

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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THURSDAY

OCTOBER 12, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL COUNSEL:

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

The transcript constitutes the minutes from the Regular Public Hearing held on October 12, 2023.

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

Case No. 18-15A	
Square 656 Owner, LLC4
Case No. 22-37	
Walter Reed Gateway, LLC7

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

(4 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Stidham will be joining us shortly I believe, and also Commissioner Imamura. We are also joined by the Office of Zoning Staff Ms. Sharon Schellin, and Mr. Paul Young who will handling all of our virtual operations. Also our Office of Zoning Legal Division, we have Ms. Lovick, Mr. Ritting and Mr. Liu.

I will ask all others to introduce themselves at the appropriate time. Copies of today's meeting agenda are available on our Office of Zoning's website. Please be advised, okay. Commissioner Stidham will not be with us today. Thank you. Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised this proceeding is being recorded by a court reporter and is also webcast live on WebEx and YouTube Live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all those listening on WebEx or by phone will be muted during the meeting unless the Commission suggests otherwise. For hearing action items, the only documents before us this evening are the application, the ANC setdown report and the Office of Planning's report. All other documents in the record will be reviewed at

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1 the time of the hearing.

2 Again, we do not take any public testimony at our
3 meetings unless the Commission requests someone to speak. If you
4 experience difficulty accessing WebEx or your phone call-in, will
5 you please just call our OZ hotline number at 202-727-0789 for
6 WebEx login or call-in instructions.

7 Good afternoon, Ms. Schellin, do we have any
8 preliminary matters?

9 MS. SCHELLIN: No preliminary matters.

10 CHAIRPERSON HOOD: Okay. Let's move right with our
11 agenda. Let's go to the consent calendar. This is a modification
12 of consequence, determination of scheduling, Zoning Commission
13 case No. 18-15A. Ms. Schellin.

14 MS. SCHELLIN: Yes, sir. The Applicant is requesting
15 a modification of consequence to add a new condition to allow the
16 use of 129 Q Street, S.W., for off-site accessory hotel parking
17 for a period of five years.

18 At Exhibit 4 you have an ANC 6D report in support with
19 conditions, and then at Exhibit 7 there's an OP report in support,
20 also with conditions. We have received a letter from the
21 Applicant at Exhibit 8 that agrees to the conditions put forth
22 by ANC 6D and the Office of Planning. There were no other
23 parties, so if the Commission finds that this is in fact a
24 modification of consequence they can move forward this afternoon
25 with final action on this case. Thank you.

1 CHAIRPERSON HOOD: Thank you, Ms. Schellin, for letting
2 us know even though we were doing a determination, but let's
3 continue. Do that first, and then as you heard from the report
4 from our Secretary, Ms. Schellin, if all is fine with that we
5 can go ahead and proceed. All the parties and everyone has
6 responded so we're ready to move forward if we choose to.

7 Any objections to this being a modification of
8 consequence? Okay. I don't see any objections so we'll accept
9 that, Ms. Schellin, and we'll go ahead and proceed.

10 As Ms. Schellin has mentioned, the ANC 6D has responded
11 to the Office of Planning's report and the only issue, and I
12 think the Applicant has stated in Exhibit 8 has agreed to both
13 and I think our counsel is always framing all this for us. The
14 OP report recommends approval with the condition requiring that
15 the lighting of the parking lot be directed downwards toward the
16 parking surface and away from the residential properties. I'm
17 sure the residents will appreciate that. Then also ANC 6D subject
18 to several conditions related to maintenance of the 129 Q Street
19 site because it has contaminated traffic and parking concerns.

20 So both of those were accepted in Exhibit 8 by the
21 Applicant and, again, this is simply just asking for a
22 modification of consequence request to add a new condition to our
23 existing Zoning Commission order No. 18-15 to allow the use of
24 129 Q Street as opposed to what we approved previously which was
25 located 45 Q Street and 1345 South Capitol Street are no longer

1 available, as stated in our record.

2 Any additional questions or comments or objections?
3 Anybody? Okay. Not hearing any I will move approval as requested
4 and as stated by Zoning Commission case No. 18-15A and ask for a
5 second.

6 COMMISSIONER IMAMURA: Second.

7 CHAIRPERSON HOOD: It has been moved, thank you, has
8 been moved and properly second. Any further discussion? Not
9 hearing any, MS. Schellin, would you do a roll call vote, please?

10 MS. SCHELLIN: Commissioner Hood?

11 CHAIRPERSON HOOD: Yes.

12 MS. SCHELLIN: Commissioner Imamura?

13 COMMISSIONER IMAMURA: Yes.

14 MS. SCHELLIN: Commissioner Miller?

15 VICE CHAIR MILLER: Yes.

16 MS. SCHELLIN: The vote is three to zero to two to
17 approve final action in Zoning Commission case No. 18-15A, the
18 minus two being Commissioner Stidham who is not present, not
19 voting and the third Mayoral appointee position which is vacant.

20 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
21 Let's move right to final action --

22 MS. SCHELLING: And if I could, I'm sorry, if I could
23 ask the Applicant to submit an order in the next two weeks, that
24 would be great.

25 CHAIRPERSON HOOD: Okay. All right. Let's move to

1 final action Zoning Commission case No. 22-37 Walter Reed
2 Gateway, LLC map amendment at Square 2947. Ms. Schellin.

3 MS. SCHELLIN: Yes. Since the hearing on this case
4 there were a couple of new exhibits. There was a post-hearing
5 submission from the Applicant at Exhibits 40 through 40C and an
6 NCPC delegated action at Exhibit 41 that advised that the map
7 amendment would not be inconsistent with Federal elements of the
8 comp plan nor adversely impact any other identified Federal
9 interest. So this case is ready for the Commission to consider
10 final action. Thank you.

11 CHAIRPERSON HOOD: Okay. I'll open up to either one
12 of my colleagues, we want to get started with this one. I know
13 we have two major issues with the signed agreement and also the
14 policy issue. The Applicant I think has addressed that, and then
15 the issue about the tenant agreement and outreach to the Park
16 Service. I have comments that I'll make on that but if somebody
17 would like to get us started.

18 COMMISSIONER IMAMURA: Sure, Mr. Chairman, and I don't
19 (indiscernible).

20 CHAIRPERSON HOOD: Go right ahead. Thank you.

21 COMMISSIONER IMAMURA: I think certainly that the thing
22 that was of interest to me personally was just the connection
23 with the Park Service staff and it doesn't appear as if they did
24 attempt to do that. Unfortunately, it doesn't appear as if the
25 Park Service has reciprocated. They did say they would forward

1 the information on and it doesn't sound like there's really been
2 any meaningful dialogue there between the two parties. But it
3 does demonstrate that the Applicant has reached out to the Park
4 Service.

5 So, you know, I still have some concerns about the
6 general size and massing of it but, you know, we did sort of go
7 through that conversation and discussion with the Applicant. I
8 think that Vice Chair Miller had even asked about alternate MU
9 zone maybe with commercial ground floor retail. That was sort
10 of discussed a bit and how that would actually be inconsistent
11 with the FLUM designation of the site.

12 So I'm comfortable with where this is at with the
13 explanations that the Applicant has provided for the height and
14 specific MU zone and that, again, I just want to reiterate that
15 IZ Plus will automatically apply with this map amendment, so it
16 will bring some additional affordable housing to this
17 neighborhood which I think is incredibly important.

18 So with that, I'm prepared to support, Mr. Chairman,
19 and I don't think I have anything additional today.

20 CHAIRPERSON HOOD: Okay. Vice Chair Miller, do you
21 have anything to add, any comments?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. I concur
23 with Commissioner Imamura's comments. There was the outreach to
24 the Park Service about the cemetery even though there hasn't been
25 a full conversation yet. But I think the explanations that have

1 | been provided are sufficient and we certainly would expect that
2 | there will be continued conversation coordination going forward,
3 | and on the tenant agreement we have a copy of the tenant
4 | agreement. It isn't signed yet. We had it in the record before
5 | and now that the Tenants Association supports the map amendment
6 | and has, under the agreement, been provided either monetary
7 | compensation or right to return if they so desire.

8 | You know, largely as I've said as proposed action this
9 | is a zoning consistency case and that the RA-3 designation map
10 | amendment with IZ Plus certainly is more in conformity with the
11 | medium density land use designation on the future land use map
12 | than the existing RA-2 zone which is a moderate density zoning
13 | category. So this map amendment to RA-3 with the IZ Plus will
14 | facilitate, whether it's the project that's being contemplated
15 | or some other project, will facilitate a substantial amount of
16 | more affordable housing and market rate housing than otherwise
17 | would be provided under the existing zoning.

18 | So I'm prepared to support this this evening. Thank
19 | you, and I appreciate again all the community outreach engagement
20 | that the Applicant did to garner support for the affected ANCs
21 | 4A and 4B, Brightwood Civic Association, the affected residential
22 | tenants as discussed and the affected support of the daycare
23 | tenant that's currently there.

24 | So prepared to move forward with final action tonight,
25 | Mr. Chairman. Thank you.

1 CHAIRPERSON HILL: Okay. Thank you. I appreciate both
2 of my colleagues' comments. I would also support this
3 application. I am not too concerned about the Park Service not
4 responding. I know if they have a major issue, believe me we
5 would have heard it. I've seen it in all my years here, and
6 I'm also glad to see that the tenant agreement, while it has not
7 been signed, the email would serve to me as a contingent as moving
8 forward and I think I would really voting in favor of this
9 contingent upon this Exhibit No. 40C which says that the email
10 has let the Tenants Council know that they agree with the
11 agreement.

12 So with all that and all the comments of my colleagues
13 have said and what I have here in the record, I would vote in
14 support of this. Would somebody like to make a motion. Ms.
15 Schellin, do you have something? Okay. Would somebody like to
16 make a motion?

17 VICE CHAIR MILLER: Yes. Okay, Mr. Chairman. I will
18 move that the Zoning Commission take final action on case No. 22-
19 37 Walter Reed Gateway, LLC map amendment at Square 2947 from RA-
20 2 to RA-3 with the IZ Plus designation and with the comments that
21 we've noted here this evening, and ask for a second.

22 COMMISSIONER IMAMURA: Second.

23 CHAIRPERSON HOOD: Okay. Thank you both. It's been
24 moved and properly second. Any further discussion? Not hearing
25 any, Ms. Schellin, would you do a roll call vote, please?

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIR MILLER: Yes.

3 MS. SCHELLIN: Commissioner Imamura?

4 COMMISSIONER IMAMURA: Yes.

5 MS. SCHELLIN: Commissioner Hood?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: The vote is three to zero to two to
8 approve final action in Zoning Commission case No. 22-37, the
9 minus two being Commissioner Stidham, not present, not voting,
10 the third Mayoral appointee seat being vacant. Thank you.

11 CHAIRPERSON HOOD: And, Ms. Schellin, do we have
12 anything else before us?

13 MS. SCHELLIN: Nothing else.

14 CHAIRPERSON HOOD: Okay. So with that, let me just
15 mention that the Zoning Commission will meet again October the
16 16th on the same platforms at 4 p.m. It looks like, Ms. Schellin,
17 we have two cases that evening?

18 MS. SCHELLIN: Now, I'm not sure what the calendar,
19 just 22-31.

20 CHAIRPERSON HOOD: Oh, okay. Good. We have Zoning
21 Commission case No. 22-31 SIM Development, LLC. So I want to
22 thank all of my colleagues and everyone for their participation
23 tonight, and we don't have anything else from OP; right? I don't
24 want to leave them out.

25 MS. SCHELLIN: Right.

1 CHAIRPERSON HOOD: Okay.

2 MS. SCHELLIN: Nothing from OP.

3 CHAIRPERSON HOOD: All right. Thank you to everyone
4 for their participation in this meeting tonight, and with that
5 this meeting is adjourned. Good night everyone.

6 (Whereupon, the above-entitled hearing, at 4:14
7 p.m., was adjourned.)

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

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In the matter of: Public Meeting

Before: ZC

Date: 10-12-2023

Place: Teleconference

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