 amendment that was proposed, but also look at effects on
8 constituents and we came up with three areas where we found
9 deficiencies, and I think you probably saw that in our resolution
10 and in my testimony. We thought there should be a provision for
11 more affordable housing. We noted the absence of provisions for
12 design review, even though OP had said in the Wisconsin Avenue
13 development framework that there would be design review for areas
14 around metro stations and very large proposals in those areas.
15 And also, we found a distinct lack of information for both the
16 ANC and our constituents, the public, to try to understand what
17 this text amendment would do.

18 And I've noticed in your own statements today and also
19 in the meeting in July 31st, when you voted to set down this text
20 amendment, that you have some of the same concerns. You mentioned
21 all of those same items. It would be so helpful to have the
22 table that came up in the Commissioner's discussions showing how
23 the scale, the graduated scale of affordable housing would work
24 above 125 percent bonus density and to see an economic analysis
25 of the costs and the revenue potential above 125 percent revenue

1 that Mr. Lawson mentioned might be in the record. And, as we
2 also heard, the map of the zones would be adjusted so there would
3 be a plus next to every parcel so that the baseline FAR, the
4 baseline density would be recorded on the map and that would
5 allow us to calculate how the allowable matter-of-right density
6 would compare to what's there now. What that percentage would
7 be, 125 or 300 percent, we don't have that and that would be so
8 helpful. It sounded like it was not that hard to do, so we would
9 truly appreciate seeing that.

10 As far as affordable housing, and I'm sorry that people
11 have not had a chance to get clearer on what the IZ-Plus program
12 requires, but the sliding scale starts at 12 percent and then it
13 goes up to a maximum of 18 percent of the units that could be
14 affordable, would be required to be affordable for, as the
15 Planning Office mentioned, buildings that are made of metal,
16 concrete and steel. If you have a wood-based stick-built
17 building, then the maximum is 20 percent of the units would be
18 required to be affordable if, again, you get up to 125 percent
19 bonus density.

20 The stick-built buildings would rarely get up to the
21 height because, you know, that's not how that construction is
22 done. So they they would rarely get up to 20 percent. But it
23 is, as Ms. Cort just mentioned, it is a very high increase in
24 density on some parcels that would be allowed by-right in this
25 proposal and the requirement for affordable housing does not go

1 up proportionally.

2 OAG stated in their slide that the text amendment would
3 require affordable housing commensurate with its zoning density
4 increase, and it is not commensurate. It is not proportional.
5 And we at ANC were not able to make the calculations of what
6 would pencil out --

7 MS. SCHELLIN: Time.

8 ANC COMMISSIONER MLADINOV: -- but that is something
9 that really should be taken into account. We are so short of
10 affordable housing, and particularly affordable housing at the
11 lower levels of AMI, and as we said in our statement and our
12 resolution, we struggle to see how Ward 3 will be able to provide
13 affordable housing if we don't incorporate it when we are adopting
14 proposals like this.

15 It's very important that we not give up everything that
16 you might possibly contemplate for development early in the
17 process when development is slow and we really don't know what
18 the potential will be because the way our legal system works,
19 it's very hard to take back permission when it's going with the
20 property and the developers have gone into an investment
21 situation, purchase situation of property, understanding that
22 they will have this right. It's very hard to take that back.

23 So we're just asking to allow a little bit more time
24 to think as you have been asking as well. More information, more
25 of the data that went into the analysis, it's really hard for me

1 as a planner or study urban design planning to see what the
2 progression was from the Development Framework to the zoning, but
3 this is indeed where the rubber meets the road. The zoning is
4 what matters, and we need to get it right. If there's more that
5 can be written into the design elements, I know that's very
6 difficult for writing into zoning, but if that could be done that
7 would be a help. We'd be happy to work on that. It's just not
8 there yet.

9 CHAIRPERSON HOOD: All right. Well, thank you very
10 much, Commissioner. Typically we don't, our Commissioners when
11 they're doing their reports and even the rule making, we don't
12 typically give them time. We don't give you a time limit, but
13 we strictly ask for you to abide by looking at time. I heard
14 Ms. Schellin mention time. Typically, we don't really give
15 Commissioners time, a time limit. So thank you. We may have
16 some questions if you can hold tight.

17 ANC COMMISSIONER MLADINOV: Thank you.

18 CHAIRPERSON HOOD: Commissioner Quinn.

19 ANC COMMISSIONER QUINN: Thank you.

20 Good evening, members of the Zoning Commission. My
21 name is Tom Quinn, and I'm an ANC Commissioner representing SMD
22 3E04, which covers both sides of Friendship Heights along
23 Wisconsin Avenue from Harrison Street, North to Western Avenue,
24 and I'm testifying on behalf of ANC 3E.

25 ANC 3E supports the Office of Planning's proposed

1 zoning changes in Case 25-13. As properly noticed at the meeting
2 on December 4th, ANC 3E passed a resolution in support of the
3 proposal by a vote of four to two. I have submitted our
4 resolution to the record, but will capture both the sentiment and
5 as many details of our resolution as possible.

6 First, our ANC aspires to pass unanimous resolutions
7 and often, even in contentious cases, manages to do so through
8 the work of compromise. In this instance, two Commissioners
9 dissented. One Commissioner expressed concerns that the planning
10 process did not adequately examine issues around the need for
11 holistic planning that includes looking at infrastructure,
12 school, recreational, and other needs in the community before any
13 developments are approved.

14 The other Commissioner didn't believe that the ANC
15 should remove itself from the planning process as proposed by the
16 Office of Planning. But a majority of our ANC Commissioners,
17 informed by years of managing the neighborhood level project
18 planning process flaws and all, believe that OP has proposed an
19 improved planning process that will facilitate the construction
20 of needed housing units along Upper Wisconsin.

21 In my 15 years as an ANC Commissioner, ANC 3E has, via
22 cases both before this Commission and the Board of Zoning
23 Adjustment, negotiated affordable housing beyond what is legally
24 required, adding additional units, larger units, and units
25 available to residents at lower median family incomes. These

1 benefits are the most valuable benefits we have extracted from
2 the current discretionary zoning approval process from both a
3 monetary perspective and as a benefit to our communities and
4 residents who benefit from the opportunity to live in our
5 expensive but opportunity rich neighborhood. In our estimation,
6 the required IZ-Plus under this proposal is also the greatest and
7 most important benefit.

8 But our ANC has also negotiated many additional
9 benefits via this discretionary process, including public space
10 improvements, retail agreements, green building and design
11 features, and traffic and parking mitigation measures. In most
12 cases, the public space improvements and traffic mitigation
13 components were measures that were recommended but unfunded by
14 the District, and would likely not be implemented had we not
15 secured funding through the zoning approval process.

16 This, however, is a less than ideal process that
17 saddles what should be unrelated costs to new housing, but it
18 also lays bare the fundamental problems relying on a
19 discretionary zoning process. Neither the timelines or even the
20 approval of projects themselves are certain, and the inherent
21 uncertainty of this process causes applicants to seek certainty
22 of by-right developments and lesser housing and benefits it
23 delivers, and in some cases to avoid building housing entirely.
24 All are poor outcomes.

25 In our resolution, we cite four ANC supported projects

1 and approved by the relevant review board that were appealed.
2 Two cases were subject to significant delays and in two of those
3 cases construction never commenced, which means neither the
4 housing nor the associated benefits were delivered. A frustration
5 of the ANC is that after a lengthy public process that proceeds
6 along a predictable timeline and is concluded with a public
7 hearing such as this at which anyone in the public can testify
8 and even seek party status before this Commission, a small group
9 of neighbors or even one neighbor can file an appeal with an
10 uncertain and usually lengthy review process that comes at great
11 cost to the applicant and the City.

12 Our resolution also cites four examples of projects
13 along Upper Wisconsin Avenue that were pursued with either no
14 zoning relief or minimal zoning relief to avoid these risks.
15 These projects delivered far less housing, both affordable and
16 market rate, required no public process or input, and added no
17 or minimal community benefit packages. We believe OP has, with
18 this proposal, appropriately attempted to resolve this conundrum.
19 We do, however, believe this proposal, as well thought out as it
20 is, still has room for improvements. One of the suggestions we
21 offer is a prohibition on all grade level parking, that all
22 developments must underground utility lines on all public
23 frontages, and no curb cuts be permitted on Wisconsin Avenue, and
24 the OP include additional design requirements, including
25 chamfered corners.

1 We also have concerns that there is no definition of
2 what superior means in both the context of building design and
3 public spaces. We believe high quality public spaces are of
4 great importance to the success of a project in improving our
5 neighborhoods, but there's no attempt to defining this. As
6 examples, OP could require differentiated or high quality paving
7 materials or landscaping or more trees.

8 But our biggest concern remains the physical form of
9 the buildings. We enthusiastically support the requirement that
10 four different large lots be broken up with pedestrian walkways.
11 The location and design of those spaces still matters. The
12 details of buildings matter. While the discretionary zoning
13 process does not guarantee a superior design or architecture, it
14 does at least give the community an opportunity to work with an
15 applicant on the design and express approval or disapproval to
16 the Zoning Commission.

17 To that end, we respectfully request that OP add form-
18 based code in this proposal before it is approved. While adding
19 this will likely cost some money and lead to a modest delay in
20 approval, this step could be done publicly to add another layer
21 of public input and would also have the benefit of strictly
22 prescribing, which can be built in particular lots creating
23 additional certainty for all stakeholders. OP's proposal is a
24 good one that our ANC supports because we believe the current
25 zoning approval process is flawed. We believe that with some

1 additional tweaks, this process can be made even better.

2 Thank you for your time today.

3 CHAIRPERSON HOOD: Thank you both, Commissioners. Let
4 let me just correct myself. I made a mistake. It won't be the
5 first time. We're actually in a rulemaking, we do give everyone,
6 a time limit. So Commissioner, I apologize. It's in contested
7 cases, I guess I need to figure out where I am. But anyway, yes,
8 it's in contested cases that that doesn't matter in parties. So
9 forgive me. I was wrong. All right. And thanks staff for
10 correcting me. It's shooting me back on the straight and narrow.
11 Okay.

12 Any questions of this panel of the ANC Commissioners?
13 Okay.

14 VICE CHAIRPERSON MILLER: Yes. I just wanted to, I'm
15 sorry. I just wanted to thank Anne Mladinov and Tom Quinn. Quinn
16 is easier than Mladinov, but I think I got it, I think, for 3A
17 and 3A's testimony. Even though you weren't able to coordinate,
18 it's kind of interesting that both kind of ended up in the same
19 place.

20 And yes, I would want to see the Office of Planning's
21 response to the specific refinements that, Mr. Quinn, that your
22 ANC has suggested, which I agree with. And some of them, the
23 underground, I think, is part of part of it, but I don't know if
24 they got all of it. And your ANC has been great in negotiating
25 those benefits in PUD cases whether they went forward or not.

1 But we appreciate that kind of work. And I think it can be
2 improved and it should be improved and I look forward to OP's
3 response to both of your testimonies.

4 CHAIRPERSON HOOD: I want to thank you both,
5 Commissioners, as well and we want to ditto everything that Vice
6 Chair Miller says. So thank you for all the work that you all
7 do. All right.

8 Ms. Schellin, can we bring up the next four, please,
9 in support?

10 MS. SCHELLIN: Yes, sir. Yes, sir. So we have
11 Elizabeth Vaden from WIN Ward 3, Christopher Vaden, Ron Eichner,
12 Brad Brooks-Rubin, Patrick McAnaney. We have four?

13 MR. YOUNG: I only have three.

14 CHAIRPERSON HOOD: You said three.

15 MS. SCHELLIN: Okay. How about Dennis Sendros, DC
16 YIMBYs?

17 MR. YOUNG: I do not see him.

18 MS. SCHELLIN: Okay. Next on the list would be Spenser
19 Dettwyler.

20 CHAIRPERSON HOOD: Okay. We have four. We can begin.

21 MS. SCHELLIN: Thank you.

22 CHAIRPERSON HOOD: Ms. Elizabeth Vaden, if you can
23 begin, please.

24 MS. VADEN: My name is Elizabeth Vaden, and I'm
25 testifying on behalf of the Washington Interfaith Network or WIN

1 Ward 3 Affordable Housing Workgroup.

2 I live just two blocks from the Friendship Heights
3 Metro Station in D.C., and I worship at Saint Columba's Episcopal,
4 a WIN congregation located one block from the Tenleytown station.
5 Other WIN Ward 3 institutions are Adas Israel, Chevy Chase
6 Presbyterian, National United Methodist, and Temple Sinai, whose
7 4,800 members live, work, and patronize businesses along the
8 Wisconsin Avenue corridor.

9 We support the upzoning, this stretch of Wisconsin
10 Avenue as proposed by the Office of Planning. As you know from
11 previous WIN Ward 3 testimony, our efforts are focused on
12 increasing the stock of affordable housing in the Rock Creek West
13 Planning Area. We've seen some progress since Mayor Bowser's
14 2019 Housing Equity Report, including the opening of The Louise
15 on Western with 93 affordable units for seniors and the promise
16 of over 100 affordable units at the Chevy Chase Civic Core, but
17 we have a long way to go, and we need solutions that take into
18 account that most of the land in upper Northwest is privately
19 owned.

20 We support OP's proposal for several reasons. First,
21 the corridor is ripe for increased height and density, and the
22 framework makes new affordable housing a top priority. Despite
23 excellent public transportation and copious family-friendly
24 amenities, much of the corridor remains underdeveloped with one
25 and two-story buildings and empty storefronts and affordable

1 units, natural or otherwise, are extremely limited here.

2 Second, these changes will ensure that height and
3 density increases are a matter-of-right, allowing building owners
4 to forego spot zoning for the PUD process. While we applaud ANC
5 3E's efforts to secure public benefits, relying on PUDs has had
6 the effect of deterring or delaying affordable housing
7 construction. Affordability gains are more likely to be realized
8 when building owners are subject to IZ-Plus, the time from concept
9 to occupancy is shorter and the risk of time consuming litigation
10 is minimized.

11 Third, IZ-Plus will give a significant boost to the
12 number of affordable units being built. We recognize, however,
13 that it's vital to avoid overreach. In particular, laying
14 responsibility for deeply affordable housing at the feet of
15 private developers risks killing off the very development we
16 need. But while IZ-Plus may not resolve every affordability
17 problem, it can open our neighborhood up to a broader range of
18 incomes, allow more people who work here to live here, and
19 continue to tackle the racial inequity evident in upper Northwest
20 since Black residents and investors were forced out in the early
21 20th century. To the extent that Commissioners have concerns
22 about the effectiveness of the IZ program, we hope that you will
23 take that up with OP as part of a more holistic review rather
24 than pursuing that in this case.

25 Lastly, some fear that development would look like

1 downtown Bethesda or Rosslyn, where building heights now exceed
2 300 feet. Even setting aside the hyperbole, we think OP's
3 proposed amendments are sensitive to the existing context.
4 Planners have sensibly proposed maximizing height and density
5 near the two metro stations within reasonable limits while
6 providing for more modest upzoning along other parts of the
7 corridor that could also support new housing. WIN Ward 3 has
8 appreciated the many opportunities that OP offered neighbors to
9 provide inputs over the past four years from walking tours and
10 workshops to more formal opportunities. We do not believe this
11 process has been rushed or ignored community concerns.

12 In summary, the map and text amendments before you
13 today will facilitate a more lively and inclusive community along
14 Wisconsin Avenue with more opportunities to build affordable
15 housing as well as support neighborhood serving retail and
16 services. We urge you to approve them. Thank you.

17 CHAIRPERSON HOOD: Thank you, Ms. Vaden. If you can
18 stick around, if everybody can stick around after you finish, we
19 may have some additional questions.

20 Let me go to Mr. Christopher Vaden.

21 MR. VADEN: Thank you, Chairman Hood. I am Christopher
22 Vaden.

23 For the last 30 years I've lived a couple of blocks
24 from the Friendship Heights Metro Station. I shop at many of
25 the businesses in Friendship Heights. I also go to church in

1 Tenleytown and patronize many of the businesses there. I strongly
2 support OP's proposal here and urge the Commission to approve.

3 Our region needs a lot more housing close to jobs.
4 Directly above a metro line and along a high frequency bus
5 corridor is exactly the place we should be building much denser
6 housing. There seems to be a broad consensus that our
7 neighborhood needs more racial and economic diversity and a lot
8 more affordable housing, but some people who want more affordable
9 housing nonetheless want to erect obstacles to actually getting
10 it built.

11 First, after years of public process to revise the comp
12 plan and develop the framework, and now this public rulemaking,
13 they want to add another veto point in the form of a design review
14 requirement. As we've seen in this neighborhood with the Sunrise
15 Senior Living proposal at Tenley Circle or the Lady Bird project
16 over in Spring Valley, even unsuccessful litigation challenging
17 discretionary reviews can kill projects or delay them by years.
18 And Commissioner Wright, I'm most concerned about the threat of
19 litigation over the outcome of a discretionary review process,
20 not the design review itself.

21 One project that did get built is the apartment
22 building that recently replaced the old Mazaa Gallerie directly
23 over the Friendship Heights Metro Station. The developer chose
24 to build a matter-of-right project under the old zoning limits
25 rather than seeking a PUD or pursuing upzoning. By building to

1 those limits rather than the now proposed MU-10, the developer
2 sacrificed a significant number of housing units and affordable
3 housing units. It's not hard to surmise that the cost and risk
4 of delay of a PUD or upzoning process played a role in the
5 developer's choice.

6 Second, some people want to impose greater IZ set
7 asides or deeper affordability levels. I completely agree that
8 the Wisconsin Avenue corridor needs more racial and economic
9 diversity, but I fear that mandating larger private subsidies
10 than the current IZ-Plus program will prove to be a poison pill.
11 The IZ program mandates private subsidies, but deeply affordable
12 housing requires public subsidies. Increased IZ set asides would
13 reduce the housing project's future revenue stream, reducing its
14 attractiveness to investors and lenders. As other cities have
15 found, if you impose too big a mandate, potential lenders and
16 investors won't fund the project. If the project doesn't get
17 built, we lose both the market rate units and the affordable
18 units that would have come with them.

19 I note that our neighborhood currently has multiple
20 approved PUDs for multi-family housing projects that simply
21 aren't moving forward, presumably because they can't get funded.
22 Deeply affordable housing is important, but unfunded inclusionary
23 zoning is the wrong tool to get it, especially if it sacrifices
24 housing abundance. We need to be a city that can get things
25 built, and we need a zoning code that lets that happen. OP's

1 proposed map and text amendments should be approved. Thank you.

2 CHAIRPERSON HOOD: Thank you. And I know I'm going to
3 mess your name up, Mr. Mac. The A is pronounced [Mac-A-Naney].
4 So how about you to correct me.

5 MR. MCANANEY: You got it right. Congratulations.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 MR. MCANANEY; Good evening, members of the Zoning
8 Commission. I'm here testifying today on behalf of Somerset
9 Development. We're a D.C.-based affordable housing developer
10 located at 5101 Wisconsin Ave in Friendship Heights. We are here
11 testifying today in support of the proposed map amendments.

12 Recently, I testified to you all regarding Case 23-08A
13 and explained how Somerset is currently pursuing a new
14 construction all affordable multi-family apartment project
15 located at 5211 to 5223 Wisconsin Avenue, Northwest, just down
16 the street from our office. The site currently consists of one
17 and two-story buildings with a mix of retail and office uses. We
18 intend to redevelop the property into a seven-story mixed-use
19 building with ground floor retail and affordable housing.

20 The new building will be about 70,000 square feet in
21 gross square footage with approximately 54,000 square feet of
22 residential area containing 75 apartments, all permanently
23 affordable at 50 percent of area median income or below, with the
24 majority of units being two- and three-bedroom apartments for
25 families. This project is an incredibly unique opportunity to

1 add new permanent affordable housing for families in Ward 3,
2 which has long been a stated goal for the community and for the
3 D.C. government.

4 Building affordable housing in Ward 3 is no easy task.
5 We can say this confidently as one of the only Ward 3-based
6 affordable housing developers. Projects like ours require
7 significant subsidies from a variety of sources. In this case,
8 it would require a combination of 4 percent and 9 percent federal
9 low income housing tax credits as well as a contribution from the
10 Wesley Seminary Project for off-site inclusionary zoning that is
11 the focus of Case 23-08A. There is no magic wand we can wave to
12 make these projects pencil out mathematically on their own and
13 there's simply not enough strength from market rate development
14 to cross-subsidize affordable housing at this scale and depth
15 without additional government funding.

16 Without both types of federal tax credits as well as
17 the Wesley Seminary funds, our project won't be possible. Our
18 project is the best real opportunity to move from talking about
19 affordable housing to actually building it, but it will only be
20 possible under the new proposed MU-8A/WA zone. The new zone is
21 in line with what the Office of Planning laid out in the Wisconsin
22 Avenue development framework as well as the Future Land Use Map
23 and Generalized Policy Map amended in 2021.

24 We've been working on this project since those
25 amendments passed with the goal of delivering on the promise of

1 creating new affordable housing in Ward 3. We deeply appreciate
2 all the support we've received so far from the community regarding
3 our project and if this case goes forward, we hope to make it a
4 reality as soon as possible.

5 I would also like to note for the broader conversation
6 on inclusionary zoning that we participated actively in the
7 development of IZ-Plus in 2021, including providing feedback to
8 the Office of Planning on their financial modeling analysis done
9 at the time to assess the feasibility of the program. When it
10 comes to inclusionary zoning, financial modeling is everything.
11 The math has to actually work for the program to function in
12 practice. The reality of financial modeling is that it changes
13 over time as financial conditions such as rents, construction
14 costs, and interest rates all fluctuate.

15 Unfortunately, financial conditions have changed
16 drastically since the original IZ-Plus modeling was done in 2021.
17 At the time, we were in the midst of a historic national apartment
18 building boom spurred by low interest rates and high demand.
19 That boom has waned significantly both nationally and here in
20 D.C., and we're now dealing with the hangover of high interest
21 rates, enormous increases in construction costs, and weakening
22 demand for rental housing as the District's economy softens.
23 We've done many projects here in the District and in Baltimore
24 that involve using market rate housing development to cross-
25 subsidize affordable housing. We know this model can work, which

1 is why we generally support the inclusionary zoning program, but
2 we also know that this model works well during boom times and
3 struggles during busts. The only way to resolve the challenge
4 we are currently facing regarding the inclusionary zoning program
5 is to base our analysis on empirical data using detailed and
6 updated financial modeling to assess the viability of affordable
7 housing requirements. Inclusionary zoning is not meant to be a
8 static tool. It must be updated regularly to match current market
9 conditions in order to be effective.

10 We strongly recommend that the proposed map amendments
11 move forward, but also that the Office of Planning conduct an
12 update of the 2021 IZ-Plus analysis based on more recent data.
13 We are happy to assist in that effort by providing feedback
14 similar to what we did with the 2021 analysis.

15 Thank you for your attention today, and I'm happy to
16 answer any questions you may have.

17 CHAIRPERSON HOOD: Thank you. Mr. Dettwyler.

18 MR. DETTWYLER: Hello. My name is Spenser Dettwyler.
19 I'm a Ward 3 resident, and I'm here to testify in support of the
20 upzoning along Wisconsin Avenue.

21 I have only been a Ward 3 resident for a couple years,
22 but I've a D.C. resident for seven. I love this city more than
23 anything, and it is my dream and goal to build a life within the
24 boundaries of of the District of Columbia. That's only possible
25 if it's even remotely feasible to afford a home in D.C. There's

1 a housing crisis the nation over, and D.C. is experiencing it
2 harder than most locations, and the only way out is by building
3 more housing.

4 Upzoning Wisconsin Avenue and building both market rate
5 and affordable units as a result of the IZ-Plus zoning in these
6 areas and creating height and density, especially along metro
7 stations near transit, is the only way to actually solve this
8 housing crisis and reduce the cost of housing and allow people
9 to build a life in D.C. who want to be able to instead of forcing
10 them out to other areas.

11 I do have concerns about actually getting development
12 going with regard to Inclusionary Zoning-Plus. I co-sign
13 basically everything that Patrick had to say about tax credits
14 and revisiting IZ-Plus, but I also am confident that the District
15 of Columbia will find a way to make developments work when given
16 the upzonings. We need to build housing and it's not just that
17 we need this to solve the housing crisis. As a Ward 3 resident,
18 I want more neighbors. I want a broader tax base. I want more
19 people to be able to shop at the amenities in Ward 3 because I
20 want small businesses to feel confident knowing that if they set
21 up shop here in Ward 3, the customer base will be there.

22 I want to be able to see more people at the local
23 farmers' markets that I go to in Cleveland Park and in Van Ness.
24 In particular, these Wisconsin Avenue near Tenleytown, the
25 population of Tenleytown is ever changing because of the presence

1 of American University. Adding more people who are residents of
2 this area for longer periods of time than one academic year will
3 do wonders for the the local economy. That is all I have to say.
4 Thank you.

5 CHAIRPERSON HOOD: Good. Thank you. I think we have
6 gotten this panel. So, yes, hold on one second. Everybody's
7 disappeared again. All right.

8 Any questions, colleagues? Any questions on this
9 panel?

10 VICE CHAIRPERSON MILLER: Well, I always have to
11 comment to thank people on behalf of this Commission, which you
12 would do, I know, Chairman Hood, for your work and advocacy and
13 I personally am very sympathetic to the arguments that each of
14 you have made in your presentation about getting stuff done,
15 having sat on those PUD cases that the community spent hours on
16 working on only to see them not go forward because of appeals
17 from an opposition party that wasn't the ANC. So it's frustrating
18 that when you can't get things done and you don't get any housing,
19 we're not going to get any affordable housing.

20 So I appreciate the real politic kind of analysis that
21 each of you have brought to your testimony and as others have
22 said in previous hearings, related hearings, not letting the
23 perfect be the enemy of the good if we can get it done. Sorry,
24 Mr. Chairman. I couldn't resist.

25 CHAIRPERSON HOOD: That's just fine. You do an

1 excellent job. I'm not going to say anything but ditto, and we
2 appreciate everything you all have done, in giving us your
3 testimony. All right. Thank you all.

4 Ms. Schellin, can we bring up four more in support?

5 MS. SCHELLIN: Yes, sir.

6 Next, we are moving to, all right. Let's see. Mr.
7 Sendros was not here. So Dennis Jing, J-I-N-G, Paul Tummonds,
8 Bob Ward, and Steven Seelig. Do I have four?

9 MR. JING: Hi, can you hear me?

10 MS. SCHELLIN: Okay. Do you have four now? Good.

11 CHAIRPERSON HOOD: I'm on mute. I'm sorry. Mr. Jing,
12 you're ready to go.

13 MR. JING: All right. Thank you. So good evening,
14 Chairperson Hood, members of the Commission, Office of Planning,
15 and the Office of Attorney General.

16 I want to thank everyone for their hard work tonight,
17 and I'm testifying on behalf of the DC YIMBYs, a volunteer-led
18 pro-housing group with members across all eight Wards. We
19 actually have over 100 individuals who have submitted letters of
20 support of this proposal. We advocate for more homes of all
21 types, especially in high opportunity areas like Ward 3,
22 especially like Tenleytown and Friendship Heights, given that
23 there are metro stations there. We're here tonight to support
24 OP's proposal in Case No. 25-13 to upzone Wisconsin Avenue around
25 Tenleytown and Friendship Heights.

1 D.C. is in a very serious housing shortage. Rents
2 remain out of reach for many, many residents. Home prices have
3 climbed far faster than incomes, and there are long, long wait
4 lists for subsidized housing, and that just goes to show how many
5 people have been left behind. If we don't create substantially
6 more homes in these parts of the City with the best access to
7 jobs, schools, and transit, we're effectively saying that these
8 neighborhoods are only for the lucky few who can already afford
9 them.

10 In 2019, Mayor Bowser set a goal of creating 36,000 new
11 homes, 12,000 of which were meant to be affordable. D.C. as a
12 collective exceeded the production goal, but we fell short of the
13 12,000 affordable unit goal and as people before me have already
14 testified, it is not a secret who is not doing their part.

15 I live in Van Ness. I've been here for the past four
16 years. Ward 3 is not doing its fair share. We were assigned
17 roughly 2,000 new affordable homes by 2025. We only built 230,
18 by the beginning of this year. It was the weakest performance
19 in the City, and the shortfall of thousands and thousands of
20 units means that there are thousands of lower income households
21 who should have had the opportunity to live near metro stations
22 and have simply never gotten a chance to do so. They were written
23 off. The wealthiest and whitest Ward in D.C. must do more to be
24 actually inclusive and acceptable to all looking for all types
25 of housing. It cannot continue to rely on the legacy of

1 exclusionary zoning and force displacement to keep people out.

2 I think that the members of WIN have done a great job,
3 talking about the Fort Reno neighborhood where Black individuals,
4 a whole Black community was forcibly displaced in the early 20th
5 century. Chevy Chase was down-zoned, explicitly drawn into
6 single-family home lots to be so expensive as to be out of reach
7 for Black Americans. Ward 3 is still living for that legacy 100
8 years later. We are way past time. Wisconsin Avenue is a high
9 opportunity, brands and rich corridor. That is just a fact. It
10 has red line stations. It has bus service. It has a walkable
11 main street pattern that already supports living car light or car
12 free. If we are serious about equitable growth and actually
13 getting stuff done, meeting our climate goals, making sure that
14 not everybody is relying on a car that adds to emissions, this
15 is where more people should be able to live.

16 This proposal does that in a targeted reasonable way.
17 It allows mid-rise growth on the commercial corridor and
18 encourages replacing underused buildings, parking lots, one-story
19 retail with mixed-use buildings that put homes on top of
20 neighborhood serving shops. That's how you get more neighbors
21 and more foot traffic for small businesses and even more riders
22 for metro and buses.

23 I will also say that on a personal note, I had a
24 doctor's appointment just across the border in Friendship
25 Heights. It was at the Barlow building, and I had to walk past

1 the the shops at Wisconsin Avenue. It was around noon. The
2 shops are empty. These businesses are dying. It is literally
3 across the street from a metro station but because there are not
4 enough people living in that area, there was nobody shopping in
5 these small businesses.

6 I also want to speak briefly about IZ-Plus because, as
7 everyone has already mentioned, it's an important part of the
8 story right here. As best as we can tell from public data, the
9 IZ-Plus program is not producing that many units. It's finalized
10 in 2021. It's hard to separate that impact from the broader
11 slowdown in multi-family construction in D.C., but the early
12 pattern raises a real question. If we increase affordable housing
13 requirements, we will probably end up with less housing overall
14 and no matter where you set the percentage, 20 percent of zero
15 is zero and fewer affordable units will actually be built. We're
16 concerned about how IZ-Plus interacts with Historic District.
17 HPRB has the power to quietly shrink what actually gets built.
18 If every project that's allowed 75 or 90 feet ends up actually
19 in practice a few stories short, well, then you're sacrificing
20 the total number of homes for the IZ units the map assumes.

21 CHAIRPERSON HOOD: Mr. Jing, give us your closing
22 thought, please.

23 MR. JING: We urge OP to monitor how many total units
24 and how many affordable units are actually being produced. But
25 on behalf of the DC YIMBYs, I urge you to approve this zoning

1 case and help welcome new neighbors to our city. Thank you for
2 the opportunity, and I'm happy to answer any questions as well.

3 CHAIRPERSON HOOD: Okay. Thank you.

4 And let me just remind those who testify. I think you
5 all can see the clock. There's a clock there, and I know Mr.
6 Tummonds, I'm going to call Mr. Tummonds next. He's the expert
7 so he's going to show us exactly how that's done.

8 Mr. Tummonds?

9 MR. TUMMONDS: Hi. Good evening. I'm Paul Tummonds,
10 Goulston & Storrs on behalf of 4800 Wisconsin Avenue LLC.

11 As noted in our letter dated December 5th, 2005, which
12 is Exhibit 159 of the record, we are supportive of the golden
13 policies proposed in the Wisconsin Avenue Mixed-Use Zones. The
14 4800 Wisconsin Avenue property is the only site that will be
15 subject to the proposed specific design requirements enumerated
16 in the new Section 1008.1, which requires an east/west pedestrian
17 corridor at Davenport Street between Wisconsin and 42nd Street.
18 My testimony this evening will highlight the property owner's
19 concerns with this proposed new section. As depicted in the
20 zoning diagram included with Exhibit 159, there's numerous
21 problems with requiring an east/west pedestrian corridor aligned
22 with Davenport Street in square 1733.

23 First, connectivity. One of the biggest issues with
24 this requirement to align the pedestrian corridor of Davenport
25 Street is that at this portion of Wisconsin Avenue, there's a 14

1 feet change in grade between Wisconsin and 42nd Street. This
2 change in grade creates ADA accessibility issues for pedestrian
3 connectivity, and the only realistic way to achieve ADA
4 compliance would be to introduce a public elevator within this
5 20-foot pedestrian corridor. In addition, Section 1008.1(a)3
6 knows that the purpose of the pedestrian corridor is to provide
7 clear sight lines between the connecting streets. Due to this
8 change in grade, the sight lines between the streets are
9 significantly obscured, especially if you're standing at 42nd
10 Street looking up towards Wisconsin.

11 Second issue, building massing and the marketability
12 of the residential units. The shape of the property in square
13 1733 at 4800 Wisconsin north of the Davenport pedestrian corridor
14 comes to a really sharp point where 42nd Street and Wisconsin
15 Avenue align. The shape of the property, the requirement that
16 the pedestrian corridor be uncovered for at least 75 percent of
17 its length drastically impacts the ability, the marketability of
18 these residential units. Providing this necessary hallway that
19 would be to achieve residential units, there would result
20 residential units that will only be about 15 feet deep rather
21 than 35 feet deep, which is more typical for residential units.

22 Finally, I think that we want to bring to the attention
23 the idea of the actual use of this corridor. We know that the
24 relatively shortest distance that exists between Davenport Street
25 and where 42nd and Wisconsin comes around to meet 42nd Street.

1 It's really questionable whether we think people actually utilize
2 this pedestrian corridor that we're bringing between 42nd and
3 Wisconsin. Given the number of stairs that will be there, we
4 also think that to address that grade change I talked about
5 earlier, it will be difficult to see how we'll be able to meet
6 the goals of these pedestrian corridors which are to provide you
7 space for commercial frontage, outdoor seating, or open green
8 space.

9 So therefore, I just wanted to bring these issues to
10 the attention of OP and the Commission, but in general also
11 highlight our support for the goals and policies of this mixed-
12 use plan. Thank you for your attention. I'm available to answer
13 any questions that you may have.

14 CHAIRPERSON HOOD: Thank you, Mr. Tummonds. Mr. Bob
15 Ward.

16 MR. WARD: Thank you, Chairman Hood, members of the
17 Commission. My name is Bob Ward, a resident of Ward 3, and I am
18 testifying in support of the proposed text and map amendments in
19 this case.

20 The Friendship Heights and Tenleytown neighborhoods
21 could use a breath of life that comes from residents living along
22 Wisconsin Avenue. As many people have said, D.C. has a housing
23 shortage that's putting rents and homes out of reach to many.
24 The answer to that problem is to build more housing. As someone
25 who believes in smart growth, these neighborhoods are exactly

1 where new housing should be added first.

2 Adding housing in walking proximity to transit, shops
3 necessary for daily living, encourages housing opportunities for
4 people to live car-free or car-light. A walkable neighborhood
5 is a key ingredient to urban vibrancy, something these
6 neighborhoods lack. Friendship Heights represents the evolution
7 into failure of the urban shopping mall. Color centrism, dead
8 sidewalks, lack of local foot traffic killed these neighborhoods
9 when the broader market trends shifted. More people throughout
10 more dayparts added through new housing are what's needed to
11 revive the area.

12 I know my colleagues in Ward3Vision have been speaking
13 with the Office of Planning about wading deeper into form-based
14 codes so that good design along the corridor can be both required
15 and a matter-of-right. I enjoyed the conversations earlier about
16 design review. My understanding is design review is practiced
17 in D.C. It's a contested case. It's a discretionary process
18 that is the type of thing that will get, I think, projects bogged
19 down.

20 I mean, it was an administrative review based on, you
21 know, guidelines, that would be a different story, I think. But
22 I ask the Commission to approve the changes before you, but also
23 to encourage the Office of Planning to continue to explore how
24 form-based codes like those used, for example, along Columbia
25 Pike in Arlington can be added to the zoning code along Wisconsin

1 Avenue in the near future.

2 I would also like to encourage the Commission to
3 explore how IZ-Plus is performing since its introduction. I
4 testified in support of IZ-Plus both at the Office of Planning
5 Roundtable and when it was before the Zoning Commission. But I
6 am concerned that significant changes in the market have put the
7 feasibility of IZ-Plus out of balance. I'm not an expert. I
8 know you've heard from people like Patrick McAnaney who are
9 experts, and Art Rogers. I don't know what the requirements
10 should be, but I know that requiring a higher percentage of
11 affordable housing that results in no housing means no affordable
12 housing.

13 I'll also say just in closing, I know, you know, I
14 think this area of the City is the place where we should go beyond
15 the height limit. I mean, if you just look north above Western
16 Avenue, Montgomery County, 15, 20, 25-story buildings would not
17 be out of context here. It'd be really good to invigorate the
18 area's vitality. I know that's not a possibility here, but I
19 can dream. And I wish you would approve the proposed text and
20 maps amendments that OP has proposed. Thank you.

21 CHAIRPERSON HOOD: Thank you. Let's go to Steve Seelig.
22 Hope I pronounced your name right, if not correct me.

23 MR. SEELIG: Hi there. Can you hear me?

24 CHAIRPERSON HOOD: Yes, we can.

25 MR. SEELIG: I can't see myself, which is a blessing.

1 So it's great.

2 So I wanted, I feel like I'm a person who, you know,
3 won the Academy Award and comes up and he has to make a speech
4 with all the people he'd like to thank because I've heard so many
5 people speak so eloquently about some of the key issues here.
6 It's really hard to endorse them all. But I first just wanted
7 to say personally why I'm here. Okay? I'm lucky enough to have
8 been a person who had a government job back in the '80s and was
9 able to move up here and to afford to buy a house up here in
10 Friendship Heights. Those opportunities do not exist and I'm
11 under no illusions that unless the City takes action to make
12 things more affordable by building more housing, that things are
13 going to change.

14 I wish, I wish many of the people who live in my
15 neighborhood, many of whom have gray hair like I do, actually
16 understood that they're the lucky ones and now it's time to begin
17 to share. So I just wanted the Commission to really understand
18 that there are many of us here who really do understand that
19 we're lucky.

20 So some of the things I wanted to endorse. I've seen
21 the PUD process take place here in Ward 3. Chris Vaden spoke
22 eloquently about all the failures to that. I think getting rid
23 of that, it's imperative that that takes place. That's what this
24 zoning is all about. The whole issue on form-based code, I don't
25 want to speak unkindly about OP because I know they have a

1 difficult task to put together all of this work, but I really
2 wish that they had been more receptive to the idea of putting
3 down a form-based code in this iteration so that we're not stuck
4 in a position right now where the Zoning Commission might say,
5 well, let's not act till we get that form-based code. That's
6 really what we want to have.

7 I wouldn't advise the Zoning Commission to do that. If
8 you want a form-based code, I would figure out a way to go ahead
9 and approve these rules and send OP back to put together that
10 form-based code that you can then ladle onto whatever you've
11 approved here. I don't want this to wait, and I know some will
12 comment, gosh, not a lot of building's going on. Well, that's
13 not the Zoning Commission's job to figure out what the economics
14 are. It's to get the rules right.

15 The last thing I wanted to mention is I do get tired a
16 lot about some of the people who come and will testify later
17 about the IZ-Plus and increasing that. Everyone wants more
18 affordable housing. When some people ask for more affordable
19 housing and saying we want to raise the levels, that's basically
20 saying we don't want anything to get built there because we know
21 that the developers can afford it.

22 So I just want to leave with that. Thanks very much
23 for listening.

24 CHAIRPERSON HOOD: Thank you. Let me look at my, before
25 I go to Vice Chair Miller, thank you everybody. Let me look at

1 all my colleagues to see if you have any questions or comments.
2 Okay. Thank you all.

3 I do happen to just have one quick one. Mr. Tummonds,
4 those three issues that you raised, have you already raised those
5 with Office of Planning?

6 MR. TUMMONDS: We submitted the comments that we -- the
7 comments that we submitted on December 5th, we copied Ms. Brown-
8 Roberts.

9 CHAIRPERSON HOOD: Okay.

10 MR. TUMMONDS: And we always have a good dialogue. So
11 hopefully, we can get those set up.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 And I do want to thank everyone, but I'm going to have
14 to let the Vice Chair thank you all and I'll just do that. Vice
15 Chair Miller?

16 VICE CHAIRPERSON MILLER: No. I don't have to be the
17 one to be the academy award recipient either, but thank everybody
18 for your testimony and, yes, I think we do need to see in our
19 record, Mr. Tummonds, the response from the office of Planning
20 to the real practical difficulties and to that being proposed for
21 that particular property. But thank each of you for your
22 testimony.

23 CHAIRPERSON HOOD: All right. Thank you all.
24 Appreciate you all.

25 Ms. Schellin, do we have the next four?

1 MS. SCHELLIN: Yes, sir. Will Teass, Joshua Peacock,
2 Ellen McCarthy, Jad Donohoe. Think that should be four.

3 CHAIRPERSON HOOD: Yes, that's four. We're good. Thank
4 you. Okay. Thank you, Ms. Schellin.

5 Mr. Teass, you may begin.

6 MR. TEASS: Thank you. Good evening, Chairman Hood and
7 members of the Commission. My name is Will Teass, AIA, and I am
8 here on behalf of the Washington D.C. Chapter of the American
9 Institute of Architects.

10 As a board member, the Chapter's 2024 president, and
11 most relevant to this evening's discussion, a member of the
12 Advocacy Committee, the mission of AIA is to empower our members,
13 our profession, and our community to advance the value of
14 architecture and design in Washington, D.C, for AIA DC, design
15 matters, equity matters, and climate change matters. Our
16 advocacy's mission is to promote and advocate for issues
17 important to D.C. architects as well as to support and advance
18 equity in the built environment.

19 We are testifying in support of ZC13 because we believe
20 it represents a positive change for our city. This proposal to
21 revise zoning in the Wisconsin Avenue corridor aligns with these
22 AIA DC values. It emphasizes design by considering the gradual
23 scale of density and consideration of public space. It advances
24 equity by providing a framework for a variety of housing types,
25 including affordable units, and it reinforces the principle that

1 climate change matters by increasing density in developed areas
2 with access to excellent transportation systems.

3 I'm also here as a practicing architect whose firm
4 specializes in missing middle infill design solutions, and I
5 wanted to share my own experiences. Some of our own work is
6 located in and adjacent to the area under the proposed revision.
7 Our projects bridge that gap between single-family homes and
8 high-rise residential buildings and include both market rate,
9 workforce and affordable housing. Generally, we receive
10 inquiries from potential clients on a routine basis. However,
11 for work in this neighborhood, potential residents, whether it's
12 buyers or renters, contact our office specifically seeking
13 opportunities to live in small, missing middle homes. Having a
14 variety of housing types promotes a thriving city, allowing a
15 diverse population to live in close proximity to stores, places
16 of work and worship, and existing transportation networks.

17 On behalf of AIA DC, we are in support of the proposed
18 zoning changes set forth in Zoning Commission Case 25-13. Thank
19 you.

20 CHAIRPERSON HOOD: Thank you. Let's go over to Joshua
21 Peacock.

22 MR. PEACOCK: Hi. Yes. Good evening, chairman Hood
23 and members of the Zoning Commission. I'm Joshua Peacock and a
24 resident of the of Cleveland Park, and I'm speaking to encourage
25 you to support upzoning for Friendship Heights and Tenleytown.

1 Everywhere in D.C., the issues of gentrification and
2 displacement have caused heated discussions and gallons of ink
3 have been spilled writing about them and arguing about causes.
4 While some have blamed the nefarious plan, right here is a perfect
5 example of why this is happening. It has taken nearly five years
6 to get to the Commission that will say that someone maybe one
7 day could possibly be able to build and it will likely take
8 another five years just getting through the next set of
9 bureaucratic hurdles before construction can even begin. Fact
10 of the matter is during all the years of reviews, and engagements,
11 and outreach, and discussions, and concerns, more people have and
12 are going to move to the District. Residents are going to start
13 families. Children will grow up and want to live independently,
14 and others perhaps will want to live without roommates or leave
15 bad situations. If we do not build here, including unsubsidized
16 market housing, prices are going to go up and people who would
17 live in Ward 3 will instead live in Wards 4, 5 or 8 where housing
18 is being built and homes are more affordable.

19 Without more housing in the whitest, wealthiest ward
20 in the District, transplants will move into neighborhoods and
21 outbid D.C. natives for limited housing. We've seen this process
22 happen over and over again in the District for the last 20 years.
23 While some today will reject this upzoning because there's not
24 enough subsidized housing, but the choice today is not between
25 some subsidized housing and a lot of subsidized housing. It is

1 between some subsidized housing and no subsidized housing. The
2 same restrictions that prevent market rate upzoning will also
3 prevent subsidized housing. Rejecting this upzoning will
4 probably start the whole process all over again, result in nothing
5 being done, no subsidized units, and displace even more longtime
6 residents in other parts of the District.

7 Thank you for your time, and thank you to the Office
8 of Planning for all your hard work.

9 CHAIRPERSON HOOD: Thank you. Let's go to Ellen
10 McCarthy.

11 (Pause.)

12 CHAIRPERSON HOOD: Ellen McCarthy? Okay. We're going
13 to come back to you, Ellen McCarthy. Let me go to Jad Donohue.

14 MR. DONOHUE: Thank you, Chair. Thank you,
15 Commissioners. My name is Jad Donohoe from the Donohue Companies.

16 We've got five developable acres in the affected area.
17 I think that might make us the largest private landowner after
18 institutional landowners like WMATA. This effort that you're
19 undertaking is going to be an important driver to help the Rock
20 Creek West area deliver new housing and new affordable housing
21 provided it's done right. The Zoning Commission should
22 acknowledge the likely need for government financing tools to
23 support IZ-Plus projects and to make IZ-Plus feasible and
24 financeable. Otherwise, properties will be under-built or not
25 built at all.

1 Rock Creek West, as some of the other folks have
2 mentioned, has the least amount of affordable housing. The 2019
3 Housing Equity Report called for Rock Creek West to provide the
4 most new affordable units, the highest affordable goal in any of
5 the planning areas. Since D.C. set that goal, what's actually
6 changed in Rock Creek West? Nothing. Where the other parts of
7 the City have produced housing. It's hard to produce housing
8 anywhere in D.C. It's hardest in upper Northwest because of the
9 higher zoning, legal, and financial barriers. This proposal is
10 going to lessen the zoning barrier, but it can build an even
11 higher financial barrier. That's because putting an unfunded
12 mandate of up to 20 percent IZ against new projects could
13 discourage exactly what we all say that we want. I know we can't
14 solve that all today, but it's important to acknowledge that
15 there needs to be relief on the required percentages associated
16 with IZ-Plus or that there needs to be an acknowledgment that
17 there needs to be a government role in making these developments
18 feasible. Support like TIF or like the Housing in Downtown
19 abatement program that other planning areas are a part of.

20 Office of Planning did an IZ-Plus feasibility study
21 five years ago. That study said that if IZ worked without subsidy
22 up to 20 percent, maybe it did for that once in a generation kind
23 of moment of low rates, strong land values, and lower construction
24 costs, but you can't make permanent policy around a once in a
25 generation kind of moment. Five years ago, construction costs

1 were 40 percent lower than they are now. Land costs were, in
2 many cases, 50 percent higher than they are now. So the thing
3 that you're offering, this is sort of a bonus for additional
4 affordable units. The thing you're offering is worth less and
5 the thing you want in return costs more to build. It's the same
6 equation, but the inputs have all changed and the answer comes
7 back, don't build. So no new housing is built.

8 I want to mention briefly two projects that we have in
9 the area. We have a project called 5151 Wisconsin with an 11
10 percent affordability requirement. We paid for the land, paid
11 for the design, paid for the building permit, paid for the
12 extension, paid for the second building extension, and we haven't
13 been able to start.

14 We have another project that you all will be familiar
15 with, 4201 Garrison, that came through the Zoning Commission in
16 July and September. It's got a 33 percent affordability
17 requirement, but it may get started first because it benefits
18 from a D.C. abatement program called HANTA. D.C. government
19 financing tools can help make good ideas that this case is
20 advocating for a reality. So we all need to acknowledge that
21 IZ-Plus is not going to produce the housing and affordable housing
22 we want unless either the requirements are revised downward, D.C.
23 provides financing tools that can help make that happen.

24 CHAIRPERSON HOOD: All right. Thank you. Ellen
25 McCarthy?

1 MS. MCCARTHY: Good evening, Chairman Hood and members
2 of the Zoning Commission. My name is Ellen McCarthy. I'm former
3 planning director and an adjunct professor of City Planning at
4 Georgetown. I'm a member of Ward3Vision and Steering Committee,
5 but I am not testifying on behalf of Ward3Vision tonight. I'm
6 testifying for myself. I hope that you have my written testimony.
7 So I will just only do the very brief highlights because I know
8 the night will be long.

9 I'm totally in support of Office of Planning's stated
10 vision for this text amendment and for the kinds of density and
11 step downs that are called for by the zoning. I think they are
12 very appropriate for Friendship Heights and Tenleytown. However,
13 such density does call for appropriate urban form to ensure that
14 the benefits of intense development also translate into a lively,
15 vital public realm. That's where a number of us who are advocates
16 of smart growth have expressed some concern to OP about having a
17 more form related zoning.

18 The Wisconsin Avenue Design Framework proposed a number
19 of amenities and provisions to achieve a great sense of place,
20 including parklets, through block connectors, and attractive
21 streetscape and public realm. OP has done a great job of trying
22 to make these formulated recommendations into additional
23 Euclidean zoning, but as is mentioned in Ward3Vision's testimony,
24 we're concerned that (audio interference) --

25 CHAIRPERSON HOOD: Let's give Ms. McCarthy a moment to

1 come back. Let's do a trivia. When she says she was concerned,
2 who can guess what her next words are going to be? Disregard.
3 It must be getting late.

4 (Pause.)

5 CHAIRPERSON HOOD: Well, you know what? Bring her
6 right back up, Ms. Schellin, when she comes back. But let's see
7 if we have any questions of the panel before the three that we
8 have here now. Any questions? Okay.

9 Vice Chair Miller?

10 VICE CHAIRPERSON MILLER: Thank each of you for your
11 testimony.

12 Yes. Mr. Donohoe, we're familiar with your projects
13 and the need for the high area needs tax abatement, the HANTA
14 program that one of the projects is benefiting from and
15 unfortunately, doesn't have enough funding to do all the projects
16 that need it in this particular area. But yes, IZ was supposed
17 to be designed to be a privately subsidized market rate-based
18 program which wouldn't have to use public subsidies. So we may
19 need to revisit that whole issue in the future. But we all know
20 we're not producing as much housing as we need and certainly not
21 as much affordable housing as we need.

22 So I have procrastinated enough, Mr. Chairman, and I
23 guess Ellen's trying to get back on, but she'll come back on when
24 she comes back on.

25 CHAIRPERSON HOOD: Yes. We'll bring her up as soon as

1 she come back. I too want to thank this panel. We appreciate
2 you all providing your testimony. So thank you all.

3 All right, Ms. Schellin. Let's bring up the next four
4 and then when Ms. McCarthy comes back, let's bring her on up too
5 and I'll see her.

6 MS. SCHELLIN: Okay. Sure.

7 So moving down the list -- we have I think she might
8 have just, did she just come back on? No. Okay. Santha
9 Sonenberg, Joshua Daniel, Rosalyn Doggett, Rick Rybeck. I think
10 that gives us four.

11 CHAIRPERSON HOOD: Yes. That's four. Okay. We'll go
12 to Ms. Sonenberg.

13 MS. SONENBERG: Thank you. Good evening. I'm Santha
14 Sonenberg. I live in Friendship Heights. I've lived in D.C.
15 for 45 years, which is about two-thirds of my life, and I've
16 lived in Friendship Heights for 30 years, actually more than
17 that, since 1991, and I've been a homeowner in Friendship Heights
18 since 1991.

19 I strongly support the rezoning of Wisconsin Avenue as
20 it will increase and encourage more housing options.
21 Particularly important to me are affordable housing options,
22 including for people with vouchers and those without access to
23 private vehicles. I rarely testify, but I'm doing so today
24 because I feel it's important that the Commission hear from
25 regular residents and particularly from those who live in the

1 immediate area of the proposed rezoning and who own private single
2 family homes, but nonetheless support an increase in the in the
3 number of multi-family residences and a greater socioeconomic
4 diversity in the area.

5 I'm deeply disturbed by the profound disparities and
6 opportunities for D.C. residents, the haves and the have nots.
7 I'm fortunate to fall into the former category, but I'm extremely
8 concerned about the well-being of those in the latter category.
9 Increasing housing opportunities in Friendship Heights and
10 Tenleytown give all D.C. residents better options and also
11 relieve some pressures on other parts of the City where new
12 housing is less contested and therefore easier to build. In so
13 doing, this addresses, at least in part, the displacement of
14 lower income residents.

15 This area is a desirable one in which many families and
16 individuals wish they could live. Building affordable housing
17 through inclusionary zoning and subsidized housing, though not a
18 cure all, is a step in the right direction toward building
19 equitable city, and I firmly believe we all must do our part,
20 whether as individuals, business owners, or real estate
21 developers. I deeply value diversity of all kinds,
22 socioeconomic, racial, ethnic, and I strongly believe that all
23 of us benefit from it. All District residents deserve the
24 convenience of living in this area that has reasonable
25 accessibility to public transportation and also has significant

1 retail offerings within walking distance. Perhaps indeed with
2 additional retail in the area, there may even be an increased
3 number of employment opportunities for some, who without
4 rezoning, likely could not live in Friendship Heights or
5 Tenleytown.

6 Up to 9,500 new housing units on the Wisconsin Avenue
7 corridor, which 1,700 could be dedicated to affordable housing,
8 and I would submit should be mandated as such, would at least be
9 a beginning even if it's not adequate to remedy the inequities
10 in the City. While I do support the rezoning, I don't believe
11 the development should be a matter-of-right without neighborhood
12 residents weighing in on issues such as the percentage of support
13 of affordable housing units developers must be required to
14 provide. I agree with Commissioner Wright's remarks about
15 requiring 20 percent or more of affordable housing. We all have
16 to do our part to enhance inclusion, racial justice, and fairness.
17 As such our values mandate that the Wisconsin Avenue corridor be
18 rezoned. Thank you.

19 CHAIRPERSON HOOD: Thank you. Let me go back to Ms.
20 McCarthy. You may have to start all over or if you want to start
21 where you, either one. It doesn't matter. You're on mute, Ms.
22 McCarthy. You're on mute.

23 MS. MCCARTHY: Sorry. I had moved my computer so many
24 times to follow the hearings I forgot to plug it in at the last
25 time. I subsequently saw an email from Ms. Ackerman that you

1 don't have my testimony because it didn't come in a full 24 hours
2 in advance because it was my last class in the end of the
3 semester, but I would ask if you could please include it in the
4 record.

5 CHAIRPERSON HOOD: Yes. We will do that. We will
6 accept it.

7 MS. MCCARTHY: Okay. So to briefly summarize, I'm in
8 support of the zoning and I think the density is appropriate.
9 But the density that we are talking about does call for
10 appropriate urban form to ensure that the benefits of this kind
11 of intense density do translate into a lively, vital public realm
12 and that's why we have talked to the office of Planning,
13 Ward3Vision, about creating more form-based zoning for this area.

14 OP has done a great job of trying to translate the
15 recommendations of the Wisconsin Avenue design development
16 framework into traditional Euclidean zoning, but the proposed
17 zoning, we fear, doesn't go far enough. For example, if you look
18 at Section 806.1, it has numerous provisions to create a strong
19 relationship between building frontages and the street and
20 sidewalk, but it's not clear that it would preclude a dead corner
21 like the one in the former Mazza Gallerie building at the key
22 intersection of Wisconsin and Western Avenues, admittedly
23 constructed before these regs were adopted.

24 But just in case because you don't have my testimony
25 in front of you, if you stand at that corner, you will see a

1 great sign for Total Wine & Beverage, but not much connection
2 between the building and the street. Although I think the
3 developer tried to provide a high quality design of the building,
4 it's a key corner, and it's a hugely wasted opportunity to provide
5 a more inviting gateway to Friendship Heights, especially in
6 metro exit entrance, which I think a form a form-based zoning
7 could achieve.

8 The chief benefit of form-based zoning is its
9 relationship between the buildings and the public realm and
10 because we have this artificial distinction between OP and DDOT,
11 the public realm is not within your purview at this point in
12 time. But I would strongly urge that we encourage DDOT to look
13 at some kind of pilot design Public Space regs, especially for
14 sensitive places like 44th Street on the backside of the bus
15 garage.

16 I understand the reluctance to provide for the design
17 review process that was called for in Wisconsin Avenue
18 Development Framework given the past history of zoning appeals
19 that had impeded or precluded excellent projects approved by the
20 Commission under the DUD regs. I totally agree with Tom Quinn
21 about what we've lost as a result of frivolous appeals of those
22 projects. So until the Council passes reasonable restraints on
23 frivolous suits, the current emphasis on incorporating design
24 into a matter-of-right format makes sense. But I personally have
25 negotiated and have participated in negotiations with developers

1 in discretionary processes that I think greatly improved designs
2 and I think such a process similar to what you have in the CG4
3 zone where developers can get a certain bonus density in exchange
4 for designing appropriately in conjunction with 75 foot setback
5 at the river walk is something that could be modeled for
6 Friendship Heights.

7 And lastly, Chairman Hood, I always hate to disagree
8 with you, but I would disagree with regard to the testimony
9 proposed from the Ward 3 Housing Justice folks. As Patrick
10 McAnaney and others have so eloquently said, we've got to have
11 an equilibration between the bonus density and the amount we are
12 requiring as affordable housing, and that needs to be revisited.
13 But to just arbitrarily say the income limits are not --

14 MS. SCHELLIN: Time.

15 MS. MCCARTHY: -- low enough and the amount, the
16 percentage set aside is too low, we don't have the right
17 information to make that judgment, and I hope the Zoning
18 Commission will ask for a more detailed analysis of that. Thank
19 you so much.

20 CHAIRPERSON HOOD: Thank you. And if you can hold
21 tight, we may have some questions for you. I know I do since we
22 disagree. We're going to follow-up on that. Ms. Doggett?

23 MS. DOGGETT: Good evening, Mr. Chair, members of the
24 Commission. My name is Rosalyn Doggett.

25 I've been a Ward 3 resident for over 50 years, and

1 that's 5-0, and I support the D.C. Office of Planning's proposal
2 of rezoning portions of Upper Wisconsin Avenue. I'm also an
3 urban planner and recently retired Metro employee, where I was
4 directly involved for over 20 years in Metro's efforts to achieve
5 higher density mixed-use development near Metro stations
6 throughout the metropolitan area, and that includes upper
7 Wisconsin Avenue.

8 I believe that the zoning proposals for Friendship
9 Heights will remake that area into a tightly knit walkable
10 community with an abundance of housing and opportunities to
11 replace some of the retail that's left because you could no longer
12 thrive. Proposed matter-of-right zoning is also very important
13 as it allows change to proceed with fewer roadblocks than those
14 pursued by opponents of higher density mixed-use development near
15 metro and in other appropriate areas in Ward 3 over the past 25
16 years.

17 Further, I'm changing the subject somewhat, the current
18 zoning proposals, which were tailored with extensive community
19 input, will enable the development of a new Western bus garage
20 on the Lord & Taylor site in Friendship Heights. A very large
21 geographic area of Ward 3 and thousands of people like me and my
22 neighbors are bus dependent. I think the existing garage was
23 built in 1936 as a trolley barn. It is outmoded, and it has been
24 patched up for the past 25 years over and over. During that
25 time, Metro has explored many replacement schemes and locations

1 that ultimately proved unworkable, hence the purchase of the Lord
2 & Taylor site.

3 Under the proposed zoning and on completion of the new
4 bus garage without interruption of bus service during
5 construction, the current bus garage on Wisconsin Avenue can be
6 redeveloped for hundreds and hundreds of additional housing
7 units, including affordable housing providing unrealistic and
8 uneconomic requirements are placed on IZ-Plus. The proposals for
9 the remaining three sections of Upper Wisconsin Avenue will also
10 help increase housing without being detrimental to nearby
11 neighbors. There are many parts of Ward 3 including Cathedral
12 Heights near my home, where single-family housing sits
13 comfortably next to taller buildings and high rise apartment
14 buildings.

15 In short, I can state knowledgeably that the zoning
16 proposals that you are considering have been in the making for
17 over 20 years and therefore, I urge you to approve them forthwith.
18 Thank you very much.

19 CHAIRPERSON HOOD: Thank you. Mr. Rybeck. And then
20 I'll to to Mr. Daniel, Joshua Daniel. Mr. Rybeck.

21 MR. RYBECK: Thank you. My name is Rick Rybeck. I
22 live in Adams Morgan. I'm the director of Just Economics.

23 I've lived in D.C. since 1979. I attend gym classes
24 at Friendship Heights three days a week. I support the Wisconsin
25 Avenue corridor zoning proposal to encourage more housing options

1 including affordable housing. Implementing the proposal should
2 result in greater economic vitality. The District's economy is
3 under stress from the firing of federal employees and the
4 reduction in office space use. Therefore, it is critical to
5 provide residential support to the businesses along Wisconsin
6 Avenue.

7 Since moving into D.C., I've lived in several
8 neighborhoods. Excellent transit and access to local businesses
9 are key characteristics of these neighborhoods and central to my
10 quality of life. Tenleytown and Friendship Heights share these
11 same characteristics. Based on the high home prices and rents
12 there, it's safe to say that others find these attributes
13 attractive also. But the District's predominant residential
14 zoning categories limit the number of people who can take
15 advantage of these neighborhoods. The (audio interference)
16 prices and rents. This impoverishes some D.C. residents and
17 prevents others from locating here altogether, forcing them into
18 cheaper but more remote locations.

19 Building more housing near Metro is also very
20 important. It allows residents to live with fewer or even no
21 cars. This reduces pollution and saves households money. Money
22 that isn't spent purchasing cars, fuel, and insurance can be
23 spent on local businesses instead. Although increasing the
24 supply of housing in the Wisconsin Avenue corridor will create
25 some downward pressure on home prices and rents, more could be

1 done. Getting more people to share expensive land should lower
2 the per capita or per household land costs, a significant
3 component of housing prices. Yet upzoning typically increases
4 the price of upzoned land, thereby reducing the intended
5 affordability benefit. However, this land price inflation could
6 be reduced by enhancing land value return. In other words,
7 returning publicly created land value back to the community that
8 created it instead of giving it away as a windfall to private
9 landowners would reduce land price inflation.

10 Several cities in Pennsylvania have successfully
11 implemented this reform. The results have been more affordable
12 housing and increased infill development. The Zoning Commission
13 should advise the Council and the Mayor about land value return
14 as a way to make zoning more effective and development more
15 affordable.

16 I submitted my written copy of this testimony earlier
17 today. I hope that you will include it in the record. It
18 includes a link to an article that explains land value return and
19 how it works.

20 Thank you for considering my views and I welcome any
21 questions.

22 CHAIRPERSON HOOD: Thank you. We will submit -- Ms.
23 Schellin, let's make sure Mr. Rybeck's and Ms. McCarthy's
24 testimony gets into the record. Mr. Daniel, Joshua Daniel.

25 (Pause.)

1 CHAIRPERSON HOOD: Joshua Daniel? Okay. Let's leave
2 Mr. Daniel up, and when he comes off mute we'll come back to him.
3 Do we have any questions for this panel here? Questions or
4 comments?

5 VICE CHAIRPERSON MILLER: Well, I would just comment
6 that, Ms. McCarthy, well, we appreciate each of your very
7 thoughtful testimonies and Ms. McCarthy, we have asked, I at
8 least asked for more analysis that you've requested as well and
9 response to the Ward3Vision's request for more refinements,
10 enhancements, clarifications including more form-based elements
11 in this zoning. So we'd ask for that more analysis.

12 But I'm also, I've quoted that perfect good, perfect
13 being, not be letting the perfect be the enemy the good so many
14 times. I should come up with, use that other phrase that I also
15 like. We don't want to have paralysis by analysis, which as Ros
16 Doggett pointed out, 20 years. I remember, Ms. McCarthy, I think
17 you did a Wisconsin Avenue corridor, you tried to do a Wisconsin
18 Avenue corridor planning framework. I think it was more than 20
19 years ago. I think you actually withdrew it from the Office of
20 Planning at that time, but for whatever obvious reasons we'll
21 hear from later tonight. But it's a challenge, but we're here
22 and we have an opportunity to hope we can try to make the best
23 of it.

24 MS. MCCARTHY: Thanks.

25 CHAIRPERSON HOOD: Okay. I have two questions.

1 Ms. Doggett, weren't you a former ANC Commissioner or
2 am I mistaken? Okay.

3 MS. SCHELLIN: Ross was, yes.

4 CHAIRPERSON HOOD: Okay. They told me you were. I
5 just remembered you.

6 Ms. McCarthy, first off let me just say this. You're
7 not the only one who didn't get to plug up your computer because
8 about a week ago I was in the hearing and mine went away too. So
9 I can understand that.

10 MS. MCCARTHY: Oh, thank you. That makes me feel
11 better.

12 CHAIRPERSON HOOD: So you said you disagree. So when
13 I looked at this, and the reason why I looked at this, there are
14 a lot of elements in the Ward 3 Housing Justice that I've always
15 been trying to achieve and I mean, and I'm sure the Commission.
16 I know that it takes more than me just saying it to get there,
17 but when I look at, and I'm just going to point this sentence
18 out and I'm sure we can agree on this. Specifically target and
19 limit eligibility from these IZ questions in Ward 3. I get that.
20 So households earning between 30 percent and 60 percent of the
21 DC median family income. Do you disagree with that?

22 MS. MCCARTHY: Yes, in that it is very difficult to
23 make that work with IZ. I was the planning director when we
24 first proposed IZ and we spent weeks working with development
25 economics experts because we recognized that IZ was only one

1 tool, one arrow in the quiver of all of our different tools to
2 deal with affordable housing, and it was the tool that allowed
3 us to create affordable housing without any subsidy from the
4 city. So in order to make that work, we looked for how much
5 benefit could one achieve from a bonus density unit and how much
6 would it actually cost to create an affordable housing unit and
7 the only way that that balanced out was if we set the affordable
8 housing unit at 60 to 80 percent.

9 But we did provide in the original version, and I don't
10 remember for sure if it survived so far, that we would aim at 60
11 to 80 percent MFI or AMI, but then allow the City to purchase
12 down the level of affordability with using some of the City's
13 tools like the rent vouchers or subsidies from the Housing
14 Production Trust Fund.

15 So that's where I would disagree and I think, but that's
16 where the request that Mr. Miller mentioned of getting more
17 analysis of the economics there will make sense. If it were
18 possible to use that extra density to get to lower levels of
19 affordability to 30 percent or 50 percent, that would be great,
20 but it's very difficult to think of how that would work market-
21 wise. And I share the same concerns of the Vadens and Patrick
22 McAnaney and others that we don't want to kill the whole housing
23 development market, which is teetering at this point in time, by
24 overburdening it with IZ, but we do need to bring all the tools
25 that we have to bear in order to get the kind of affordability

1 that we need.

2 CHAIRPERSON HOOD: So I don't think we are really
3 disagreeing. Whenever I see 30 percent I think, and I worked
4 with you through your whole process, through your whole time as
5 being in the Office of Planning, so I'm very well aware of that.
6 But you know, I've always been one to try to get 30 percent and
7 I think people thought I was crazy when I asked for zero percent,
8 which I know doesn't work. But I mean, you don't start the
9 conversation to start having it, and I know there are other tools
10 in the toolbox, and I know IZ is not the only tool box that get
11 us there. But 30 percent to me is where the rubber meets the
12 road. How we get there? I don't have all the answers, and I
13 know this right here, it would not necessarily be all the answers,
14 but I'm sorry. I've always been having the conversation I'm sure
15 as you probably remember. So I've been very consistent and I
16 will leave it at that. So I don't think even though we disagree,
17 but I still would like to see us try to get to 30 percent and
18 even 20 percent. I said zero. People have told me that they
19 think I was crazy, but the reason I said I know that was
20 unrealistic.

21 MS. MCCARTHY: Well, if you remember that when we first
22 brought IZ to the Commission, of the substantial amount of
23 research we had done, we looked a lot at Montgomery County's
24 affordable housing dwelling unit requirements and they had the
25 affordability, the MFI levels at a higher amount, but then their

1 Housing Opportunity Commission would buy down some of those units
2 at the lower level and that's, I thought that made a lot of sense
3 as an approach.

4 CHAIRPERSON HOOD: Okay. I think we're fine. We can
5 continue to disagree, but let's get there, you know? And I'm
6 not trying to hold this up, and not just here, but I think it's
7 all over the City, especially in Ward 3 and I know it may not be
8 achievable. Some people now are probably saying Anthony Hood has
9 lost his mind, but at least just start having the conversation,
10 and let's see if we can eventually get there because a lot of
11 people really can't afford the 60 percent. That's a lot. I
12 mean, maybe it's just a lot of people can't afford the 60 percent
13 and I'll just leave it there for now. But I would not hold up,
14 I would not stop this in the deliberations with my colleagues,
15 but I just always believe in getting lower, trying to get the
16 people in most need, especially in Ward 3. That's where I'm at.

17 All right. Mr. Rybeck, I guess you wanted --

18 MR. RYBECK: Well, I --

19 CHAIRPERSON HOOD: I mean, I see a lot of hands raised.
20 Go right ahead.

21 MR. RYBECK: -- just wanted to say that I concur with
22 your desire to get to greater levels of affordability and you
23 know, again, you want to have the right tools for the right job.
24 And one of the things that we have in our city is a property tax,
25 and right now the property tax needlessly makes it more expensive

1 to create, improve, and maintain buildings over their useful
2 life. And it needlessly subsidizes a land speculation, as I
3 mentioned in my testimony, giving away this increase in value
4 that the public sector is creating by upzoning this land. And
5 if we simply did a tax shift, reduce the tax on buildings and
6 increase the tax rate on land value, it would cost the City no
7 money, it would lose the City no revenue, but it would make both
8 buildings and land more affordable. And this is a missed
9 opportunity that many cities either don't understand or have
10 overlooked, and I think D.C. could make great strides for
11 affordability by utilizing this tax shift that has been
12 successfully used in Pennsylvania cities.

13 CHAIRPERSON HOOD: Okay. I want to thank you both for
14 that exchange. Let's see if my colleagues have any other
15 questions.

16 (No verbal responses.)

17 CHAIRPERSON HOOD: All right. I want to thank this
18 panel.

19 MS. SCHELLIN: Chairman Hood, may I just remind Mr.
20 Rybeck. I heard him make mention of a link in his testimony to
21 an article. Would you please attach that since they left the
22 record for you to submit your testimony to the article? We don't
23 click on links. We need it in the record if you want to provide
24 it. I can't hear you.

25 CHAIRPERSON HOOD: You're on mute, Mr. Rybeck.

1 MR. RYBECK: I'm not sure I understand your question.
2 I submitted a written copy of testimony with, oh, you're saying
3 I need to spell out the URL in the testimony?

4 MS. SCHELLIN: You made mention that there is a link
5 to an article. You need to provide the article.

6 MR. RYBECK: Oh, I see. Okay. I'll see if I can upload
7 a copy of the article.

8 MS. SCHELLIN: Right. Just attach it with your
9 testimony. Thank you.

10 MR. RYBECK: Thank you.

11 CHAIRPERSON HOOD: Okay. We want to thank this panel.
12 We appreciate all of you on your testimony and exchange and with
13 that, we appreciate everything, and you all have a great evening.

14 All right. Ms. Schellin, let's call up the next four.

15 MS. SCHELLIN: Okay. I think it may be the last of
16 the proponents, but let's double check. Jay Bose. Let's see.
17 Next, I have. Ian Grice, Shane Detman, and Jeff Utz.

18 CHAIRPERSON HOOD: For some reason, I have Ms. Vaden
19 still on my screen, but I have her name as Joshua Daniel.

20 MS. SCHELLIN: Yes, I see that too.

21 CHAIRPERSON HOOD: You know, this new software is
22 driving me up the wall. Did we ever hear from Joshua? Are you?
23 I'm sorry, Ms. Vaden.

24 MS. VADEN: Actually, is it okay if I speak?

25 CHAIRPERSON HOOD: Yes, yes. I mean, but I'm trying

1 to figure out how did you switch? Is Joshua -- never mind. Never
2 mind.

3 MS. VADEN: Joshua Daniel had asked me if I could
4 deliver his testimony on his behalf as he had to leave. I
5 understand that's not normal policy, however.

6 MS. SCHELLIN: No.

7 CHAIRPERSON HOOD: Yes. Can he submit it in writing?
8 We'll just do that.

9 MS. VADEN: He has submitted it in writing.

10 CHAIRPERSON HOOD: That's good enough. So thank you,
11 Ms. Vaden. We appreciate it. Thank you.

12 MS. VADEN: You're welcome.

13 CHAIRPERSON HOOD: I thought this software was going
14 lulu.

15 MS. SCHELLIN: I know. I was totally confused because
16 I saw his name up there, like, three times.

17 CHAIRPERSON HOOD: All right. The person I see is --

18 MS. SCHELLIN: Do you need -- I think that that is, did
19 you get Shane Dettman and Jeff Utz? Mr. Utz?

20 CHAIRPERSON HOOD: Only person I see is Shane Dettman.

21 MS. SCHELLIN: Okay. So he's not on, I don't think.
22 So that will be the end of the proponents, Chairman Hood.

23 CHAIRPERSON HOOD: All right. Thank you.

24 Mr. Dettman, you may begin.

25 MR. DETTMAN: Thank you, Mr. chairman. Mr., would you

1 mind bringing up that one slide that I emailed to you earlier
2 today, and this is a slide that's already in the record as part
3 of our comments. Thank you.

4 Good evening, Commissioners. I'm here on behalf of the
5 owner of 4551 Wisconsin Avenue, which is the CVS site located in
6 Tenleytown in square 1770, which the diagram on the left you can
7 see it's the large red patch property there in the northwest
8 corner Square 1770. We're here to express support for this very
9 exciting long overdue proposal. We want to very quickly commend
10 the Office of Planning for the extensive planning work that they
11 have done leading up to this point and also thank the Commission
12 for advancing this proposal up into this point.

13 My comments this evening are very much of a technical
14 nature and, again, my comments, they are set forth in more detail
15 Exhibit 167 of the record. The comments are intended to highlight
16 and perhaps raise a few questions that can result from when you
17 actually take the provisions that are specific to Square 1770 and
18 apply them to a specific property and, again, it's the CVS site
19 that I'm here to speak about this evening. And so that, when
20 applied and kind of in a matter-of-right project, we can see some
21 of the issues that could arise and hopefully resolve in order to
22 avoid interpretation or enforcement issues that could arise
23 during permitting on one hand, as well as on the other hand,
24 making sure that when you do apply them to a specific property
25 with a specific set of circumstances, they actually do achieve

1 urban design outcome that's that's set forth and stated in the
2 regulations.

3 I'll talk about four specific provisions and the first
4 one being the pedestrian connection that's required under Section
5 907.2 of the MU-10/TTM zone, which you can see the language there
6 at the top left of the screen. It would seem that this provision
7 kind of is based upon our assumption that square zoning is being
8 redeveloped in a specific way and perhaps by a single owner or
9 by a single developer. But the reality is, as you can see in
10 this diagram on the left which color codes all the properties in
11 the square by owner.

12 Now the square does have multiple owners in it. In
13 addition to that, there's no property currently in the square
14 that actually has frontage on both Wisconsin Avenue and 40th
15 Street or Fort Drive. But the pedestrian connection provision
16 states that any new development in the square shall provide an
17 east/west pedestrian corridor between Wisconsin Avenue and 40th
18 Street. To mention also is that there's a public alley that
19 traverses and bifurcates the square. And so currently, based
20 upon the configuration of properties and ownership, there's no
21 way to comply with this provision.

22 So if the CVS site was to proceed shortly after these
23 provisions would be adopted, and there is no provision, you know,
24 there is no anticipated development on the site right now. But
25 if it did move forward, there'd be no way to comply with this

1 provision for the pedestrian connection and that would
2 automatically result in the property owner having to move forward
3 with some sort of discretionary review in front of the Commission.

4 Furthermore, in order to actually achieve the
5 successful pedestrian connection under 907.2, there would need
6 to be some sort of alley closing and subdivision in order to
7 create a property that has frontages on both Wisconsin Avenue and
8 40th Street and it's a fairly big assumption, I think, to make
9 as we sort of look forward on how the square would actually be
10 redeveloped. It could be redeveloped by multiple owners, it
11 could be multiple buildings. And so I think we would offer that
12 this language be sort of looked at and perhaps make a
13 recommendation that either the requirement be eliminated and look
14 at maybe maximizing pedestrian circulation on the street
15 frontages rather than trying to pull people into the center of
16 the square, perhaps, you know, unnecessarily.

17 But if the Commission felt that this was a
18 recommendation in the Development Framework that was absolutely
19 necessary to kind of have a presence in the regulations, why not
20 make it an incentive that, you know, that a developer could
21 actually take advantage of and incentivize in the form that, you
22 know, if you provide this pedestrian connection. And the
23 pedestrian connection makes, you know, meets certain criteria
24 that are set forth in the regulations, and it would provide some
25 sort of flexibility, whether it be an additional lot occupancy,

1 some flexibility in upper level setbacks, maybe penthouse
2 setbacks where it's not in conflict with the Height Act, make it
3 an incentive rather than hard and fast requirement.

4 The next thing I wanted to touch upon was lot occupancy.
5 The proposal calls for 80 percent lot occupancy for all uses,
6 whereas the underlying MU-10 zone, if you look at any other city,
7 it requires 80 percent lot accuracy for residential uses only,
8 which allows for the ground floor to have a lot occupancy of
9 greater than 80 percent. We think that this kind of, and what
10 you're looking at in the diagram in the middle there is that if
11 you took this property and sort of applied a fully compliant rear
12 yard, the 8 percent plaza requirement, that sort of lands around
13 a lot occupancy of 83, 84 percent. And so the property owner
14 would have to find 3 or 4 percent more lot occupancy or about
15 1,200 square feet to devote to open space at the ground floor.

16 And so how would they go about doing that? You can't
17 pull the building off the front lot line because that leads to a
18 Commission discretionary review because we couldn't meet the 75
19 percent street lot requirement. We could increase the size of
20 the plaza, but that would just make the plaza deeper. It's
21 already 50 feet as it's shown there and, again, sort of to
22 Commissioner Wright's comments, you know, what are these sort
23 of spaces that are supposed to be? How do they operate? Are
24 they actually good quality spaces that we want to have?

25 As Ms. Maxine Brown-Roberts mentioned, this additional

1 lot occupancy would likely go to the rear the property and it's
2 kind of to what result? Why do we want more open space at the
3 rear of the property where actually trucks and cars are going?
4 So what we would recommend is to delete Section 905.1, which
5 requires 80 percent for all uses and just let the underlying MU-
6 10 zone lot occupancy govern which, again, says 80 percent for
7 residential uses, which has been interpreted to upper level where
8 the dwelling units are and let the ground floor sort of be what
9 it needs to be after meeting the required rear yard and plaza
10 requirement.

11 Lastly, I'll just be real quick, is we had a couple of
12 comments in our filing about the ground floor requirements. For
13 ground floor height, it's not clear in the language, whether or
14 not this is a clear height requirement for the retail space or
15 or whether it's really about holding that street wall at the 75
16 percent lot line requirement up to a height of 15 feet. And so
17 we see an opportunity there to provide clarity on how this is
18 measured. And perhaps make it consistent with the 14-foot clear
19 height requirement you find in downtown zone. We don't understand
20 the reason why we need 15 feet in an area like this when 14 feet
21 clear height is a perfectly fine clear height requirement for our
22 downtown zones.

23 And then in terms of ground floor use requirements,
24 Section 906.1 says to cluster retail uses along Wisconsin,
25 Brandywine, Chesapeake, Albemarle and 40th Street. That's every

1 street frontage around this square. We think that, you know,
2 there's really no need for this provision. First, there's an
3 enforcement question about what this cluster means. But then
4 secondly, in its hearing report, the Office of Planning inserted
5 a new provision at 906.3, which requires 50 percent of the ground
6 floor to be devoted to specified commercial uses. And so we
7 don't really see 906.1(f) anymore.

8 MS. SCHELLIN: Time.

9 MR. DETTMAN: So that would be the last comment that
10 we have. Thank you for your time, Commissioners. Happy to answer
11 any questions.

12 CHAIRPERSON HOOD: Okay. Thank you, Mr. Dettman. Let's
13 see. I think we have Michele Coleman. I think I saw Michele
14 Coleman.

15 MS. COLEMAN: Can you guys see me?

16 CHAIRPERSON HOOD: Not yet. We can hear you, though.
17 Is your -- do you have some, if you move your computer, on the
18 top of your computer.

19 MS. COLEMAN: Okay. There we go. There we go. Okay.

20 CHAIRPERSON HOOD: There you go.

21 MS. COLEMAN: Good evening, and thank you for the
22 opportunity to testify. My name is Michele Coleman, and I'm here
23 in strong support of the proposed upzoning along Wisconsin Avenue
24 from Friendship Heights to south of Tenleytown that will allow
25 more housing in Friendship Heights.

1 I'm a native Washingtonian who has lived in Friendship
2 Heights for the past 25 years. I've seen my neighborhood change
3 dramatically since I purchased a home in the year 2000 just off
4 Wisconsin Avenue, one block from the Friendship Heights Metro.
5 Over the past few years, I have seen many stores and restaurants
6 close, while at the same time, the city is experiencing an
7 affordable housing crisis. I was sad to hear just yesterday that
8 Cheesecake Factory is closing after 34 years at Friendship
9 Heights.

10 Rezoning for mixed-use housing could bring life back
11 to my neighborhood and bring in more residents to support our
12 shops and restaurants and welcome a diverse range of residents.
13 Currently, many D.C. workers, including teachers, bus drivers,
14 health care workers, seniors, and young families cannot afford
15 to live in Washington, D.C., let alone in Friendship Heights. In
16 addition to bringing in more shoppers for our struggling retail
17 stores, workers here at Friendship Heights would not have such a
18 long commute to their jobs if they live closer.

19 Many Friendship Heights workers cannot afford to live
20 near their jobs. Friendship Heights is increasingly out of reach
21 for many people who work here, grew up here, or want to build a
22 life here. We cannot ignore the lack of affordable housing in
23 Friendship Heights. This is a neighborhood with great transit
24 access and schools attractive to residents. We can do this. We
25 must do this. Support the upzoning to allow more mixed-use and

1 affordable housing in Friendship Heights. Thank you very much.

2 CHAIRPERSON HOOD: Thank you very much. Let's see if
3 we have any questions of this panel. Looking to my colleagues.
4 Any questions? No questions?

5 VICE CHAIRPERSON MILLER: No questions, but thank you
6 for your thoughtful testimony. And Mr. Dettman, we, again, want
7 a specific response -- if you haven't gotten one already, we would
8 want one -- to the concerns you raised about how it affects that
9 particular CVS property, that square.

10 CHAIRPERSON HOOD: Okay. Thank you both for providing
11 testimony to us. We appreciate you sticking with us too as well.

12 Ms. Schellin, let me ask my colleagues. Do we need
13 another five-minute break or everybody's good? All good. We're
14 good?

15 COMMISSIONER IMAMURA: We're good until nine.

16 CHAIRPERSON HOOD: That's why I'm trying to push it to
17 9:00, you're right. Ms. Schellin, how many people do we have in
18 opposition and undeclared?

19 MS. SCHELLIN: I can tell you very quickly. Actually,
20 we have two undeclared, and we have eleven in opposition.

21 CHAIRPERSON HOOD: Okay. I think we can finish, I
22 think we want to press. All right.

23 Let's bring let's bring up five, Ms. Schellin.

24 MS. SCHELLIN: Five? Okay.

25 CHAIRPERSON HOOD: Yes, let's bring up five.

1 MS. SCHELLIN: Meg Maguire, Deirdre Brown, Gail
2 Sonnemann, Mary Alice Levine, and Anne Murphy. One, two, three,
3 four. We need one more?

4 CHAIRPERSON HOOD: Yes, we need one more. I see four.

5 MS. SCHELLIN: Okay. Susan Laing. Oh, there we go.

6 CHAIRPERSON HOOD: Okay. All right. I'm a go with how
7 I see you on my screen. Let me go with Meg Maguire.

8 MS. MAGUIRE: Yes. I'm trying to get the camera on.
9 I'm pressing start video, but it doesn't seem to be coming up.
10 Well, there we go. Okay. Thanks.

11 I'm Meg McGuire, chair of Northwest Opportunity
12 Partners, CDC. We are advocates for affordable housing and
13 minority business development in this part of Ward 3, and we
14 believe that if you work in Ward 3, you should be able to live
15 in Ward 3. The publicly-owned air rights along Wisconsin Avenue
16 are a gold mine of opportunity to achieve the housing and economic
17 development goals that have been articulated in a series of
18 documents and certainly articulated tonight in this very
19 interesting and valuable public hearing. We all want to have
20 ample affordable family housing, racial equity, and racial
21 diversity, thriving local businesses, design compatibility with
22 established neighborhoods, and adequate infrastructure.

23 In the case before you, the Office of Planning proposes
24 to steeply discount the price of this gold by granting
25 extraordinary matter-of-right development for 100-plus

1 properties without commensurate affordable housing, with no plan
2 for new schools or other infrastructure, with no small business
3 protections against displacement or assurances for relocation and
4 new development, and with no provision for Advisory Neighborhood
5 Commissions and the Zoning Commission to influence design of
6 future development in perpetuity. We feel that matter-of-right
7 seems to be headed to matter-of-wrong. We support sound
8 redevelopment along this corridor accompanied by significantly
9 greater public benefits. Inclusionary Zoning-Plus is
10 insufficient to reduce the amount and kinds of affordable housing
11 called for in the framework, and there's been an interesting
12 discussion tonight about other ways of supplementing that.
13 Therefore, we recommend the following, to set the IZ income
14 eligibility in the new zones at 30 percent to 50 percent median
15 family income. The MFI for Black DC residents residents is less
16 than 40 percent of the area MFI. IZ 60 percent MFI rental level
17 is therefore racially inequitable.

18 No. 2. Establish the IZ set aside requirement at 30
19 percent for the increased residential FAR density. Air rights
20 are a public asset. Granting unearned development rights is
21 analogous to both disposition of public land, which requires 30
22 percent IZ, and a HANTA tax abatement requiring 33 percent. We
23 urge you to apply regular IZ-Plus to the existing FAR with a 30
24 percent requirement applied to the increase. I'm going to skip
25 No. 3 on removing the cap on IZ because there's already been

1 discussion and strategy to clarify that.

2 No. 4. Mandate that 20 percent of the increased FAR
3 be for family-sized two- and three-bedroom units. To meet a
4 critical need for larger units and to create a stable, engaged
5 community of long term residents, family housing is essential.

6 No. 5. Again, I'm pleased that one modest request to
7 be exempted from the IZ requirements is not on the books or is
8 not on the table, and we would ask you to look at our website to
9 see the work that we did on those two websites, which are very,
10 very promising both in terms of an all state-of-the-art, all-
11 electric bus garage, and other kinds of community facilities and
12 a great deal of housing. Those are exciting sites. Please also
13 read the attached discussion to my testimony of other concerns
14 that we have with this case. Ensure ongoing ANC and Zoning
15 Commission review of design decisions, very very much reinforced
16 tonight on the issues of design. Adopt appropriate neighborhood
17 commercial area zoning for Tenleytown and in all future rezoning
18 cases to require that the Office of Planning use ArcGIS 3D
19 visualization to plan with the community and to present to this
20 Commission. There's too much zoning speak and not enough real
21 information about what things are going to look like.

22 Ten years from now, who will be living along Wisconsin
23 Avenue? Will those who work in Ward 3 have an opportunity to
24 live here, the small business owners, the grocery workers, the
25 health care, and childcare workers, the teachers and teachers

1 aids, and those living on fixed income. The Zoning Commission
2 can and must act now to ensure the gold mine of development rights
3 on Wisconsin Avenue is wisely invested in the long held
4 aspirations and oft repeated promises for truly diverse, vibrant,
5 and equitable communities. Thank you.

6 CHAIRPERSON HOOD: Thank you. Hold tight. We may have
7 some questions for you. I'm here with Ms. Deidra Brown and, Ms.
8 Brown, I'm aware of the issue. We will be taking your testimony
9 in. Thank you.

10 MS. BROWN: Thank you, Chairman. Good evening. My
11 name is Deidra Brown. I am a Ward 3 resident, third generation
12 native Washingtonian, and a small business owner here in the
13 Ward.

14 I'm speaking today on behalf of the Ward 3 Democratic
15 Committee. We have taken a very clear position. It is a proposed
16 rezoning for Wisconsin Avenue cannot be accepted in its current
17 form, not when Ward 3 is still the only planning area in the
18 District failing to meet its affordable housing goals, and not
19 when this corridor represents one of the most consequential
20 housing decisions the District will make this decade.

21 Let me be direct about what is at stake. You are being
22 asked to unlock extraordinary density along Wisconsin Avenue from
23 Western Avenue through Friendship Heights to Rodman Street. This
24 includes some of the most valuable, highest opportunity land in
25 the District. Yet the affordability requirements attached to

1 this entity fall dramatically short of what the public was
2 promised through IZ-Plus and through years of planning
3 conversations.

4 The first problem is simple. IZ-Plus ladder stops at
5 125 percent, even though the new zones allow for more density.
6 IZ-Plus was designed so that every increment of added density
7 triggers a higher affordable housing requirement. Capping the
8 ladder early gives away substantial zoning benefits without
9 requiring proportional community benefit. It's not equitable,
10 and it's not what Ward 3 residents were promised.

11 Second, affordability must truly reach the households
12 most excluded from Ward 3 today. Units priced at 60 percent of
13 median family income do not reach most Black families in the
14 District whose median income are roughly a third of the regional
15 MFI. If this rezoning is going to advance racial and economic
16 equity in any meaningful way, affordability must begin at 30
17 percent MFI and extend up to 60 percent MFI, not stop at the top.

18 Third, equity cannot be achieved without family size
19 affordable units. Wisconsin Avenue is one of the few remaining
20 corridors where we can and must build two- and three-family units
21 that working families can actually afford. Without a firm
22 requirement, these homes will not be produced at a scale that is
23 much needed.

24 So let me be clear. We cannot support this rezoning
25 unless these issues are addressed. This is not just about

1 increasing height and FAR. It's about whether the District will
2 match its rhetoric for equity and actually produce policy that
3 serves the families who have been locked out of Ward 3 for
4 generations. You have a rare opportunity today to correct a long
5 standing imbalance in Ward 3. We urge you to strengthen this
6 case, extend the IZ-Plus ladder to all density, require
7 affordability from 30 to 60 percent MFI, and guarantee meaningful
8 family-size affordable units. Anything less will fall short of
9 what this moment demands. Please send this back to the Office
10 of Planning so they can modify the proposal so they achieve the
11 stated goals of equity, inclusion affordability through the
12 Wisconsin Avenue corridors.

13 Thank you so much for your time and attention today.

14 CHAIRPERSON HOOD: Thank you. Hold tight. We have
15 some questions for everybody who spoke already. Let's go to
16 Susan Laing.

17 MS. LAING: Chairman Hood and members of the Commission
18 (audio interference) I oppose the proposed rezoning (audio
19 interference) Wisconsin Avenue corridor as they are written.

20 It's not the greater density and height that I am
21 opposed to, but the fact that the amount of affordable housing
22 that will (audio interference) IZ-Plus is capped at (audio
23 interference) increases of (audio interference). OP proposes a
24 (audio interference) density at least twice that level. Remove
25 (audio interference) in a Ward that has at least (audio

1 interference) height resulting in more affordable housing in Ward
2 3. My second objection is to the current rezoning (audio
3 interference) a 60 to 80 percent MFI income for IZ --

4 CHAIRPERSON HOOD: Ms. Laing, I think either my
5 computer's acting up, but I'm missing a lot of what you're saying.
6 So why don't you turn your video off and see if it works better
7 that way? Unless I'm the only one having that problem.

8 VICE CHAIRPERSON MILLER: You're not the only one, so
9 I think the video off might help.

10 MS. LAING: Do you want -- okay. So should I start
11 with my second objection?

12 CHAIRPERSON HOOD: Start with your second objection,
13 yes.

14 MS. LAING: My second objection to the current rezoning
15 plan (audio interference) income for IZ eligibility. The income
16 for Black households is 35 percent of D.C. MFI, assuring of (audio
17 interference) homes through IZ-Plus and not being able to live
18 where they work (audio interference) of affordable housing and
19 more (audio interference) for affordable units should be lowered
20 to 30 to 50 percent for rentals (audio interference).

21 CHAIRPERSON HOOD: Ms. Laing, make sure that we get
22 your testimony because it was going in and out, and we want to
23 fill in the gap with some of those words.

24 Ms. Sonnemann. You're on mute. You see where it says
25 mute and unmute?

1 MS. SONNEMANN: I just did, I think. Can you hear me?

2 CHAIRPERSON HOOD: There you go. Yes, we hear you now.

3 Yes.

4 MS. SONNEMANN: Hi. I'm Gail Sonnemann, speaking from
5 Ward 3 Housing Justice. I've lived in Ward 7 in D.C. for 47
6 years, 20 on Brandywine Street adjacent to Tenleytown.

7 Ward 3 Housing Justice opposes the proposed rezoning
8 plans for the Wisconsin Avenue corridor until they're modified
9 to provide an equitable amount of affordable housing commensurate
10 with the height and density increases granted. Let me be clear.
11 Ward 3 Housing Justice members are not opposed to growth and
12 prosperity. We want growth and prosperity for everyone, not just
13 for landowners and developers. We want a community where our bus
14 drivers, preschool teachers, library staff, retail workers,
15 lifeguards, pharmacy technicians, and folks living on fixed
16 incomes can live if they choose to.

17 IZ-Plus was initiated 14 years ago before civic leaders
18 envisioned building height and density increases at 125 percent
19 or more. OP proposes upzoning to increase height and density in
20 Friendship Heights at twice that level and more. See WMATA's
21 Lord & Taylor parking lot proposed 333 percent FAR increase, for
22 example. Currently, IZ-Plus caps the requirement for affordable
23 housing set asides at FAR increases of 125 percent, giving
24 projects a freebie for that bonus density above 125 percent. And
25 thank you for bringing that up earlier, Chairman Hood.

1 Ward 3 Housing Justice urges two updates to IZ-Plus
2 specifically because they're important in these Ward 3 zones. We
3 insist that the total amount of IZ affordable housing set aside
4 be tied to the full percentage jump in FAR height and density
5 increases that is now 125 percent cap. Sorry for repeating that,
6 but it's important.

7 Second, broaden access to IZ-Plus units in these Ward
8 3 zones to households in lower income eligibility tiers to
9 households earning between 30, 50 or 60 percent of the D.C. median
10 family income. These new zones represent an incredible financial
11 gift to developers. There's no compelling reason that IZ
12 requirements should be capped, waived, or negotiated away for any
13 developer, including WMATA. As Chairman Hood noted earlier, IZ-
14 Plus is one tool. IZ-Plus should not be the sole item blamed in
15 advance as the reason a hypothetical future development project
16 will, would, or would not, to quote the developers, "cancel out."

17 In Friendship Heights during the day, you see a
18 beautiful mix of people on the street. But after close of
19 business, streets are overwhelmingly White because the people who
20 work here and make the neighborhood come to life during the day
21 cannot afford to live here even if they would like to. At the
22 Pepco Station in Friendship Heights, a large history display
23 reminds us the destruction of the Black community at Fort Reno,
24 and many people who testified tonight remind us of the other Ward
25 3 stories of exclusion through redlining, exclusionary zoning or

1 other strategies. Ward 3 Housing Justice warns that this zoning,
2 as proposed, is exclusionary because it fails to increase
3 equitable access to District residents of modest means to live
4 here and it blames it on IZ-Plus.

5 Anyway, Ward 3 Housing Justice doesn't want to stand
6 for exclusion and neither should the Zoning Commission. Please
7 send this back to OP to address the many shortcomings that have
8 already been mentioned here tonight and will be through the rest
9 of the evening. Thank you.

10 CHAIRPERSON HOOD: Thank you. Mary Alice Levine.

11 MS. LEVINE: Hello. My name is Mary Alice Levine. I
12 am testifying tonight about protecting the neighborhood and
13 historic landmarks of Tenleytown as well as infrastructure issues
14 that are being ignored by the Office of Planning.

15 Many of my points can also be made for Friendship
16 Heights. I am troubled by OP's upzoning of Wisconsin Avenue and
17 particularly the doubling allowed heights and density throughout
18 the corridor. These changes will destroy the character of two
19 historic middle class neighborhoods. Without a track drastic
20 change in the IZ-Plus formula, the buildings resulting from the
21 upzone will bring scant affordable housing and no diversity to
22 the area. The upzoning is for 116 lots for which no development
23 has yet been proposed.

24 The new custom zone plan for the Tenleytown Metro Area
25 allows a total height of 130 feet and 7.2 FAR. Surrounding this

1 proposed zone on Wisconsin Avenue and within one block are
2 landmark properties that will be compromised by new heights and
3 construction of nearby massive buildings. I note Fort Reno Park,
4 Jackson Reed High School, Janney Elementary School, Elderbrooke
5 Church, the Methodist Cemetery, Cityline, and other buildings.

6 On the west side of the 44 block of Wisconsin, neighbors
7 are apprehensive about what could be a particularly unhappy turn.
8 This is an institutional block that houses Tenley Friendship
9 Library, St. Ann's Academy, and St. Ann's Church. Janney land
10 on Albemarle is adjacent to the back of the library and St. Ann's
11 Academy. OP plans to add moderate residential zoning to the
12 government and institutional zoning of the library and the St.
13 Ann's lands. This vibrant heart of Tenleytown could be swallowed
14 up and would be a shocking loss of educational, community meeting,
15 and green spaces. The canyonization of Wisconsin Avenue will
16 deprive residents and visitors of light, air, and green space,
17 not only on the avenue, but also on nearby streets.

18 The development infrastructure assessment is
19 inadequate. First, it ignores the need for more public schools
20 in the Tenleytown and Friendship Heights neighborhoods even
21 without development. No land in the study area has been set
22 aside for a new elementary school to catch the overflow at Janney,
23 which is at 100 percent capacity before new development. That's
24 right now. The nearby Jackson Reed High School is at 115 percent
25 capacity. A new elementary school is especially needed in

1 Friendship Heights where OP could have designated a site on
2 Wisconsin for institutional use. In its infrastructure
3 assessment, OP admits that D.C. WASA has said drinking water and
4 sewage facilities are currently at capacity in this area. We
5 don't know how widespread the issue is --

6 MS. SCHELLIN: Time.

7 MS. LEVINE: -- but OP's infrastructure report on
8 Cleveland Park and Woodley Park mentions the same issue. And
9 this week, WTOP reported that new research from the Interstate
10 Commission on the Potomac River Basin shows the region's water
11 supply could fail to meet the area's need by 2030. Thank you.

12 CHAIRPERSON HOOD: Thank you. Let's see if we have any
13 questions of this panel. Any questions of this panel?

14 (No verbal responses.)

15 CHAIRPERSON HOOD: Okay. I want to thank each and
16 every one of you for providing your testimony. And Ms. Deidre
17 Brown, I want to thank you for the other major issue you're
18 working on here in the City. I sat in on one of those, and I
19 appreciate what you're doing as well. So thank you all. We
20 really appreciate your testimonies.

21 VICE CHAIRPERSON MILLER: And Mr. Chairman?

22 CHAIRPERSON HOOD: Yes.

23 VICE CHAIRPERSON MILLER: I wanted to comment on, I
24 think it was Ms. Brown's testimony, about two and three bedroom.
25 I meant to ask Office of Planning if there's a way we can provide

1 at least an incentive, if not a requirement. I thought in another
2 custom zone that we did. I don't know if it was on Howard Road
3 or somewhere. I thought we did provide some kind of incentive
4 for family-sized units, and so I'd like OP to respond to that
5 issue.

6 CHAIRPERSON HOOD: Okay. Did you have a question for
7 Ms. Brown. They brought her back up.

8 VICE CHAIRPERSON MILLER: No. I just I wanted to say
9 that to remind myself, actually.

10 CHAIRPERSON HOOD: Okay. Okay. Good. All right. All
11 right. Well, again, thank that panel. We appreciate you all
12 sticking with us as well.

13 Ms. Schellin, can you grab the next five?

14 MS. SCHELLIN: Yes. It's actually the last five on
15 opposition that is. We have Judy Chesser, Shelly Repp, Walter
16 Schumann, Laura Richards, and Aidan Jones.

17 MR. REPP: Do we have to start with you?

18 CHAIRPERSON HOOD: Okay. Who was that that said? Was
19 that Mr. Schumann?

20 MS. SCHELLIN: Mr. Repp.

21 CHAIRPERSON HOOD: Mr. Repp? Oh, Mr. Repp is first?

22 MS. SCHELLIN: No, that was who spoke. It was Judy
23 Chesser.

24 CHAIRPERSON HOOD: Okay. Judy. Let's go to Judy
25 Chesser.

1 MS. CHESSER: I don't seem to be on the screen.

2 CHAIRPERSON HOOD: Okay. We just don't see --

3 MS. SCHELLIN: You control own camera. We don't control
4 the camera. You have to turn it on, Ms. Chesser. It's right
5 next to your mute.

6 MS. CHESSER: There you are. A thing of beauty. Okay.
7 Is it small on your screen as well as mine? Am I okay?

8 CHAIRPERSON HOOD: You're just fine. You may begin.

9 MS. CHESSER: Okay. Cool.

10 You have enough time to get this right. You're up 116
11 lots right now, but D.C. officials have said that market
12 conditions are leading to delayed construction. The D.C.
13 economic outlook is for there to be a mild recession. You all
14 know about the federal spending cuts, the major federal jobs
15 lost, and the government shutdown. The CFO projects that there
16 will be a recession next year and that the total revenue
17 projections will be a billion less than previously estimated.

18 The D.C. Office of Planning projects that the
19 population will decrease in 2027, and that's the good news. OP
20 says that this may not happen for decades, maybe never. I put
21 their memo in my testimony. But in the meantime, I am concerned
22 that the taxes will go up immediately. The D.C. code requires
23 assessments every year. It says that they have to factor in
24 market value changes including zoning, and they haven't,
25 including anything that is a result of change in zoning for the

1 area in which the property is located. If this occurs, I'm
2 concerned that the businesses we have now, which are struggling,
3 will have a tax increase but no development going on.

4 In addition, I would like to compare the notices given
5 on Connecticut Avenue and on Wisconsin Avenue. On Connecticut
6 Avenue, OP said that they had notified all the property owners
7 and everyone within 200 feet despite they didn't have to do this.
8 Up on Wisconsin Avenue, coming up a few blocks, OP apparently
9 lost their skills and said that they don't have the ability to
10 notify the owners or the people within 200 feet, and yet they
11 could on Connecticut Avenue.

12 Public notice and public participation. OP seems to
13 be constantly taking an undemocratic approach. No notice. No
14 future participation. And if there's no participation in this,
15 there won't be participation for decades. There is no Council
16 endorsement in the comp plan, and none is being cited by OP that
17 this drastic and undemocratic silencing of the public forever so
18 long as the developer stays within the very, very expansive
19 upzone, and may I put in the memo that the Council put out when
20 they rejected the idea of adopting the requirement for a \$250,000
21 bond to appeal a zoning decision? Would you let me put that in
22 the record?

23 CHAIRPERSON HOOD: So are you talking about in the
24 Budget Support Act?

25 MS. CHESSER: Yes. But then they introduced it

1 separately. Mendelson introduced it, but he said, here's all the
2 reasons why he thought there was a more constructive approach to
3 this and they said that they were not going to adopt the
4 requirement for a \$250,000 bond. So I don't see where the Council
5 has -- pardon me, Chairman Hood?

6 CHAIRPERSON HOOD: I'm aware of that. I actually talked
7 to the Chairman about that. I'm very well aware of that. I was
8 on that issue. So you can put that in the record, but we are
9 definitely -- on that issue, the Chairman and I, basically
10 fundamentally disagree.

11 MS. CHESSER: Okay. I'll put it in the record. Having
12 said that, OP has not cited where the Council supports barring
13 the public from participation and I really think it's a creation
14 of OP that if they put a lot of detail in this text amendment,
15 somehow it will mean the public never gets to participate again.
16 But if you adopt it, then you're part of that too. And I think
17 that democracy is under attack in our country. Please, it is
18 imperative that you honor our country's and city's democratic
19 principles. Please do not bar the public from participation for
20 all future development decisions.

21 I want to thank Commissioner Wright for her earlier
22 comments and her concern that the public still have a role in
23 these proceedings and I want to thank you for letting me testify
24 today.

25 CHAIRPERSON HOOD: Thank you, Ms. Chesser. Hold tight,

1 we have some questions for you.

2 Mr. Shelly Repp.

3 MR. REPP: Good evening, Chairman Hood and members of
4 the Zoning Commission. My name is Shelly Repp, and I'm testifying
5 on behalf of the Committee of 100 in opposition to the Office of
6 Planning's proposed text and map amendments for the Upper
7 Wisconsin Avenue. While I will summarize some high points, I
8 refer you to our complete submission which can be found on Exhibit
9 201.

10 First and foremost, we see OP's proposal as lacking in
11 real planning. The proposal for the most part confines maximum
12 heights and densities allowed by the Comprehensive Plan without
13 providing any real planning 150 feet in height, in the case of
14 Friendship Heights and 130 feet in Tenleytown. Despite the fact
15 that the Comprehensive Plan specifically states that the
16 designation of an area with a particular future land use map
17 category does not necessarily mean that the most intense zoning
18 district described in that category is automatically permitted.
19 What is missing from OP's proposal is any attempt to maintain
20 neighborhood character. We recommend that the Commission approve
21 lower zones which will leave open the possibility of PUDs to
22 increase density.

23 Second, OP's Wisconsin Avenue Development Framework,
24 the predicate for this action, recommended a design review
25 process for the high-density metro zones at Friendship Heights

1 and Tenleytown stating it is recommended that design review that
2 was currently described in zoning regulations be applied to the
3 high-density mixed-use areas covered by the proposed Friendship
4 Heights Metro Zone and Tenleytown Metro Zone. The purpose of
5 design review is to promote high quality contextual design, OP
6 states, by allowing for full review against specified criteria
7 as identified in this development framework. The process entails
8 a public hearing with review and approval by the Zoning
9 Commission. Thus, the framework, this is us speaking now, thus
10 the framework provides for a process under which neighborhood
11 character can be addressed in the development process. Instead,
12 OP's proposal includes a limited set of design standards that
13 will apply to the entire mile and a half corridor with no
14 opportunity for public participation. This cookie cutter
15 approach doesn't pass as planning.

16 While ANC 3E, the ANC for most of the corridor supported
17 the proposal in a split four to two vote, the resolution states,
18 quote, "We remain concerned, however, that enhanced matter-of-
19 right may permit building designs that are less than optimal or
20 have substantially less," close quote. The Committee of 100 has
21 the same concern. A design review process is one way to address
22 this deficiency.

23 We have raised other concerns as well. OP's proposal
24 for the long strip that runs along Wisconsin between the two
25 metro station areas is inconsistent with the Comprehensive Plan.

1 OP has chosen MU-8A with an increased residential FAR of 5.4,
2 whereas under on the Comprehensive Plan base FAR for this stretch
3 cannot be higher than 4.08. MU-8A is the wrong zone choice. MU-
4 5A would be a better choice because it will allow significant new
5 development opportunities, including housing, while overwhelming
6 the low without overwhelming the low density of the adjoining
7 neighborhoods.

8 We've heard a lot about the commitment on economic
9 equity, including the need to lower the income eligibility
10 standards, and the need to address the fact that the current IZ-
11 Plus formula caps out at 125 percent. But I'll add to that.
12 There's a need for the IZ requirement to be hardwired into the
13 regulation. Right now, it's stated in the Purpose of Intent
14 section, it needs to be specifically required, and I also suggest
15 in response to Commissioner Wright's, what I think was
16 Commissioner Wright's comment, that here we are upzoning in the
17 entire corridor right now, so all development will be by-right.
18 How will the IZ-Plus formula apply in that case since the area
19 will already be over-zoned, upzoned.

20 Moving on, OP has not provided the infrastructure
21 evaluation, which actually is required by the Comprehensive Plan.
22 Mary Alice Levine mentioned the need to address additional
23 students because the schools are already overcrowded, plus D.C.
24 Water is telling us that the area, they're already at capacity
25 in this area and they have confirmed to us separately that that

1 assessment has not changed. Finally, existing small businesses
2 and other tenants may be adversely affected if the Office of Tax
3 and Revenue uses the zoning change to increase assessments, which
4 they clearly can do.

5 In conclusion, the Committee of 100 requests the Zoning
6 Commission to address the serious shortage of actual planning.
7 The Zoning Commission should not be bestowing the unearned gift
8 of matter-of-right zoning to landowners with no opportunity for
9 meaningful review by affected individuals and neighborhood
10 organizations, the affected ANCs, and even the Zoning Commission
11 itself.

12 Thank you, and I'm available to answer any questions.

13 CHAIRPERSON HOOD: Okay. Thank you. Mr. Schumann?

14 MR. SCHUMANN: Can you see me?

15 CHAIRPERSON HOOD: We can see you. Yes.

16 MR. SCHUMANN: Thank you. My name is Walter Schumann.
17 I also go by Chris. I'm a resident of Tenleytown and vice
18 president of Tenleytown Neighbors Association.

19 I'm testifying in support of the resolution TNA has
20 submitted opposing OP's proposed upzoning of the Wisconsin Avenue
21 corridor in its current form. As detailed in its resolution, TNA
22 opposes OP's proposed upzoning on three grounds.

23 First, OP's proposal fails to provide for any public
24 input on most and probably all proposed developments. Second,
25 OP's proposal fails to provide any meaningful analysis of the

1 impact of its proposal on nearby neighborhoods. And third, OP's
2 proposal fails to provide any meaningful guarantee of affordable
3 housing.

4 In my testimony, I'll address the first objection. Let
5 me start by describing Tenleytown. Tenleytown is what its name
6 suggests, the town within the city. It is a thriving and vibrant
7 community. It includes neighborhoods lying next to Wisconsin
8 Avenue, neighborhoods that include young residents and not so
9 young residents, newcomers and old timers, residents with
10 children at home and residents without children at home,
11 residents who care about each other and look out for each other.
12 It also includes businesses on Wisconsin Avenue itself,
13 businesses that are regularly patronized by many neighborhood
14 residents and that in many instances are small businesses that
15 have been located at their present site for many years.

16 Of critical importance, neighborhood residents and
17 neighborhood ANCs working with each other have provided valuable
18 input on proposed developments over the years. We sometimes hear
19 the phrase "smart growth". I prefer to describe the product of
20 resident input and ANC input as thoughtful growth. OP's proposal
21 effectively eliminates resident input and ANC input. In
22 addition, it effectively eliminates Zoning Commission input. The
23 effect of OP's proposal in Tenleytown will be that as long as a
24 proposed development is not higher than 130 feet, a height that
25 is over 30 percent greater than the height limit in the comp

1 plan, and that will include most and probably all proposed
2 developments, neither neighborhood residents nor neighborhood
3 ANCs nor the Zoning Commission will have any right to comment on
4 the development.

5 OP's proposed elimination of resident input and ANC
6 input has no basis in current Council approved comp plan and no
7 basis in any other enacted legislation. In this regard, it's
8 significant that the Council recently declined to enact
9 legislation that would have restricted the right of residents to
10 appeal Zoning Commission and BZA decisions by authorizing the
11 Court of Appeals to require appealing parties to post
12 indemnification bonds.

13 The Zoning Commission should reach a similar result
14 here. At a time when powers beyond the District are working to
15 restrict the right of District residents to have a voice in their
16 own government, approving OP's proposal in its current form would
17 send a terrible message with terrible timing. Thank you.

18 CHAIRPERSON HOOD: Thank you. Let's go to Ms. Laura
19 Richards, and then we'll go to Aidan Jones.

20 MS. RICHARDS: One second. Okay. I'm unmuting. Okay.
21 There I am. Good afternoon, Chairman Hood and members of the
22 Commission.

23 I want to address the continued mischaracterization of
24 the District's inclusionary zoning program as an effective
25 instrument of racial equity and a vehicle for restorative

1 justice. A mere 2,400 inclusionary units have been produced
2 since the program began in 2009 against a citywide total of 76,000
3 units. While inclusionary zoning is only one aspect of the City's
4 housing toolkit, it has not met its own limited goals of 8 to 10
5 percent affordable units in PUD cases and 20 percent affordable
6 units in map amendment cases.

7 Even where IZ, in this case, to be when mapped as we
8 understand it will be and enforced, the amount of affordable
9 housing that will be generated and the income levels of eligible
10 households do not come close to the expectations set by the Office
11 of Planning for the program. I know there'll be 1,700, and that's
12 more than we've had, you know, in most cases. Well, it's almost
13 as many as have been built over 16 years. But only 432 IZ units
14 were produced in 2023. That's the most of any year and more were
15 built at the 80 percent median family income than at any other
16 level, which is going the wrong way when we're trying to come
17 down.

18 Meanwhile, there are 20,000 registered households on
19 the IZ waiting list, many of them seeking family-size units of
20 which fewer than ten were built in 2023. Meanwhile, developers
21 have enjoyed billions of value in added density, as Rick Rybeck
22 pointed out, and new luxury neighborhoods have displaced
23 established communities. As several witnesses have acknowledged
24 tonight, the income and wealth gap between Black and White
25 households the District is a chasm that renders the IZ units out

1 of reach for most Black families and I think it's very significant
2 tonight that one of the foremost advocates for smart growth,
3 Cheryl Cort, has acknowledged that the program will not work,
4 probably appears not to be working without maybe the need for
5 some life tax subsidies or some other kind of subsidy. Black
6 people have been saying this for years. Apart from its structural
7 flaws, IZ is poorly administered on a day-to-day basis. As we
8 all know, the D.C. Auditor gave the program a failing grade last
9 year.

10 In short, OP is asking you to approve a massive upzoning
11 justified in significant part on a poorly run program that
12 produces a miniscule number of affordable units measured against
13 the needs that are, for the most part, unavailable for most
14 African American residents and the people for whom equity is
15 being sought.

16 I lost you guys. Are you still there? Oh, there you
17 are. Okay.

18 Therefore, I'm asking you to stop pretending that the
19 program is a meaningful contributor to racial equity. Such a
20 pretense is an insult to District residents, especially residents
21 of color like me. While you do not have the jurisdiction to make
22 IZ a workable program operated with integrity, you can't stop
23 enabling the fiction that it promotes racial justice.

24 Therefore, I urge you to deny this application and send
25 it back to OP for an honest assessment of its actual racial

1 impact. Thank you.

2 CHAIRPERSON HOOD: Thank you. Aidan Jones? Aidan
3 Jones? All right. Let's do this --

4 MS. SCHELLIN: Mr. Jones, at the bottom of your screen
5 you'll see unmute.

6 MR. JONES: Yes.

7 MS. SCHELLIN: There you go.

8 MR. JONES: Yes. How about start video to get to see
9 me? This happened the last time. Not sure why. I'll go ahead
10 because I know I'm clean-up hitter on this evening and Laura
11 Richards is a tough act to follow anyway. So, but thank you.

12 I want to make a couple of points, and I'm trying not
13 to reiterate some of the points that have been made. Public
14 participation is a big issue for all of us these days, and I
15 would hate to see individual parties, organizations, the ANC, and
16 the Zoning Commission not have any say in once upzoning is frozen
17 into place, and that brings me to the second point.

18 I think that this is a premature gesture by the Office
19 of Planning, and the reason is that it was not mandated in the
20 Comprehensive Plan, not notwithstanding that the FLUM laid the
21 basis for upzoning in some respects and to some degree. But
22 nevertheless, the problem is that if you think back to five years
23 ago, we were just entering into the pandemic. Think how much
24 things have changed. And here we are five years later with, in
25 so many different ways, positioned than we were then economically

1 in terms of jobs, in terms of federal government employees, in
2 terms of the real estate economy, and the economy in general.

3 So what will it be like in five years? How will we
4 know? It's very likely that we can't predict what the conditions
5 will be. But given that a developer with the framework in place,
6 with the FLUM, if a developer were required to come in and ask
7 for the upzoning rather than doing it as it's being proposed to
8 be done by the Office of Planning, it would make a whole lot more
9 sense. Things would not be frozen in place. It would not be
10 the great gift to them. There would not be possible tax
11 increases. We would be in a much better position if the
12 investigations are done completely to see what the infrastructure
13 situation is.

14 None of these things are in place right now and so I
15 want you to consider that OP's proposal was premature, not only
16 for the things that have been brought up, but for the other things
17 that have been perhaps less emphasized. There's been
18 insufficient consideration given to the surrounding neighborhoods
19 and their needs. OP could have, but did not consider lower height
20 and density. OP has not adequately addressed important
21 infrastructure concerns and provided a means to resolve them.
22 Design review was inadequately addressed, and OP has inadequately
23 assured that economic equity has been addressed by inclusionary
24 zoning. Thank you very much.

25 CHAIRPERSON HOOD: Thank you. And before we finish and

1 ask this panel, let's bring up Ms. Anne Murphy. Ms. Anne Murphy?
2 Ms. Schellin, do we have Ms. Anne Murphy up, or can we get her?

3 MS. SCHELLIN: We have called her a couple times, and
4 as I said, she called staff and said she's been waiting, and her
5 name is just not there. She's just not on. Is it Anne Louise
6 maybe? That's right.

7 MR. YOUNG: That's why I just brought her up just to
8 check and see. I'm not sure.

9 MS. SCHELLIN: To see.

10 CHAIRPERSON HOOD: Okay. Ms. Anne --

11 MS. SCHELLIN: Because we see nothing that says Anne
12 Murphy.

13 CHAIRPERSON HOOD: Okay. Well, Anne Louise --

14 MS. SCHELLIN: Is Anne Louise Anne Murphy? Could you
15 please unmute?

16 CHAIRPERSON HOOD: Hold on. Hold on, Ms. Schellin. I
17 got it. Anne Louise, are you Anne Murphy?

18 MS. MURPHY: Okay. Now can you hear me?

19 CHAIRPERSON HOOD: Yes, we can. Are you Anne Murphy?

20 MS. MURPHY: Okay. Yes, I am.

21 CHAIRPERSON HOOD: Okay. Good. Go right ahead. We
22 got the right person.

23 MS. SCHELLIN: Okay. Great.

24 MS. MURPHY: Okay. I'm sorry. Do you know what I'm
25 -- that's just me standing between you and able to go home. I

1 am Anne Murphy.

2 I'm a resident of Ward 3 and a member of Ward 3 Housing
3 Justice. I oppose the zoning proposal for the Wisconsin Avenue
4 corridor for the simple reason that it doesn't provide adequately
5 for affordable housing. I'm sure you're aware of Ward 3's
6 shameful history, and indeed it's been reiterated a couple of
7 times tonight, against people of color forcing them out of their
8 homes. As a result, the Wisconsin corridor that we're talking
9 about is predominantly White and wealthy still. Low income people
10 who work in this area can't afford to stay there. So bus drivers,
11 retail clerks, restaurant workers, we've heard the list tonight.
12 None of them can afford to live there.

13 Unfortunately, from my perspective, the zoning
14 amendments that are proposed make things worse rather than
15 better. They provide for major increases in height and density,
16 but they fail to require comparable provisions for affordable
17 housing. This completely undercuts the City's affordable housing
18 goals for Ward 3. As a couple of people pointed out, we're the
19 worst in the City.

20 Two changes to the IZ-Plus program would help. What
21 would clear all the problems, as people pointed out, the IZ
22 program is hardly perfect. It hasn't produced as much as we
23 wanted, but we need to improve it, not abandon it, which is what
24 some of the speakers seem to advocate. So I would urge you to
25 consider two changes to the IZ-Plus program. First, eliminate

1 the cap on IZ-Plus requirements. The current IZ ladder, as you
2 know, pairs each 25 percent density increase with a 2 percent
3 affordable housing requirement. The zoning proposed amendments
4 confirm a capping of affordable housing when density increases
5 above 125 percent. My question is why? If density and height
6 can be increased above 125 percent, shouldn't affordable housing
7 set asides be increased also? So that's the first change I would
8 like to see OP and the Zoning Commission address.

9 Second, we need to establish a lower income eligibility
10 for our IZ. Current eligibility is 60 to 80 percent MFI. That
11 substantially increases the median income for Black families in
12 the District and this effectively prices them out of the IZ
13 program. So Ward 3 needs a lower eligibility band to participate
14 in IZ-Plus and a selection process design so that those with the
15 highest incomes don't receive all the IZ slots.

16 There's been some suggestion tonight by some speakers
17 that IZ-Plus is predominantly or heavily responsible for slow
18 housing development in the District. I think that we are not
19 seeing any statistics for that. The tiny number of IZ-Plus units
20 in itself suggests that these units do not deter development.
21 Also, it's kind of wishful thinking to say that more market rate
22 housing will free up affordable units in Ward 3. I think the
23 history of housing and lots of things is that very little
24 affordable housing trickles down from the building of luxury
25 units, at least in Ward 3.

1 So in sum, I would urge you to please send this proposal
2 back to OP to address these IZ issues that we've heard about
3 tonight. Mr. Chairman and several other members of the Commission
4 have indicated they'd like to have more dialogue with OP on this.
5 We strongly recommend that OP do so. We don't want to promote
6 excludable housing when we're trying to include housing. Don't
7 ignore the opportunity to increase equitable access to housing
8 in Ward 3. Thank you very much.

9 CHAIRPERSON HOOD: Thank you.

10 MS. MURPHY: And thank you for your patience. I know
11 you need to go home.

12 CHAIRPERSON HOOD: No problem. Thank you. Some of us
13 are already home. Thank you. Thank you all very much. We
14 appreciate your testimony and most of all, we appreciate you
15 sticking with us to help give us testimony on this very important
16 issue.

17 Let me see if my colleagues have any comments of anybody
18 on this panel. I'm looking, seeing no one as of yet. I do want
19 to ask Mr. Repp a question. Anybody?

20 Well, let me let me ask you this, Mr. Repp. You
21 mentioned about the design review, and I think you've heard OAG,
22 and I hope I'm capturing them right. You heard them mention
23 about, and I don't know if we do a lot of this, but to basically
24 place the requirements in the regulations, would that satisfy,
25 would that help satisfy some of your concerns, especially about

1 the design review process?

2 MR. REPP: Yes. Well, I mean, there's two related
3 issues here. One is there needs to be more design, better design,
4 superior design, and that's not covered in the regulation right
5 now as we see it. Second of all, I mean, the design review
6 provides an opportunity for public participation, which is
7 missing right now because this is a by-right, every development
8 will be by-right. So, I mean, that's I think both sides, both
9 issues have to be covered. Both the public participation and the
10 superior design, so.

11 CHAIRPERSON HOOD: Okay. All right. Thank you.
12 Appreciate that.

13 Any other questions, colleagues? Any other questions
14 of anybody on the panel?

15 (No verbal responses).

16 CHAIRPERSON HOOD: All right. Again, I want to thank
17 you all for taking time to testify with us tonight and also for
18 sticking with us this late. So we appreciate your comments.

19 Ms. Schellin, do we have anybody else?

20 MS. SCHELLIN: We have an undeclared, Natalie Avery.

21 CHAIRPERSON HOOD: Let's bring up Natalie Avery. Is
22 that the last person we have, or anybody else?

23 MS. SCHELLIN: I did not see Roger Cochetti, but let's
24 call him. Okay. Mr. Cochetti. Mr. Youngberg (phonetic) also?

25 MR. YOUNG: I do not see him.

1 MS. SCHELLIN: Okay. Thank you for confirming. And
2 that is the last person. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you, Ms. Natalie Avery.
4 You have the floor. You can go right ahead. I don't think you're
5 on mute, but we can't hear you. Try it again. There you go.
6 You're off mute.

7 MS. AVERY: Okay. Can you hear me now?

8 CHAIRPERSON HOOD: Yes, we can.

9 MS. AVERY: Okay. Members of the Zoning Commission,
10 thank you for the opportunity to testify today. My name is
11 Natalie Avery. I serve as executive director of the Friendship
12 Heights Alliance. We are a cross-jurisdictional place leadership
13 organization. We cross-district in Montgomery County, and we
14 support vibrancy and community building in Friendship Heights.

15 In keeping with our role as a business improvement
16 district, my testimony today does not take a position on the
17 proposed map amendments. Instead, I'm going to share some
18 research analysis and community insights that may be helpful as
19 you evaluate this proposal. Through four years of outreach,
20 we've consistently heard that residents, workers, and businesses
21 want Friendship Heights where more people at different income
22 levels and life stages can live, work, and participate in
23 neighborhood life. There's strong agreement on the importance
24 of creating dedicated affordable homes in Friendship Heights
25 where more people can live in this community of opportunity and

1 we recognize the view that added height and density should come
2 with expectations for affordable housing and affordable units.
3 Yet it remains essential to ground these expectations in a clear
4 understanding of project feasibility.

5 Through extensive engagement, we know that stakeholders
6 want more than revised rules. They want real projects that
7 deliver new housing, including dedicated affordable housing.
8 Recent experience in the neighborhood and the region underscores
9 why this feasibility focus matters. As you've heard tonight,
10 Somerset Development is pursuing an all affordable project that's
11 going to be reliant on complex multilayered financing. Donohoe
12 Development has advanced a project of 30 percent affordable
13 units, including many two- and three-bedroom units using the
14 District's HANTA program. The Lisner-Louise-Dixon-Hurt home just
15 delivered 93 deeply affordable senior units through creative
16 financing, and regionally, WMATA's joint development projects
17 have produced nearly 1,500 homes in the past three years, more
18 than half of them dedicated and affordable through a combination
19 of public land contributions that offset transit infrastructure
20 replacement and other costs.

21 These cases show that deep affordability comes from
22 layered financing and public investment, not zoning requirements
23 alone. So to better understand IZ-Plus and feasibility under the
24 proposed IZ-Plus, we analyzed the pro-forma model that the Office
25 of Planning developed in 2021 to better understand its impact on

1 feasibility and our analysis showed that, and you've heard this
2 already tonight, that construction costs, cap rates, interest
3 rates have risen much faster than rent has increased. And so
4 these dynamics really help and explain why multifamily
5 construction has slowed so dramatically in the District. And we
6 really hope that current market conditions improve, but even in
7 very optimistic scenarios, increases in property and project
8 value don't keep pace with rising costs and this points to a
9 structural issue.

10 Under many conditions, really high IZ requirements are
11 only feasible if market rates for the non-IZ units rise
12 significantly and this is noteworthy because concerns about high
13 rents in new buildings often coincide with support for very high
14 inclusionary zoning requirements. Acknowledging this tension is
15 important because it helps to clarify why feasibility challenges
16 continue to surface, and we've heard that a lot tonight. Our
17 intention today is to put forth these findings on the record to
18 support your deliberations and we would welcome the opportunity
19 to work with and support Office of Planning as they continue to
20 analyze the feasibility of IZ as we've discussed tonight.

21 So in closing, we believe that when diverse
22 stakeholders approach the need for a wider range of housing
23 options as a shared challenge, the conditions for success grow
24 significantly stronger. Friendship Heights has enormous
25 potential to help the City meet its housing challenges and to

1 demonstrate what thoughtful, inclusive growth can achieve and
2 with the right balance of ambition, practicality, and creative
3 financing strategies, plans for new homes and new affordability
4 can move from aspiration to reality.

5 Thank you for the opportunity to share this analysis
6 and for sticking with this whole process.

7 CHAIRPERSON HOOD: Thank you, Ms. Avery. And also
8 thank the Alliance for providing your testimony and what you all
9 have represented to us tonight.

10 Let's see if my colleagues have any questions,
11 comments? And not hearing any. Thank you again. We appreciate
12 you sticking with us and also providing your testimony from you
13 and the Alliance. Thank you.

14 MS. AVERY: Thank you very much.

15 CHAIRPERSON HOOD: All right. Ms. Schellin, I think
16 that's everyone, right?

17 MS. SCHELLIN: Yes, sir.

18 CHAIRPERSON HOOD: Okay. I want to thank everyone for
19 your participation. But let me ask my colleagues, is there
20 anything else we need other than discussion we've already had?
21 Nothing else we need. Okay.

22 The Zoning Commission will meet again December the
23 15th, and we will announce that we're going to have a proposed
24 closed meeting. I'll do that at the beginning of that meeting
25 on the 15th. Zoning Commission Case No. 25-02, NW One Phase 3

1 Owner, LLC. It will be on these same platforms.

2 Ms. Schellin, do we have anything else before us
3 tonight?

4 MS. SCHELLIN: I think we have to set some dates.

5 CHAIRPERSON HOOD: Go right ahead.

6 MS. SCHELLIN: Ms. Brown-Roberts, if she could come
7 back up or Mr. Lawson -- well, Mr. Lawson, I don't think he'll
8 be involved in this. Ms. Brown-Roberts, how much time do you
9 need to provide what's been asked for?

10 MS. BROWN-ROBERTS: It's going to take a significant
11 amount of time to go through and, I mean, I'm not sure, you know,
12 if we have to do studies, to meet the people. So it's going to
13 take quite a bit of time. Can you hear me?

14 CHAIRPERSON HOOD: Yes.

15 MS. SCHELLIN: Yes, yes.

16 CHAIRPERSON HOOD: Yes. Yes.

17 MS. SCHELLIN: So are are we talking, like, weeks or
18 months?

19 MS. BROWN-ROBERTS: Months.

20 MS. SCHELLIN: Okay. Because right now we're in the
21 holiday period, and then we are going to be short staffed for a
22 while, so.

23 MS. SCHELLIN: March?

24 MS. BROWN-ROBERTS: Let's do April.

25 MS. SCHELLIN: April?

1 MS. BROWN-ROBERTS: Yes.

2 MS. SCHELLIN: Okay. So --

3 MS. BROWN-ROBERTS: And if we're not able to do that,
4 you know, have everything ready, we will let you know.

5 MS. SCHELLIN: Okay. So then if we could just shoot
6 for the, we'll just go for the second meeting in April. You
7 would just make your submission about ten days before the 30th.
8 So if you could make it on the 20th of April by 3 p.m.

9 MS. BROWN-ROBERTS: Yes.

10 MS. SCHELLIN: Okay. Okay. Sounds good. I don't
11 think, and as far as the record being open for those who testified
12 this evening, if they could make their submission, submit their
13 testimony by tomorrow, 3 p.m., that would be great.

14 CHAIRPERSON HOOD: Okay. Are we all on the same page?
15 All right. So with that, I want to thank everyone for their
16 participation tonight and those who stuck with us. We have
17 finished it now. So, two minutes over, but anyway, you all have
18 a great evening.

19 Thank you.

20 MS. SCHELLIN: And the record is closed otherwise, yes.

21 (Whereupon, the above-entitled matter went off the
22 record at 9:02 p.m.)

23

24

25

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

This is to certify that the foregoing transcript

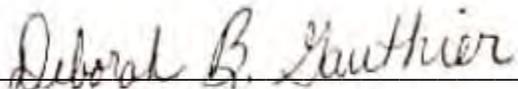
In the matter of: Public Hearing

Before: DC OZ

Date: 12-11-25

Place: Via Videoconferencing

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



Deborah Gauthier