

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

NOVEMBER 14, 2024

+ + + + +

The Public Meeting of the District of Columbia Board of Zoning Adjustment 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 Chair
JOSEPH IMAMURA, Commissioner
TAMMY STIDHAM, Commissioner
GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

ELLA ACKERMAN, Zoning Data Specialist
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS, Office of Planning
RON BARRON, Office of Planning
JOEL LAWSON, Office of Planning

The transcript constitutes the minutes from the
Regular Public Meeting held on November 14, 2024.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 15-21F
Kenilworth Revitalization I JV, LLC 5

Case No. 24-03
Good Hope Road, LLC 7

Case No. 05-28AH
Lano Parcel 12, LLC 11

Case No. 07-26G
899 Lodging Group, LLC 15

Case No. 23-22
Marshall Heights Community Development Organization 21

Case No. 24-12
Harrison Wisconsin Owner, LLC 27

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. My name is Anthony Hood, and this is a public meeting of the Zoning Commission of the District of Columbia. This is our 1,603rd meeting session. Today's date is Thursday, November the 14th, 2024, and the time now is four p.m. Joining me are Vice Chair Miller, Commissioner Imamura, Commissioner Wright, and Commissioner Stidham, as well as our Office of Zoning staff, Ms. Ella Ackerman, as well as our Office of Zoning Legal Division, Ms. Lovick, Mr. Liu, and Mr. Ritting. Also, we have Mr. Paul Young, who's handling all of our virtual operations.

We do not take any public testimony at our meetings, unless the Commission requests something otherwise and you are in attendance. So, without further ado, I will turn it over to Ms. Ackerman so we can start our proceeding. If you can call our first case. No, no, you don't call it. I'm going to call it. Zoning Commission Case Number 15-21F -- no, first of all, let me back up. I'm going off the top of my head, so I don't know what may happen. Ms. Ackerman, can you -- do we have any preliminary matters?

MS. ACKERMAN: For the case or in general? Sorry, I'm a little confused.

CHAIRPERSON HOOD: In general. In general.

MS. ACKERMAN: Nothing in general. I just have

1 something, once you're ready for 15-21F.

2 CHAIRPERSON HOOD: Okay. Let me call it. Zoning
3 Commission Case Number 15-21F, Kenilworth Revitalization I JV,
4 LLC, PUD Modification Without Hearing at Squares 5113, 5114, and
5 5116. Ms. Ackerman.

6 MS. ACKERMAN: Okay. So we just have one thing tonight.
7 There is an OP report recommending approval at Exhibit 4. We
8 don't have anything from the ANC, so you guys are ready for the
9 Commission to deliberate.

10 CHAIRPERSON HOOD: Thank you, Ms. Ackerman. Again,
11 this is a request to modify the condition language of the van
12 loop service associated with the consolidated PUD to clarify the
13 van loop service will be only be provided until the pedestrian
14 connections are improved. Let me start the discussion with
15 Commissioner Stidham, if you don't mind starting us.

16 COMMISSIONER STIDHAM: No. I think this is fairly
17 straightforward. The modification doesn't appear to be
18 inconsistent with the original intent of a PUD, and it appears
19 that reasonably convenient access to both the Deanwood and
20 Kenilworth Recreation Centers are currently available, so I am
21 prepared to support.

22 CHAIRPERSON HOOD: Okay. Commissioner Imamura, any
23 questions or comments?

24 COMMISSIONER IMAMURA: No questions or comments.

25 CHAIRPERSON HOOD: Okay. And, Commissioner Wright, any

1 | questions or comments?

2 | COMMISSIONER WRIGHT: No. I'm prepared to support.

3 | CHAIRPERSON HOOD: Okay. And Vice Chair Miller, any
4 | questions?

5 | VICE CHAIR MILLER: Yes, I'm prepared to support as
6 | well, and just would note that we did refer the application to
7 | ANC 7D, so they were notified, and we did not yet receive any
8 | comments.

9 | CHAIRPERSON HOOD: Okay. I think this is pretty
10 | straightforward, so I will be voting in favor as well. Let me
11 | ask maybe Commissioner Stidham, if you could make a motion, if
12 | you don't mind.

13 | COMMISSIONER STIDHAM: Absolutely. So I move to
14 | approve the modification without hearing for Zoning Case Number
15 | 15-21F, Kenilworth Revitalization I JV, LLC, PUD Modification
16 | Without Hearing at Squares 5113, 5114, and 5116, and ask for a
17 | second.

18 | VICE CHAIR MILLER: Second.

19 | CHAIRPERSON HOOD: It's been moved and properly
20 | seconded. Any further discussion?

21 | (No response.)

22 | CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
23 | you do a roll call vote please?

24 | MS. ACKERMAN: Yes. Commissioner Miller.

25 | VICE CHAIR MILLER: Yes.

1 MS. ACKERMAN: Commissioner Hood.

2 COMMISSIONER HOOD: Yes.

3 MS. ACKERMAN: Commissioner Imamura.

4 COMMISSIONER IMAMURA: Yes.

5 MS. ACKERMAN: And Commissioner Wright.

6 COMMISSIONER WRIGHT: Yes.

7 MS. ACKERMAN: Okay. Staff records the vote five to
8 zero to zero to approve Case Number 15-21F for final action.

9 CHAIRPERSON HOOD: Okay. Thank you. Let's keep moving.
10 Let's go to final action, Zoning Commission Case No. 24-03. This
11 is Good Hope Road, LLC Map Amendment at Square 5765. Ms.
12 Ackerman.

13 MS. ACKERMAN: At the conclusion of the hearing on
14 September 26th, the Commission took proposed action to approve
15 this case, and it was referred to the NCPC for a 30-day comment
16 period. On October 30th, the NCPC staff filed a letter at Exhibit
17 39, stating that the map amendment falls under an exception of
18 NCPC submission guidelines and is exempt from the NCPC review.
19 This case is ready for the Commission to consider final action.
20 Thank you.

21 CHAIRPERSON HOOD: Okay. I know in this case we've
22 exhausted a lot. We talked about this previously and the
23 proposed -- and the Commission -- I think we've done our due
24 diligence in the things that we've asked for, so I'm ready to
25 proceed forward with this, but let me start and ask Commissioner

1 | Imamura if he could start us off.

2 | COMMISSIONER IMAMURA: I would be happy to. Thank you,
3 | Mr. Chairman. Just as a recap, so the applicant requests this
4 | map amendment to rezone a property at 1603 Marion Barry Avenue,
5 | Southeast, from an MU-4 Zone to an MU-7A Zone, which would allow
6 | a mixed-use moderate density development that would further the
7 | revitalization of this portion of Marion Barry Avenue as a mixed-
8 | use corridor through the redevelopment of property with housing
9 | and neighborhood retail services use. Also, as a reminder, OP
10 | does not recommend applying IZ Plus for this, because the Far
11 | Southeast/Southwest Planning Area far exceeds its target for the
12 | provision of affordable housing. So, as the Chairman stated
13 | we've done our due diligence and I think captured everything on
14 | the record, in terms of our point of view, and I think it is ripe
15 | for final action, and, Mr. Chairman, I'm ready to vote in support.

16 | CHAIRPERSON HOOD: Okay. Thank you. Thank you for
17 | that recap. Commissioner Stidham, any questions or comments, or
18 | any comments -- any additional?

19 | COMMISSIONER STIDHAM: No, none for me.

20 | CHAIRPERSON HOOD: All right. And Vice Chair Miller,
21 | any additional comments?

22 | (Whereupon, Vice Chair miller loses connection to
23 | videoconference.)

24 | CHAIRPERSON HOOD: I think I lost Vice Chair Miller,
25 | and I know Commissioner Wright is not on this.

1 COMMISSIONER WRIGHT: Yeah, I'm recusing on this.

2 CHAIRPERSON HOOD: Right. And I appreciate you turning
3 your camera off, so that gave me the signal. The problem was
4 Vice Chair Miller's camera went off too, so --

5 COMMISSIONER IMAMURA: Well, there he is.

6 VICE CHAIR MILLER: I'm back. I don't know what
7 happened. I had to log off and log on.

8 CHAIRPERSON HOOD: Okay. What was I asking? Did you
9 have any questions or comments on this one? We're doing the
10 final action.

11 VICE CHAIR MILLER: You're asking me, Mr. Chairman?

12 CHAIRPERSON HOOD: Yes.

13 VICE CHAIR MILLER: I'm sorry. Yes. No, I have no
14 questions or comments. I'm ready to move forward.

15 CHAIRPERSON HOOD: Okay. All right. Commissioner
16 Imamura, could you make a motion please?

17 COMMISSIONER IMAMURA: Yes, Mr. Chairman. And I would
18 also just like to add that we gave ANC 8A ample opportunity to
19 provide a report in the record on several occasions, and they did
20 not, so I just want to also reiterate that for the record. So
21 happy to make a motion. I move that the Zoning Commission take
22 final action on Zoning Case Number 24-03, Good Hope Road, LLC map
23 amendment from MU-4 to MU-7A at 1603 Marion Barry Avenue,
24 Southeast, at Square 5765, Block 1015, and ask for a second.

25 CHAIRPERSON HOOD: I'll second it.

1 COMMISSIONER STIDHAM: Second.

2 CHAIRPERSON HOOD: We'll give that to Commissioner
3 Stidham, the second. It's been moved and properly seconded. Any
4 further discussion?

5 (No response.)

6 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
7 you do a roll call vote please?

8 MS. ACKERMAN: Sorry. Commissioner Imamura.

9 COMMISSIONER IMAMURA: Yes.

10 MS. ACKERMAN: Commissioner Hood.

11 CHAIRPERSON HOOD: Commissioner Stidham -- well, yes.
12 Commissioner Stidham seconded it.

13 MS. ACKERMAN: Oh, sorry. I thought it was you. I'm
14 sorry.

15 CHAIRPERSON HOOD: No, Commissioner Stidham.

16 MS. ACKERMAN: Commissioner Stidham.

17 COMMISSIONER STIDHAM: Yes.

18 MS. ACKERMAN: Commissioner Hood.

19 CHAIRPERSON HOOD: Yes.

20 MS. ACKERMAN: Commissioner Miller.

21 VICE CHAIR MILLER: Vice Chair.

22 MS. ACKERMAN: Okay. And Commissioner Wright is not
23 participating in this case. So staff records the vote four to
24 zero to one to approval Case Number 24-03 for final action,
25 Commissioner Gwen Wright not participating.

1 CHAIRPERSON HOOD: Okay. So we want to make sure we
2 say not participating because she has not heard the case, 'cause
3 I know --

4 MS. ACKERMAN: Okay. Do you want me to redo it?

5 CHAIRPERSON HOOD: No, no, no, you're fine. I just
6 wanted to say that for the record, because under -- some years
7 ago, (indiscernible) council looks at our attendance, so we want
8 them to know why she didn't participate. Okay. All right.

9 MS. ACKERMAN: Okay. That's good to know. Thank you.

10 CHAIRPERSON HOOD: Okay. All right. Let's go to time
11 extensions, Zoning Commission Case Number 05-28AH, Lano Parcel
12 12, LLC, Two-Year PUD Time Extension at Square 5050. Ms.
13 Ackerman.

14 MS. ACKERMAN: Okay. The applicant is requesting a
15 two-year PUD time extension. The applicant states that there is
16 good cause to grant the waiver because it will enable the Parkside
17 PUD to provide transit-oriented equitable development and
18 economic development to the District. The waiver has been
19 requested from the requirements of Subtitle Z-705.5, which allows
20 no more than two time extension requests for an approved PUD and
21 limits the second time extension approval to no more than one
22 year. This would allow the seventh two-year time extension for
23 this first-stage PUD. At Exhibit 6, we have an OP report, which
24 is in support, and there is no report from the ANC. That's all.
25 Thank you.

1 CHAIRPERSON HOOD: Okay. Thank you, Ms. Ackerman, for
2 teeing that up. Vice Chair Miller -- I don't have anything to
3 add. Vice Chair Miller, would you like to get us started please?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes. I
5 support this time extension for this case. Even though it's the
6 seventh request for a time extension in this -- for this PUD, I
7 support the waiver that limits those extensions up to I believe
8 under our rules to two extensions and the second one can only be
9 one year. As has been noted in the past with this project, as
10 noted by former Commissioners Herb Franklin from the Architect
11 of the Capitol many years ago, and Peter May many times, when
12 this application came up, which actually predates my own tenure
13 on the -- originally on the Commission, this is a very large
14 parcel with -- on the east end of the City, which has had a lot
15 of challenges, but it's proceeding, but it's proceeding with
16 challenges in financing and marketing and with different phases
17 and we've probably, as we've noted before, should have broken it
18 up into parcels or phases that would be considered separately,
19 but we don't want to jeopardize the entire entitlement to the
20 project, which is -- had been making progress -- a large amount
21 of residential -- and so, anyway, I -- they've demonstrated I
22 believe a good cause that's required under our rules to meet the
23 standards for a time extension in this case, and, hopefully,
24 they'll be able to proceed in the near future.

25 CHAIRPERSON HOOD: Okay. Thank you, Vice Chair, for

1 helping me tee that up. Commissioner Imamura, you have anything
2 to add?

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No.
4 I am in agreement with everything that Vice Chair Miller had
5 stated, and I want to make sure that we remain consistent at the
6 Architect of the Capitol, so I'm in agreement with my
7 predecessor's predecessor's predecessor, with Herb Franklin,
8 followed by Peter May, and Assistant Architect of the Capitol,
9 Mike Turnbull, so I'm in agreement, but am prepared to vote in
10 support.

11 CHAIRPERSON HOOD: So now -- Commissioner Imamura has
12 given that long list of Architects of the Capitol, so somebody
13 will call your name, then they'll go to Mike Turnbull, then
14 they'll go to Pete May, and then they'll go to Herb Franklin,
15 and somebody may have been around to go back to Mr. White. I
16 don't know. So anyway -- all right. Let's see, Commissioner
17 Stidham, you have any comments?

18 COMMISSIONER STIDHAM: I -- only to agree with
19 everything that's already been said and prepared to support.

20 CHAIRPERSON HOOD: Okay. And, Commissioner Wright, you
21 have any comments?

22 COMMISSIONER RIGHT: No. I support the extension.

23 CHAIRPERSON HOOD: Okay. I support the extension too.
24 I know -- I remember when we had those hearings. What I do
25 remember is us -- the Commission at that time having the

1 conversation about this -- about this whole gamut and how it was
2 going to work. We knew it was going to take some time. So when
3 I heard Vice Chair Miller mention seven, I don't know if we
4 thought it was going to take much time, but anyway -- and plus
5 we got to remember COVID and the market and things have changed,
6 so I don't have any issues as well. So, with that, I will ask
7 Vice Chair Miller, would you like to make a motion please?

8 VICE CHAIR MILLER: Sure, Mr. Chairman. I would move
9 that the Zoning Commission approve the time -- approve the two-
10 year PUD time extension at Square 5055 for Zoning Commission Case
11 Number 05-28AH, that's the Lano Parcel 12, LLC, and ask for a
12 second.

13 COMMISSIONER IMAMURA: Second.

14 MS. LOVICK: All right. Could you mention the waiver
15 too in that motion please?

16 VICE CHAIR MILLER: Yes. And I would move as part of
17 that motion, the waiver -- the waiver request as well.

18 CHAIRPERSON HOOD: Okay. And who seconded?

19 COMMISSIONER IMAMURA: I did.

20 CHAIRPERSON HOOD: Okay. Commissioner Imamura
21 seconded. Okay. It's been moved and properly seconded. Any
22 further discussion?

23 (No response.)

24 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
25 you do a roll call vote please?

1 MS. ACKERMAN: Yes. Okay. Commissioner Miller.

2 VICE CHAIR MILLER: Yes.

3 MS. ACKERMAN: Commissioner Imamura.

4 COMMISSIONER IMAMURA: Yes.

5 MS. ACKERMAN: Commissioner Hood.

6 CHAIRPERSON HOOD: Yes.

7 MS. ACKERMAN: Commissioner Stidham.

8 COMMISSIONER STIDHAM: Yes.

9 MS. ACKERMAN: Commissioner Wright.

10 COMMISSIONER WRIGHT: Yes.

11 MS. ACKERMAN: Staff record the vote five to zero to
12 zero to approve Case Number 05-28AH and also approves the waiver
13 that was requested for the time extension.

14 CHAIRPERSON HOOD: Okay. Thank you. Let's go hearing
15 action, Zoning Commission Case Number 07-26G, 899 Lodging Group,
16 LLC, PUD Modification With Hearing and Special Exception at
17 Square 398. Good afternoon -- well, good -- yeah, good
18 afternoon, Ms. Thomas.

19 MS. THOMAS: Yes. Good afternoon, Mr. Chair. This
20 afternoon OP is asking the Commission to set down the request by
21 the applicant, 899 Lodging Group, LLC for a modification of the
22 use of a penthouse of the existing hotel at the corner of O and
23 9th Street Northwest. And that hotel was constructed under the
24 order of the original PUD 07-26. Next slide. Here the applicant
25 is requesting an eating and drinking establishment within the

1 existing enclosed penthouse of the hotel on the hotel roof, and
2 this requires special exception approval, pursuant to Subtitle
3 C, Section 1501. In addition, relief is also requested from the
4 setback requirements for the installation of a newer elevator
5 within an elevator shaft which does not meet the one-to-one
6 setback from the roof's edge.

7 And I'd just like to note that the applicant's
8 submission included an additional eight inches to the existing
9 elevator shaft and -- which we could not support, and we discussed
10 this with the applicant's representative. So our relevant
11 analysis for the special exception relief is in our report, and
12 the applicant has agreed to modify the application without relief
13 for that additional eight inches prior to the public hearing.

14 Next slide. The 2016 regulations require an updated
15 racial equity analysis -- (indiscernible) was approved, so that
16 we could evaluate the zoning action's consistency with the
17 Comprehensive Plan, as viewed through a racial equity lens. The
18 proposed zoning action would not significantly advance or impede
19 stated Comp Plan policies related to equity, since the requested
20 special exception relief is related to an interior renovation of
21 the existing facility that would not adversely impact light and
22 air to neighboring properties, nor result in a loss of affordable
23 housing, nor would it lead to other inequities for the
24 neighborhood or planning area as a whole. The addition of the
25 eating and drinking establishment would create some additional

1 employment opportunities for area residents and further an
2 analysis of the Plan -- Comp Plan, rather, does not indicate any
3 policies related to racial equity that would be significantly
4 impaired by the proposed modification to the PUD. So we would
5 note as well, also, that there are neighborhood concerns and the
6 applicant is continuing its engagement with the community and the
7 ANC to address those concerns, which is highlighted in our report.
8 I would stop here and ask that the Commission set this down for
9 a public hearing and I'll be available for any questions. Thank
10 you.

11 CHAIRPERSON HOOD: Thank you, Ms. Thomas. Appreciate
12 you giving us the background. Let's see how we're going to
13 proceed with questions and comments. Let me ask Commissioner
14 Wright if she can start us off with questions or comments.

15 COMMISSIONER WRIGHT: Thank you, and thank you for the
16 excellent report from the Office of Planning. I think you
17 explained it well. I think one thing we just again want to put
18 on the record and make clear is that the applicant, as I think
19 you said, has agreed to reduce the height of the elevator by
20 eight inches so that there will not need to be height relief in
21 the final actions taken by this body. Is that correct?

22 MS. THOMAS: That's correct, as we understand it so
23 far, yes.

24 COMMISSIONER WRIGHT: Great. Thank you. I'm also very
25 interested in hearing more about the applicant's outreach efforts

1 and really hearing what they hear from both the neighbors who
2 have I guess expressed a concern, but also the ANC. And it would
3 be really excellent if we could have that information when we
4 take this up at a hearing and action. Those were really my only
5 comments. Otherwise, it seems like a fairly minor modification
6 to an already built-out PUD, so that was about it from my
7 standpoint.

8 CHAIRPERSON HOOD: Thank you, Commissioner Wright. And
9 I would just add as well, and I don't know if you mentioned this,
10 but forgive me if you did -- that we would like, Ms. Thomas, and
11 maybe the applicant I'm sure is listening, to know whether or not
12 various relief is needed for the penthouse height. If the
13 penthouse height is needed, they need to make a formal request,
14 and we can talk about that, if this is set down. Let me see,
15 Commissioner Imamura, any questions or comments?

16 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No.
17 I'm in agreement with Commissioner Wright, and if, indeed, they
18 don't need the additional height, I'm pleased to hear that, but
19 I want confirmation from them about that. I do believe there's
20 a design solution for almost anything, so -- and then also just
21 underscore Commissioner Wright's comment about wanting to hear a
22 little bit more about the applicant's outreach to the neighbors.
23 So, otherwise, Ms. Thomas, as always, thank you for your report
24 and the work that you do on behalf of the citizens for the
25 District of Columbia.

1 MS. THOMAS: Thank you.

2 CHAIRPERSON HOOD: Okay. And Commissioner Stidham, any
3 comments or questions?

4 COMMISSIONER STIDHAM: I agree with all that has -- I
5 agree with everything that's already been said and have nothing
6 further to add, except for thank you also for your great report.

7 CHAIRPERSON HOOD: Vice Chair Miller.

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
9 support setting this down for a public hearing and, in addition,
10 to that clarification on the height that my colleagues and Ms.
11 Thomas mentioned. Thank you, Ms. Thomas, for your report. I
12 guess I want to just hear more justification as to why that
13 additional -- the additional height that is being requested for
14 the penthouse within the limits can't be set back -- I mean --
15 yeah, can't be set back further. I saw the information in the
16 applicant's and OP's report, but I think I just want more
17 justification for why it can't be set back so it's not quite as
18 visible from the condominium building across the street, but
19 that's it. I'm in support of a setdown, Mr. Chairman. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. Thank you. I think I went
22 to everyone. Commissioners, I think we're ready to set this
23 down. Commissioner Wright, you want to make a motion to set down
24 and call the case number.

25 COMMISSIONER WRIGHT: Sure.

1 CHAIRPERSON HOOD: Okay.

2 COMMISSIONER WRIGHT: Sure. I move that we set down
3 for public hearing Zoning Commissioner Case Number 07-26G, 899
4 Lodging Group, LLC, PUD Modification With Hearing and Special
5 Exception at Square 398.

6 COMMISSIONER STIDHAM: Second.

7 VICE CHAIR MILLER: Oh --

8 CHAIRPERSON HOOD: Okay. What did you say
9 Commissioner -- Vice Chair Miller, did you say something?

10 VICE CHAIR MILLER: I'll defer to Commissioner Stidham.

11 CHAIRPERSON HOOD: Okay. I got you. I got you. All
12 right. It's been moved and properly seconded. Thank you both.
13 Any further discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
16 you do a roll call vote please?

17 MS. ACKERMAN: Commissioner Wright.

18 COMMISSIONER WRIGHT: Yes.

19 MS. ACKERMAN: Commissioner Stidham.

20 COMMISSIONER STIDHAM: Yes.

21 MS. ACKERMAN: Commissioner Hood.

22 CHAIRPERSON HOOD: Yes.

23 MS. ACKERMAN: Commissioner Miller.

24 VICE CHAIR MILLER: Yes.

25 MS. ACKERMAN: Commissioner Imamura.

1 COMMISSIONER IMAMURA: Yes.

2 MS. ACKERMAN: Staff records the vote five to zero to
3 zero to approve Case Number -- sorry -- 07-26G for setdown.

4 CHAIRPERSON HOOD: All right. Thank you. Moving on,
5 I think this is our last case, Zoning Commission Case Number 23-
6 22, Marshall Heights Community Development Organization, Map
7 Amendment at Square 5359. Mr. Lawson. Oh, is it you, Ms. Thomas?

8 MS. THOMAS: Yes, it is I, uh-huh.

9 CHAIRPERSON HOOD: Okay. You're just doing all the
10 cases today. Okay, Ms. Thomas.

11 MS. THOMAS: I have two. No worries. Yes. Good
12 evening again. The Office of Planning is recommending setdown
13 of the application by Marshall Heights Community Development
14 Organization for a map amendment of the selected properties noted
15 in the application, which front both Hanna Place, Southeast and
16 G Street, Southeast, and this map amendment is requested to change
17 the existing R-2 and RA-1 Zoning of those subject lots to the R-
18 3 Zone. This zone would not be inconsistent with the
19 Comprehensive Plan, including when viewed through a racial equity
20 lens. The applicant indicated that the nature of future
21 development would most likely include all-affordable housing and
22 the fact that the planning area already has a significantly
23 disproportionate amount of the City's existing affordable
24 housing, we are not recommending that these lots be subject to
25 IZ Plus. The lots are currently undeveloped, but in the area of

1 developed residential lots with single-family dwellings and they
2 are within walking distance of Benning road, which is a priority
3 bus corridor with immediate access to the Benning Road Metro
4 Station to the north.

5 Next slide. The Future Land Use Map identifies the
6 site as appropriate for moderate density residential, which are
7 neighborhoods generally, but not exclusively suited for
8 rowhouses, as well as low-rise garden apartment complexes. The
9 R-3 Zone permits row dwellings with one principal dwelling unit,
10 as well as detached and semi-detached dwellings on generally
11 smaller lots than the existing lot sizes, potentially resulting
12 in more units overall than would be permitted by right under
13 existing zoning. The Generalized Policy Map shows the site within
14 a neighborhood conservation area, and so future development would
15 be consistent with the R-3 Zone and would be compatible with
16 nearby development to the west on Hanna Place and would not be
17 inconsistent with the Policy Map.

18 Next slide. The proposed map amendment could
19 potentially further several policies identified in our report
20 related to equity, which are well expressed in the land use
21 element, which is to guide growth in such a way that expands
22 access to affordable housing, education, transportation,
23 employment, and services to communities of color, low-income
24 households, and vulnerable populations. A full analysis against
25 the criteria of the Commission's racial equity tools can be found

1 | in our OP report. So, in summary, so I'd just state that the
2 | site is in an area considered appropriate for the R-3 Zone, based
3 | on the Comprehensive Plan maps, as well as a number of written
4 | plan policies, the proposal is, therefore, not inconsistent with
5 | the Plan, including when viewed through a racial equity lens. So
6 | tonight OP is asking the Commission to set down the proposed map
7 | amendment for a public hearing. Thank you, and I'd be happy to
8 | take any questions.

9 | CHAIRPERSON HOOD: Thank you, Ms. Thomas. I misspoke.
10 | We do have something after this. So, Ms. Thomas, do we know of
11 | any opposition as of yet in this case?

12 | MS. THOMAS: I have not seen any opposition or received
13 | any notice of opposition to date.

14 | CHAIRPERSON HOOD: And this has been flagged also by
15 | our Council. I'm just going to ask, can you verify now, Ms.
16 | Thomas, that the differences in the Comprehensive Plan treatment
17 | of the properties that the applicant added to the case, are they
18 | the same -- can you verify that there are no differences in those
19 | plans, the same treatment of those properties that were added to
20 | the R-2, they're all the same?

21 | MS. THOMAS: You mean the properties that were added
22 | after?

23 | CHAIRPERSON HOOD: The properties that was added, are
24 | they --

25 | MS. THOMAS: Yeah, they're the same, uh-huh.

1 CHAIRPERSON HOOD: Okay. And the applicant may want
2 to come by and talk to that to give us clarity on that, to make
3 sure that we understand that they are the same, the properties
4 that are also zoned R-2, so just come prepared to -- make sure
5 you tell us that and put that on the record. I don't have
6 anything else that I have. I will be voting to set this down,
7 but let me hear from others. Commissioner Wright, you have any
8 comments, questions?

9 COMMISSIONER WRIGHT: No, at the moment I don't. I was
10 trying to look through the documents that we received and I was
11 wondering if we had received an e-mail from a resident who was
12 opposed, but I could be confusing this with another case.

13 MS. THOMAS: No. There is one resident who wrote --
14 submitted something, as I recall, and was --

15 COMMISSIONER WRIGHT: She was concerned about the
16 wildlife.

17 CHAIRPERSON HOOD: Let me just say -- let me just say
18 this, so we all know -- Commissioner Wright knows, we're not
19 going to consider that right now.

20 MS. THOMAS: Yeah.

21 CHAIRPERSON HOOD: We're just going to consider ANC
22 reports, their letter, and the what the applicant has presented.
23 And so I'm saving Ms. Lovick a chance to tell us that, so we'll
24 consider that after that we set it down, so just hold that in
25 abeyance.

1 COMMISSIONER WRIGHT: No, that's fine. I just wanted
2 to acknowledge that there was something I think that had been
3 received, but other than that, I have no questions. I think --
4 you know, I'm definitely in support of setting this down for
5 public hearing.

6 CHAIRPERSON HOOD: Okay. And, Vice Chair Miller, any
7 questions or comments?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I
9 agree with you that this is ready for setdown. I agree with you
10 and my colleagues that it's ready for setdown, and it's primarily
11 a zoning consistency case. I appreciate Ms. Thomas's report
12 emphasizing that fact, and I appreciate all the community
13 outreach and engagement with the applicant, which is Marshall
14 Heights Community Development Organization. It's a big part of
15 the community, so I didn't realize that at first when I was
16 reading through it, and I was, like, well, where is the outreach
17 to Marshall Heights Community Development, and then I went, oh,
18 they're they applicant. So, anyway, I support setdown. Thank
19 you.

20 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
21 Imamura, any questions or comments?

22 COMMISSIONER IMAMURA: No questions or comments, Mr.
23 Chairman. You've covered all the questions that I had, so I'm
24 prepared to vote in support for setdown.

25 CHAIRPERSON HOOD: Okay. And Commissioner Stidham.

1 COMMISSIONER STIDHAM: Nothing further from me, and I'm
2 prepared to support the setdown as well.

3 CHAIRPERSON HOOD: Okay. And I think I'll make a motion
4 here. I move that we set down Zoning Commission Case Number 23-
5 22, Marshall Heights -- I move that we set down Zoning
6 Commissioner Case Number 23-22, as captioned -- I don't even want
7 to read all that -- as captioned. Can we get a second?

8 COMMISSIONER WRIGHT: Second.

9 CHAIRPERSON HOOD: Okay. It's been moved and properly
10 seconded. Any further discussion?

11 (No response.)

12 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
13 you do a roll call vote please?

14 MS. ACKERMAN: Commissioner Hood.

15 CHAIRPERSON HOOD: Yes.

16 MS. ACKERMAN: Commissioner Wright.

17 COMMISSIONER WRIGHT: Yes.

18 MS. ACKERMAN: Commissioner Miller.

19 VICE CHAIR MILLER: Yes.

20 MS. ACKERMAN: Commissioner Imamura.

21 COMMISSIONER IMAMURA: Yes.

22 MS. ACKERMAN: And Commissioner Stidham.

23 COMMISSIONER STIDHAM: Yes.

24 MS. ACKERMAN: Staff records the vote five to zero to
25 zero to approve Case Number 23-22 for set down. You're muted.

1 MS. LOVICK: Excuse me.

2 CHAIRPERSON HOOD: Nobody wanted to hear me anyway.
3 Ms. Lovick.

4 MS. LOVICK: Sorry. Could you just please clarify that
5 you're -- it's being set down as a contested case?

6 CHAIRPERSON HOOD: This is being set down as a contested
7 case that's retroactive. Ms. -- Commissioner Wright, do you have
8 a problem with that, 'cause you said --

9 COMMISSIONER WRIGHT: No, my second incorporates it as
10 a contested case.

11 CHAIRPERSON HOOD: Contested case. Okay. Anybody have
12 any issues in voting for that?

13 (No response.)

14 CHAIRPERSON HOOD: Okay. Good. Thank you, Ms. Lovick.
15 Okay. Where was I? Okay. Zoning Commission Case Number 24-12,
16 Harrison Wisconsin Owner, LLC, Consolidated PUD and Related Map
17 Amendment at Square 1666. Mr. Barron.

18 MR. BARRON: Good evening, Chairman Hood and
19 Commissioners. For the record, my name is Ron Barron, Development
20 Review Specialist with the DC Office of Planning. The Office of
21 Planning is recommending the Zoning Commission set down this
22 application by Harrison Wisconsin Owner, LLC to rezone Square
23 1666, Lot 810 and a portion of Lot 809, located at 4201 Garrison
24 Street Northwest, from the R-2 Zone to an RA-3 Zone. On balance,
25 when viewed through a racial equity lens, the proposed -- the

1 | proposal would not be inconsistent with the Comprehensive Plan
2 | and the Wisconsin Avenue Development Framework Plan. The
3 | applicant proposes a redevelopment of the PUD site currently
4 | improved by a surface parking lot and a decommissioned 750-foot
5 | television tower. The portion of the PUD site to be rezoned
6 | totals 28,654 square feet, and the total PUD area is 40,357 square
7 | feet, including the MU-4 portion to the southwest, which is not
8 | being rezoned.

9 | Proposed development would comprise a new residential
10 | building with a gross floor area of approximately 123,000 square
11 | feet and a maximum height of 50 feet. This development is
12 | anticipated to yield 127 residential units of which 33 percent
13 | will be designated as affordable housing. Underground parking
14 | for (indiscernible) vehicles and bicycle parking will also be
15 | provided. A portion of the dedicated affordable units will be
16 | provided in accordance with the requirements of the IZ Program.
17 | The remaining percentage of affordable units needed to achieve
18 | the 33 percent affordable proffer will be administered through
19 | the District's HANTA Program. Additional details regarding the
20 | affordable units -- affordable housing proffer will be provided
21 | with the applicant's prehearing submission.

22 | In regard to flexibility, the applicant is seeking
23 | zoning flexibility for the penthouse-side setback and rear-yard
24 | depth, as well as PUD design-related flexibility. In addition,
25 | the applicant has requested a special exception to allow six

1 accessory parking spaces located within the underground parking
2 garage which fall outside the PUD site boundary and within the
3 R-2 zoned portion of the record lot. OP will provide a detailed
4 analysis of all requested zoning flexibility prior to the public
5 hearing, should the Commission set the application down this
6 evening.

7 Next slide please. The Future Land Use Map indicates
8 that most of the site is appropriate for moderate-density
9 residential and the Generalized Policy Map identifies the
10 property as within a neighborhood conservation area. This
11 designation does not preclude development that addresses critical
12 citywide housing needs. The proposed project aligns with this
13 objective by introducing new housing units, including affordable
14 options on the site.

15 When evaluating the project through a racial equity
16 lens, the proposal would not be inconsistent with the
17 Comprehensive Plan. The proposal would add much needed housing
18 stock to the Rock Creek West Planning Area, including dedicated
19 affordable units, as discussed. As of September 2024, the Rock
20 Creek West Planning Area has produced only 11.6 percent of the
21 production goal set by the District's 2019 Housing Equity Report.
22 The proposed PUD would allow for a mix of new market rate and
23 dedicated affordable units, which would help to improve housing
24 opportunities and options for residents with no direct
25 displacement and little risk of indirect displacement. And, with

1 | that, that will conclude the Office of Planning's testimony. I'm
2 | happy to answer whatever questions you may have. Thank you.

3 | CHAIRPERSON HOOD: Thank you, Mr. Barron. And looking
4 | at this case -- and this is just a comment, not a question -- I
5 | like the way -- I hear the community had both negative and
6 | positive outcomes. There's some positive sides to the community
7 | things and they think this is a good development. I'm
8 | interested -- I'm going to be voting to set this down, but I'm
9 | looking forward to having that discussion. I'm looking at some
10 | of the attributes that I guess -- I guess what I'm saying is,
11 | for the most part, there's a lot of engagement. It looks like
12 | people are engaged, both pro and con, and are looking forward to
13 | I guess a successful project, so I'll just leave it at that for
14 | now. Let me open it up for questions or comments. Vice Chair
15 | Miller.

16 | VICE CHAIR MILLER: Thank you, Mr. Chairman. I support
17 | the setdown of this case for a public hearing, and I thank Mr.
18 | Barron -- Ron Barron for your comprehensive Office of Planning
19 | report and thank the applicant for all the information that's
20 | been provided, as well as the community engagement and outreach
21 | that's been done thus far and will continue. And I know that
22 | I -- the applicant noted in their application that -- or in their
23 | prehearing statement or their application that they had made some
24 | changes as a result of the community input that they've received
25 | thus far, including I think increasing the parking from the

1 original 41 spaces underground to 82 I believe, if I'm recalling
2 that correctly, although the applicant noted that some of the
3 community are still concerned about that parking. And I
4 appreciate the applicant's response is to add additional two-
5 bedrooms and two-bedroom-plus-den units. The family-sized units
6 was a concern that the applicant flagged for us as something the
7 community had raised with them, and they attempted to address
8 that with increasing the two-bedroom and two-bedroom-den -- plus-
9 den units.

10 I appreciate the redevelopment of this site and the
11 removal of the 705-foot defunct tower -- former television tower
12 that was there for Channel 5. Maybe it had other uses as well.
13 I don't know. The -- I appreciate the affordable housing that's
14 been proffered, which is I think 10 percent at 50 to 60 percent --
15 mostly 60 percent median family income, and then an additional
16 23 percent at 80 percent median family income.

17 I guess we need more information on -- there are
18 different median family income level requirements, if the -- if
19 the building is to be rental versus owner -- homeownership --
20 condominium ownership, so we would need to know whether -- which
21 way it's being currently contemplated, because the rental -- the
22 rental of it I believe would require the 60 -- the 60 percent in
23 order to be exceeding the IZ. Right now they're saying it's 80
24 percent for those 23 percent -- 80 percent MFI for those 23
25 percent. I would like the applicant to consider increasing the

1 10 percent set aside for the 60 percent MFI affordable housing,
2 due to the fact that the Comprehensive Plan designates at least
3 half of the -- I think about half of the site for moderate-
4 density residential. The rest is medium residential, which fits
5 in with the zoning and the FAR, but the moderate residential --
6 the FAR being proposed at 4.38 is high for a moderate residential.
7 And so in terms of the -- and it's also -- the entire site I
8 believe is in a neighborhood conservation area or maybe just the
9 half that's more residential. I forget. But part of it's
10 conservation area and part of it's moderate residential on the
11 Comp Plan Future Land Use Maps, which is our consistency analysis.
12 So I would like the applicant to -- and -- so I would like the
13 applicant to consider increasing that 10 percent set aside beyond
14 the -- what's being proffered so far. But, other than that, I'm
15 supportive of setting it down and having that discussion and look
16 forward to the hearing. Thank you, Mr. Chairman.

17 CHAIRPERSON HOOD: Thank you, Vice Chair. Commissioner
18 Imamura, any questions or comments?

19 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
20 align myself with the comments of Vice Chair Miller. Mr. Barron,
21 thank you for your report. I think I'm interested, should we
22 decide to set this down -- obviously, just I think most applicants
23 know by now my general interest is to understand a little bit
24 better about the potential design solution and how it's informed
25 by the surrounding neighborhood, and then, additionally, how this

1 potential PUD may transform the neighborhood, the demographic
2 trends -- what kind of impact that might have -- demographic
3 trends -- in the area. So I'd like to hear a little bit more
4 about that. Otherwise, I think this could potentially be a really
5 great project, and I'd like to hear more, so I'm prepared to vote
6 in support for a setdown.

7 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
8 Stidham, questions?

9 COMMISSIONER STIDHAM: No questions. I agree with
10 everything that's already been said and I'm prepared to set down.

11 CHAIRPERSON HOOD: And, Commissioner Wright, any
12 questions or comments?

13 COMMISSIONER WRIGHT: Thank you. I also am supportive
14 of setting this down for public hearing. I think it has the
15 potential to be a very important housing resource in Ward 3. I
16 do have some concerns, as were also expressed by Vice Chair
17 Miller, about the affordable housing mix. I think it would be
18 great if there was a higher percentage of the lower AFI units. I
19 also am interested, as Commissioner Imamura said, in the design.
20 It does feel a little -- like a little more work can be done to
21 break down the massing. And I'm also curious, at the ground
22 level, about landscape treatments. Are the green spaces between
23 the fingers of development going to be accessible to the public
24 or are those going to be private green spaces? Are they going
25 to be accessible to the residents or are they literally just

1 going to be decorative green spaces? Will there be any active
2 use of them? So, you know, again, I have a few questions about
3 the package of amenities, and I think the only reason I'm really
4 delving into that is that this is a very significant change in
5 zoning, and I think that the amenities that it will provide are
6 a very important discussion point that we need to have when this
7 does go to hearing. But I am very supportive of setting it down
8 for public hearing, and I look forward to those additional
9 discussions.

10 CHAIRPERSON HOOD: Okay. Thank you, Mr. Barron, I'm
11 just going to ask you -- I know that there are some concerns and
12 some issues that people like to work out, but we don't have any --
13 I didn't see in this record, as of yet -- I shouldn't jinx
14 myself -- of any outright opposition, but do we know of any or
15 do you know of any as of yet?

16 MR. BARRON: Concerns that have been raised? There's
17 nothing been submitted to the record as of yet, and the only
18 concerns that I've heard are what has been reported in the
19 applicant's materials, so, at this point, I don't know of any
20 opposition.

21 CHAIRPERSON HOOD: Okay. All right. And my last
22 question is for you, Mr. Barron. Do you miss us? Don't answer
23 that. Don't answer that. All right. Thank you, Mr. Barron.
24 Well done. Appreciate it.

25 MR. BARRON: That's why I'm here.

1 CHAIRPERSON HOOD: All right. Who started us off on
2 that one? Was that you Vice Chair Miller? Vice Chair Miller,
3 would you like to make a motion? You're on mute. You're still
4 on mute before you say all that.

5 VICE CHAIR MILLER: Okay. I guess there was a reason
6 for that. I would move Zoning Commission Case Number -- that we
7 set -- that the Zoning Commission set down Case Number 24-12,
8 Consolidated PUD and Related Map Amendment at Square 1666, 4201
9 Garrison Street Northwest, the Harrison Wisconsin Owner, LLC and
10 ask for a second.

11 COMMISSIONER STIDHAM: Second.

12 CHAIRPERSON HOOD: Okay. It's been moved and properly
13 seconded. Any further discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Not hearing any, Ms. Ackerman, could
16 you do a roll call vote please?

17 MS. ACKERMAN: Commissioner Miller.

18 VICE CHAIR MILLER: Yes.

19 MS. ACKERMAN: Commissioner Stidham.

20 COMMISSIONER STIDHAM: Yes.

21 MS. ACKERMAN: Commissioner Hood.

22 CHAIRPERSON HOOD: Yes.

23 MS. ACKERMAN: Commissioner Imamura.

24 COMMISSIONER IMAMURA: Yes.

25 MS. ACKERMAN: And Commissioner Wright.

1 COMMISSIONER WRIGHT: Yes.

2 MS. ACKERMAN: Staff records the vote five to zero to
3 zero to approve Case Number 24-12 for a setdown as a contested
4 case.

5 CHAIRPERSON HOOD: Okay. Ms. Ackerman, do we have
6 anything else before us this evening?

7 MS. ACKERMAN: No, just that our next public meeting
8 is November, I believe, 18th --

9 CHAIRPERSON HOOD: Yeah.

10 MS. ACKERMAN: -- at four p.m. for Case Number 24-09.

11 CHAIRPERSON HOOD: You're on the ball. Now I don't
12 even have to do it, but I'm going to do it again. Our next
13 hearing will be Zoning Commission Case 2409. It's the Wesley
14 Theological Seminary of the United Methodist Church. Ms.
15 Ackerman, are you going to be covering this meeting as well, the
16 next one?

17 MS. ACKERMAN: No, but I'll be covering next Thursday,
18 the 21st.

19 CHAIRPERSON HOOD: Okay. All right. Good job as
20 well -- as always, actually. And let me thank all of my
21 colleagues and everybody who's participated in helping us be
22 prepared for this particular meeting this evening. So, with
23 that, this meeting is adjourned. We'll see everybody on Monday.

24 (Whereupon, the above-entitled matter went off the
25 record at 4:50 p.m.)

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

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 11-14-24

Place: Webex Videoconference

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



Deborah B. Gauthier