

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
Children's National :
   
at Walter Reed, LLC :
   
:
   
Map Amendment at : Case No.
   
Square 2950, Lots 820-828 : 19-24A
   
:
   
-----:

Thursday,
   
June 25, 2020

Video-Teleconference

The Public Hearing of Case Nos. 19-24 and 19-24A by the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, via video-teleconference, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner, AOC
- PETER G. MAY, Commissioner, NPS
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

The transcript constitutes the minutes from the Public Hearing held on June 25, 2020.

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

5:40 p.m.

1  
2  
3 CHAIR HOOD: All right, so close the other case.  
4 Let me read for the contested case, and I'll incorporate the  
5 beginning statement. Can everybody hear me?

6 MS. SCHELLIN: Yes.

7 CHAIR HOOD: Again, this hearing for our contested  
8 case is Zoning Commission Case No. 19-24A, will be conducted  
9 in accordance with provisions 11(z) DCMR, Chapter 4, as  
10 follows: preliminary matters, Applicant's case, report of  
11 the Office of Planning and District Department of  
12 Transportation, report of other government agencies, report  
13 of the ANC, testimony of organizations and individuals,  
14 organizations five minutes, individuals three minutes.

15 We will have rebuttal and closing by the  
16 Applicant. Our Commission reserves the right to change the  
17 time of presentations if necessary, and intends to adhere to  
18 time limits as strictly as possible. Again, if anyone's  
19 having any problems joining us or calling in, please dial our  
20 hotline number at 727-5471 for any outstanding issues during  
21 this hearing. At this time, the Commission will consider any  
22 preliminary matters. Does the staff have any preliminary  
23 matters?

24 PRELIMINARY MATTERS

25 MS. SCHELLIN: Yes, in this case, they have

1 proffered expert Shane Dettman, who's previously been  
2 accepted, David Manfredi, in architecture, who has not  
3 previously been accepted.

4 I would ask the Commission to consider him as an  
5 expert in architecture if you feel it's needed. Again, this  
6 is a map amendment case, not about a project, but they have  
7 proffered him. It's up to the Commission to decide if they  
8 want an expert in a map amendment for architecture.

9 CHAIR HOOD: Okay. I think that's all they're  
10 proffering as an expert, right, those two?

11 MS. SCHELLIN: Just those two.

12 CHAIR HOOD: Okay. Commissioners, let's talk  
13 about the architect. We know we've already done Mr. Dettman.  
14 I think he's sufficient for this case. Let me hear from  
15 others. I can't remember what we've done in the past when  
16 a request has been made for map amendments, so let me hear  
17 from others. Commissioner May, you have any comments?  
18 Commissioner Turnbull? Mr. May.

19 COMMISSIONER MAY: Typically, for a map amendment  
20 -- first, let me ask, are we just talking about the question  
21 of expert status?

22 CHAIR HOOD: Right, correct.

23 COMMISSIONER MAY: Typically, for a map amendment,  
24 we're not hearing any of the details of a project, nor would  
25 our decision about mapping something be based on what we

1 expect to be designed there. I don't really see a need to  
2 qualify an architectural expert in the case.

3 CHAIR HOOD: Okay. Mr. Turnbull.

4 COMMISSIONER TURNBULL: First of all, so that Mr.  
5 Manfredi doesn't feel totally hurt, he has expert  
6 qualifications. Under a normal case, I would have no problem  
7 in recognizing him as an expert in architecture, especially  
8 since he's a follower of the AIA. I think Commissioner May  
9 is quite right that for a map amendment such as this, we  
10 really don't need his expertise as an architect on this.

11 CHAIR HOOD: You notice I went to the architects  
12 first. Vice Chair Miller.

13 VICE CHAIR MILLER: No comments, Mr. Chairman.

14 CHAIR HOOD: Commissioner Shapiro.

15 COMMISSIONER SHAPIRO: Nothing further to add, Mr.  
16 Chair.

17 CHAIR HOOD: Okay. Again, I would echo the  
18 comments of my colleagues. I would definitely agree, Mr.  
19 Manfredi, what Mr. Turnbull mentioned, as well. Come back  
20 and see us in another case and we'll definitely make sure --  
21 you definitely have the qualifications. Ms. Batties, you're  
22 going to decide -- if you can do the incorporation piece --

23 MS. BATTIES: Yes.

24 CHAIR HOOD: Okay, and then we can go.

25 APPLICANT'S CASE

1 MS. BATTIES: Good afternoon, again. I'm Leila  
2 Batties, Shane Dettman's here from Holland & Knight, on  
3 behalf of Applicant, Children's National at Walter Reed. We  
4 respectfully request that the Zoning Commission accept the  
5 remarks and testimony in Commission Case No. 19-24 into the  
6 case before you, which is 19-24A. We'd like to incorporate,  
7 by reference, testimony and remarks from the prior case.  
8 Otherwise, we rest on the record and ask that the Commission  
9 take proposed action on the staff location. Thank you.

10 CHAIR HOOD: You're asking for -- let me say I  
11 appreciate you resting on the record, but before we do that,  
12 does any of my colleagues need to hear anything or having any  
13 questions? Commissioner May.

14 COMMISSIONER MAY: No.

15 CHAIR HOOD: Commissioner Shapiro. Commissioner  
16 Shapiro, you have any questions or comments?

17 COMMISSIONER SHAPIRO: I do not, Mr. Chair. I  
18 have no questions or comments.

19 CHAIR HOOD: Okay, Commissioner Turnbull.

20 COMMISSIONER TURNBULL: I'm good, Mr. Chair.

21 CHAIR HOOD: Vice Chair Miller.

22 VICE CHAIR MILLER: I'm good. Thank you.

23 CHAIR HOOD: Well, I'm good, too. The other thing  
24 is, Ms. Batties, you said --

25 COMMISSIONER MAY: We're all good.

1 CHAIR HOOD: We're all good for a change. You  
2 asked -- that actually shows the Applicant, the work that you  
3 all have put into us, that says a lot to it. I'm not sure  
4 who's on the phone for this one, either, but that says a lot  
5 within itself.

6 I don't even have to say anything after that.  
7 That says a lot, so hats off to you all. Ms. Batties, you  
8 know we can't do proposed action tonight because we're doing  
9 virtual meetings. You understand that part, right?

10 MS. BATTIES: I didn't realize that.

11 CHAIR HOOD: I heard the ask. That may change,  
12 but right now, (Simultaneous Speaking).

13 MS. BATTIES: Okay.

14 CHAIR HOOD: I wanted to make sure we got -- all  
15 right, let's go to -- we have to go through the process and  
16 see who all is out there. Let's go to the Office of  
17 Planning, Ms. Thomas.

18 REPORT OF OFFICE OF PLANNING

19 MS. THOMAS: Yes, good afternoon again, Mr. Chair,  
20 Karen Thomas for the Office of Planning. We will stand on  
21 the record of our report in support of the map amendment --  
22 (Telephonic interference.) -- demonstrate here tonight.  
23 Thank you.

24 CHAIR HOOD: Any questions of the Office of  
25 Planning? I can look for some head nods. Commissioner May?

1 Okay, Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: No, Mr. Chair, I don't have  
3 any questions.

4 CHAIR HOOD: Okay. Commissioner Turnbull? Okay.  
5 Vice Chair Miller? You have no questions, as well. Okay.

6 REPORT OF THE ANC

7 CHAIR HOOD: Do we have the ANC? We don't. I'm  
8 sure the report -- Ms. Batties, can you help me out with the  
9 report for the ANC in this case?

10 MS. BATTIES: It's the same -- (Simultaneous  
11 Speaking).

12 MS. SCHELLIN: Exhibit 19.

13 MS. BATTIES: The ANC report filed on November 8th  
14 was filed for both cases.

15 CHAIR HOOD: Okay, I see it now. It's Exhibit 19.

16 MS. SCHELLIN: Exhibit 19.

17 CHAIR HOOD: It's the same? Okay. I think we've  
18 fleshed that out. I don't think we need to bring that out  
19 any more. It's the same report. Thank you both, Ms. Batties  
20 and Ms. Schellin.

21 REPORTS OF OTHER GOVERNMENT AGENCIES

22 CHAIR HOOD: Reports of other government agencies,  
23 again, support. I don't think I'm missing any of the  
24 agencies. The DDOT report -- do we have any --

25 MS. SCHELLIN: No others.

1 CHAIR HOOD: Do we have anybody on the line to  
2 testify either way?

3 MS. SCHELLIN: Other than Mr. Dauber -- I don't  
4 know if he wants to testify again or not, but he was the only  
5 one listed.

6 CHAIR HOOD: Can we find out if Mr. Dauber wants  
7 to testify again? If he does, we can bring him up.

8 MR. YOUNG: It looks like he's left.

9 CHAIR HOOD: Okay, so everybody's (Simultaneous  
10 Speaking). Let the record reflect we don't have anybody to  
11 testify.

12 MR. YOUNG: There is Ms. Hansen. I'm not sure if  
13 she wants to speak on this one.

14 CHAIR HOOD: Could we find out, bring her out or  
15 something? I want to make sure we cover all of our bases and  
16 to give everybody an opportunity to --- (Telephonic  
17 interference.)

18 MS. HANSEN: Hello?

19 CHAIR HOOD: Ms. Hansen, did you want to testify  
20 on this case, as well?

21 MS. HANSEN: Can you hear me?

22 CHAIR HOOD: Yes.

23 MS. HANSEN: Oh, great. I'm confused, of course,  
24 about the separate designations. I would want to comment  
25 that Children's has not been completely forthright with the

1 community. That gives me concern.

2           When this project was first proposed, before  
3 Congress directed the Department of the Army to transfer the  
4 old pathology building, there was a community meeting. That  
5 was probably six years ago now.

6           We were told that the pathology building was  
7 move-in ready and that Children's was proposing that they  
8 would move their lab operations there immediately because the  
9 Army had built all brand-new laboratories in that building.  
10 They had been working over there since the property was  
11 transferred and completely tearing things up and rebuilding  
12 and tearing. None of those ready-built labs have ever been  
13 used. I think Congress was a little hoodwinked. The deed  
14 passing the property required that it be operational in three  
15 years. That would have been last year. They're just --  
16 they're nowhere near making it operational.

17           I just -- I understand what a wonderful thing this  
18 would be, but there seems to be no immediacy on the part of  
19 Children's. Their plan for the property continues to be  
20 expansive, including today's presentation about the  
21 additional building, which the community has never been told  
22 about. Chairman Hood, Commissioners, again, thank you for  
23 your patience with an old lady. Thank you for your time.

24           CHAIR HOOD: Thank you very much, Ms. Hansen.  
25 What I'm going to do, I'm going to ask the Applicants some

1 kind of way to maybe give you a call. I know we're not  
2 meeting in person.

3 I would just ask that they give you a call and  
4 work with you through some of this to get a better  
5 understanding. Not that you're going to agree with it all  
6 -- give you a better understanding. I think some of that may  
7 close some of the gap, but it might not get you all the way  
8 there, 100 percent. Also, you may also bring something up  
9 that they haven't thought about that could be very helpful,  
10 especially since you're right there with the impacts. I'm  
11 not saying that to say it's a done deal because it's never  
12 a done deal here.

13 I never know what's going to happen here, but I  
14 can tell you the merits of this case and the merits of all  
15 the support and all of the background fact finding looks that  
16 it's going in a very positive way, but I also want to make  
17 sure that nobody's left behind.

18 I think that's what the mayor of the city's always  
19 -- and all the mayors I've actually worked with over the time  
20 I've been even involved always wants to make sure that  
21 everybody comes along. I think it will be very important  
22 that you all, Ms. Batties and whoever, just reach out and  
23 just have a conversation.

24 I know Ms. Hansen is one person, but she's one  
25 important person because she's going to be the one who's

1 that's going to endure anything that goes on with it, so I  
2 would appreciate that if you all would do that. Anybody else  
3 on the phone? Commissioners, any questions of anybody? What  
4 I'd like to do now is to bring Mr. Tondro up and give me some  
5 guidance. As you all know, I started out being confused.  
6 Ms. Batties was actually right, and I was just confused.

7           This is not the first time, and it probably won't  
8 be the last time. I would ask Mr. Tondro to come up and  
9 explain, if I could move something today, I would appreciate  
10 it, if you can tell me the order. I think we can do this.

11           MR. TONDRO: It's low. Can you hear me?

12           CHAIR HOOD: Yes.

13           MR. TONDRO: Yes, I believe if you want to re-open  
14 the case, you close the 19-24, the map amendment case, and  
15 you would open the 19-24 text amendment case again. Then,  
16 if the Commission so desired, you could take proposed action  
17 in the text amendment case, 19-24. At that point, you could  
18 then return to 19-24A, the map amendment, and take proposed  
19 action on that basis.

20           CHAIR HOOD: We can do that this evening.

21           MR. TONDRO: Yes.

22           COMMISSIONER MAY: I thought that the reason we  
23 were not taking proposed action was because of the potential  
24 that somebody might be trying to testify on this and would  
25 have technical difficulties.

1 MS. SCHELLIN: That's final action cases.

2 COMMISSIONER MAY: That's only in final, okay.

3 CHAIR HOOD: Thank you. I think I have --

4 MS. SCHELLIN: That's my understanding.

5 CHAIR HOOD: I think I have --

6 (Simultaneous Speaking.)

7 CHAIR HOOD: Mr. Tondro, don't go nowhere. Stay  
8 on here while we do this, or I'll get it mixed up. I'm going  
9 to close 19-24A, open back up 19-24, take action, and then  
10 I can open back up 19-24A.

11 MR. TONDRO: In both cases, it's proposed action.  
12 Since it's proposed action, it is not final. Then there  
13 would still be a time for the public to comment in the text  
14 amendment case or once the notice of proposed rulemaking is  
15 issued.

16 CHAIR HOOD: Okay. Ms. Batties, you've heard our  
17 recommendations on all our guidance from the Counsel. Do you  
18 want to do that, or do you want us to hold off? What is your  
19 pleasure? We don't want to take your case over. Considering  
20 I can't hear you, you must not want to do it.

21 MS. BATTIES: We would appreciate the Commission  
22 taking proposed action on both 19-24 and 19-24A. Thank you.

23 CHAIR HOOD: Okay. Let me do this. Mr. Tondro,  
24 I'm going to ask you to make sure I stay in lock in step.  
25 I'm going to close -- unless I hear from anyone, my

1 colleagues, I'm going to close -- not close -- do I want to  
2 close it? Mr. Tondro, do I want to close it or -- I want to  
3 close it?

4 MR. TONDRO: You're going to close 19-24A, then  
5 return to 19-24 of the text amendment.

6 CHAIR HOOD: Okay.

7 (Simultaneous Speaking.)

8 CHAIR HOOD: I'm sorry, Commissioner Shapiro?

9 COMMISSIONER SHAPIRO: Close the hearing on  
10 19-24A.

11 CHAIR HOOD: I didn't hear you.

12 COMMISSIONER SHAPIRO: We're closing the hearing  
13 on 19-24A.

14 CHAIR HOOD: Okay, I want to close the hearing on  
15 19-24A. This is closing.

16 (Whereupon, the above-entitled matter went off the  
17 record at 5:56 p.m. and resumed at 5:59 p.m.)

18 CHAIR HOOD: Now, I'd like to open up again --  
19 open 19-24A. Ms. Schellin, do you have anything to tee up  
20 on this one?

21 MS. SCHELLIN: Nothing on this one, other than for  
22 the Commission to consider proposed action this evening as  
23 the Applicant has requested.

24 CHAIR HOOD: Okay. We have the request before us.  
25 With that, make it easy, I will move that we approve 19-24A

1 as proposed and ask for a second.

2 VICE CHAIR MILLER: Second.

3 CHAIR HOOD: It has been moved and seconded. Any  
4 further discussion? Ms. Schellin, would you do a roll call  
5 vote?

6 MS. SCHELLIN: Yes, sir. Commissioner Hood.  
7 Commissioner Hood.

8 CHAIR HOOD: Yes. Can you hear me?

9 MS. SCHELLIN: Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Yes.

13 MS. SCHELLIN: Commissioner May.

14 COMMISSIONER MAY: Yes.

15 MS. SCHELLIN: Commissioner Turnbull.

16 COMMISSIONER TURNBULL: Yes.

17 MS. SCHELLIN: The vote is 5-0-0 to approve  
18 proposed action in Zoning Commission Case No. 19-24A. For  
19 this one, the final action cannot occur until final action  
20 happens on the text amendment case.

21 Again, I believe this could have a combined order,  
22 if that could be done by September 9th also, with the other  
23 case, and then we can put this on at the same time as the  
24 other one, September 14th, for final action, since it does  
25 have to wait for the other case.

1 CHAIR HOOD: Okay. The process, the order of  
2 cases, I think, is correct, but I would like for, again, in  
3 this case, if Mr. Tondro and Ms. Schellin -- can work  
4 together on what's needed for us for us to be able to go  
5 ahead and continue. Okay so, is there anything else, anyone?

6 MS. BATTIES: Yes, Mr. Chairman.

7 CHAIR HOOD: Yes.

8 MS. BATTIES: Mr. Sher is going to take a walk  
9 over to my computer so that he can say some parting remarks.

10 CHAIR HOOD: Did he hear what we said earlier?  
11 Do I have to read all that over again?

12 MS. BATTIES: No, you don't have to. He heard  
13 everything you said.

14 CHAIR HOOD: I can do it.

15 MS. BATTIES: He heard everything you said.

16 CHAIR HOOD: Mr. Sher, the floor is yours.

17 COMMISSIONER MAY: Can we limit him to one minute,  
18 as we used to all the time?

19 MR. SHER: Absolutely.

20 COMMISSIONER MAY: He can talk very fast.

21 MR. SHER: I can get a lot in one minute.

22 COMMISSIONER MAY: I know. That's a lot of time  
23 for you.

24 MR. SHER: I appreciate the kind words and  
25 sentiments. After almost half a century, I've decided I've

1 had enough, and I'm going to leave it to the rest of you all  
2 to figure out what comes next.

3 I appreciate the opportunity to have worked on  
4 these projects and to have added an influence on the build  
5 environment in D.C. I'm proud of that. I think the city is  
6 better off because of what I did. I'm pleased to have worked  
7 with you all on a lot of these projects and glad to be done.  
8 Thank you very much.

9 (Simultaneous Speaking.)

10 CHAIR HOOD: Anybody like to say something to him  
11 or what we said earlier is good enough? Okay, thank you, Mr.  
12 Sher, again, as we said. All those comments were really --  
13 your resume was so much, we had to get to the hearing.

14 If I included all that, we would have still been  
15 talking about it. You're right. You had a big impact on  
16 this city, and I really meant that. It'll be years to come  
17 and residents will still be benefiting from the fruits of  
18 your labor, so thank you so much.

19 MR. SHER: Thank you.

20 CHAIR HOOD: Enjoy retirement. Call and let me  
21 know how it is.

22 (Laughter.)

23 MR. SHER: I have grandchildren waiting.

24 CHAIR HOOD: All right, with that, we want to  
25 thank everyone for their participation in both of these

1 hearings tonight, and it's adjourned. Stay safe. Everybody  
2 stay well.

3 (Whereupon, the above-entitled matter went off the  
4 record at 6:03 p.m.)

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In the matter of: Public Hearing Case No. 19-24A

Before: DCZC

Date: 06-25-20

Place: teleconference

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