

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

THURSDAY, OCTOBER 26, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT MILLER, Vice Chairperson  
JOSEPH S. IMAMURA, Ph.D., Architect of the Capitol  
Designee Appointee  
TAMMY STIDHAM, National Park Service Designee

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

This transcript serves as the minutes from the Public Meeting held on October 26, 2023.

C O N T E N T S

1. Zoning Commission Public Meeting Introduction and preliminary matters for the Zoning Commission Public Meeting of October 26, 2023	3
2. Consent Calendar: Z.C. Case No. 80-07E Georgetown University -- PUD Modification Of Consequence at Square 563	4
3. Final Action: Z.C. Case No. 22-38 Office of Planning (on behalf of DMPED) Map Amendment at Squares 5246 & 5273	8
4. Final Action: Z.C. Case No. 20-33B D.C. Dept. of General Services on behalf of UDC - Campus Plan Amendment & Further Processing at Square 1964	12
5. Time Extension: Z.C. Case No. 20-14A 5 M Investment, LLC - Two-Year Design Review Time Extension at Square 649	18
6. Hearing Action: Z.C. Case No. 23-21 Office of Planning -- Map Amendment to Create Zoning for Zone A of the Armed Forces Retirement Home -- Washington Campus (Parcel 121/28)	21

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

(4:05 p.m.)

CHAIRPERSON HOOD: Good afternoon ladies and gentlemen.

We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood. Joining me this afternoon are Vice Chair Miller, Commissioner Stidham and Commissioner Imamura. We are also joined by the Office of Zoning's Staff Ms. Sharon Schellin as well as Mr. Paul Young who will be handling all of our virtual operations. Also our Office of Zoning Legal Division Ms. Lovick, Mr. Liu, and Mr. Ritting.

I would ask all others to introduce themselves at the appropriate time. Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live WebEx and YouTube live. The video will be available in 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.

We're hearing action items. The only documents before us this evening are the application, the ANC set down report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the

1 hearing -- at the time of the hearing, yeah. That's right.  
2 Again, we do not take any public testimony in our meetings  
3 unless the Commission requests someone to speak. If you  
4 experience difficulty accessing WebEx with your phone call-  
5 in, then please call our OZ hotline number at (202) 727-0789  
6 for WebEx login or call-in instructions. Also, I omitted  
7 the name of Ms. Ella Ackerman, who's also working with us  
8 somewhere in the background.

9           So, at this time, does the staff have any  
10 preliminary matters?

11           MS. SCHELLIN: No, sir.

12           CHAIRPERSON HOOD: Okay. One moment, and we can  
13 go straight to our agenda as noted. Okay. First, the  
14 Commission will sit a modification of consequence as  
15 determination of scheduling. It's on Commission Case No.  
16 80-07E, Georgetown University PUD Modification of  
17 Consequence. It's Square 563. Ms. Schellin.

18           MS. SCHELLIN: Yes, sir. The applicant is seeking  
19 a modification of consequence to renovate the existing  
20 building to modernize the exterior and to facilitate its  
21 conversion to university use. At Exhibit 6, you have an OP  
22 report in support and Exhibit 7, you have ANC 6E's report in  
23 support. This is all I have for the Commission to consider  
24 whether it is in fact the modification of consequence and to  
25 decide whether it is ready to move forward or not.

1           CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.  
2 I think we have been advised. We will decide whether it's a  
3 modification of consequence after -- well, I can't remember.  
4 Which one was it?

5           MS. SCHELLIN: I'm sorry. I forgot. The  
6 applicant did ask for a waiver --

7           CHAIRPERSON HOOD: Yeah.

8           MS. SCHELLIN: -- regarding the original ANC which  
9 has changed since this case was originally filed in the  
10 '80s.

11           CHAIRPERSON HOOD: Right. So, what's asked is now  
12 -- let me just reference -- that's what I was trying to  
13 figure out, what I was supposed to do first. But I need to  
14 do that, the waiver first. This is now in ANC 6E, given the  
15 fact that it was ANC 6C, I am not inclined to -- and I'm  
16 talking to my colleagues now -- I'm not inclined to approve  
17 with the waiver request, but I will ask, what I know that  
18 the applicant is now working with ANC 6E, we get that. But  
19 I will ask as a courtesy that you -- because I'm not sure  
20 who moved and who changed, or whatever, in this  
21 redistricting versus the two or three that's been done  
22 previously. I will ask that in this case, that the  
23 applicant still serve ANC 60 a courtesy that this is going  
24 on, and what's going on, so maybe they -- I don't know how  
25 they can do it. I don't think the ANC can consult there,

1 I'm not sure how they do all that. At least it can help or  
2 help bring ANC 60 up to speed on this case. If not -- I  
3 mean 6E up to speed. So, I'm not inclined to grant a  
4 waiver. I'm inclined, because we've done this before, ten  
5 years ago when they did the redistricting and it worked out  
6 just fine, and I think this is the same process for me, so  
7 I'm not inclined to granting a waiver. Let me hear from  
8 others. Commissioner Stidham.

9 COMMISSIONER STIDHAM: Thank you, Chair. I agree.  
10 I think that they should notify the ANC that was original  
11 party.

12 CHAIRPERSON HOOD: Commissioner Imamura.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
14 think the applicant exercised reasonable judgment to notify  
15 and include ANC 6E but as you noted, I think as a  
16 professional courtesy, it makes a lot of sense to at least  
17 reach out to 6C to do their due diligence.

18 CHAIRPERSON HOOD: Okay, thank you. And Vice  
19 Chair Miller?

20 VICE CHAIRPERSON MILLER: I support the direction  
21 that each of you is going in in your different ways.

22 CHAIRPERSON HOOD: Okay. Well, we ended up in the  
23 same place to start. That's all that matters. Well, a lot  
24 of that's going on -- goes on. All right. Next, this is  
25 being -- Ms. Schellin.

1 MS. SCHELLIN: Nothing. I was just making sure  
2 that we scheduled dates once you --

3 CHAIRPERSON HOOD: That's what I -- that's what I  
4 was getting ready to do.

5 MS. SCHELLIN: Yeah, I heard that.

6 CHAIRPERSON HOOD: All right. So, what was I  
7 getting ready to do? Okay. I was getting ready to say the  
8 dates -- no, not dates. I'm getting ready to schedule the -  
9 - see whether there's some modification of consequence.  
10 Okay. Does anyone -- you know, again, it's been teed up by  
11 Ms. Schellin, the university proposes a series of  
12 modifications and they had a new interest, ground floor  
13 retail spaces, new windows, new roofs, which -- anyway, have  
14 to get permits for everything. But anyway, so that's what  
15 they're proposing. So, does anyone believe that this  
16 proposed as a modification of consequence? Anyone have any  
17 objections? Okay. No objections to the modification of  
18 consequence as being presented to us. Ms. Schellin, could  
19 we do a scheduling?

20 MS. SCHELLIN: So, not knowing when the ANC is  
21 going to meet, I think we should probably shoot for the  
22 second meeting in November to allow the applicant to have  
23 time to reach out to ANC, so if the applicant can work with  
24 the ANC, (audio drop) months from that ANC by November 20th,  
25 and if the applicant chooses to respond to that then they

1 could do that by the 27th of November and then we can put  
2 that on the agenda for November 30th for a -- for  
3 determination. I'm sorry. For voting.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.  
5 Sometime we have those moments. I have them all the time.

6 MS. SCHELLIN: Called senior moments at this  
7 stage.

8 CHAIRPERSON HOOD: All right. Okay. Anything  
9 else on this, Ms. Schellin?

10 MS. SCHELLIN: No.

11 CHAIRPERSON HOOD: Okay. All right. Let's go to  
12 final action, zoning commission case number 22-38, Office of  
13 Planning on behalf of DMPED, the Deputy Mayor for Planning  
14 and Economic Development, map amendment as Square 5246 and  
15 5273. Ms. Schellin.

16 MS. SCHELLIN: So, since the hearing on this,  
17 September 18th, we have a letter from NCPC at Exhibit 12  
18 that advises us that the project is exempt from their  
19 review. That's the only other exhibit we received, so this  
20 is ready for the Commission to proceed with final action.  
21 Thank you.

22 CHAIRPERSON HOOD: Okay. Again, just as Ms.  
23 Schellin's already mentioned, but I'll mention a little  
24 more, the property was a commercial center, part of the  
25 Northeast Capitol Development, an approximately 40-acre



1 development which was envisioned as a mixed-use development  
2 by DCHA to replace a large area of public housing with a  
3 mixed-uses housing types and income levels under the HOPE VI  
4 Program. And I'm sure all those who are watching remember  
5 that. It's been worked on for a while. We are still trying  
6 to resolve and move forward.

7           So, during the hearing, the Commission -- I think  
8 we all agree the potential -- there's a lot of potential in  
9 this map amendment. I would also plan and provide a few  
10 explanation for its recommendations in use 7B, which I know  
11 was brought up by a couple of my colleagues more than often.  
12 We also fully addressed to us the MU7B's potential --  
13 inconsistency with the property's median density commercial  
14 designation. I know I wanted to make sure it's always that  
15 you reach out to ANC 7C, at least do I give it our best  
16 shot, ANC 7C obviously took -- 7C obviously chose not to  
17 respond. Vice Chair Miller also asked for the RFP, you  
18 filed to the record, if available, and I don't believe that  
19 was filed as well. So, he said if available. So, we're  
20 going to take that. I think that's -- I think they  
21 responded pretty much and you've heard about the ANC PC  
22 report, so me, I'm ready to move forward but let me hear  
23 from others. Commissioner Imamura.

24           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
25 think you hit all the highlights there. I would only add

1 that we know that IZ Plus will apply that its map amendment  
2 and that any real disposition or development here and we'll  
3 probably exceed that because it is government property, so I  
4 don't think I have anything further to add, Mr. Chairman,  
5 and I'm prepared to vote in support.

6 CHAIRPERSON HOOD: Thank you. Commissioner  
7 Stidham?

8 COMMISSIONER STIDHAM: I always have trouble  
9 coming out for me, sorry. Thank you, Mr. Chair. I am -- I  
10 am good. I'm ready to vote in support as well.

11 CHAIRPERSON HOOD: Thank you, and Vice Chair  
12 Miller.

13 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
14 I too am ready to move forward with final action. This will  
15 facilitate the long desired and awaited grocery store for  
16 this development that our PUD that expired would have  
17 required. I understand the RFP will require -- they have  
18 apparently not drafted that yet, according to what we have  
19 in the record. But I'm very aware of what the District's  
20 and the community's desires are for this -- to activate this  
21 site with the neighborhood commercial center that we  
22 envisioned as -- along with the residential development.  
23 And I think the -- there's one apartment building that  
24 hasn't been facilitated as well, and the map amendment is  
25 needed to facilitate that as well because the zoning

1   reverted to the very low density R2 and RA1 zones. So,  
2   yeah, I mean, 7B is consistent with the PUD-related map  
3   amendment that we previously did ten years ago or more.  
4   Probably more. And so, I'm anxious for this to move forward  
5   as well. Thank you.

6               CHAIRPERSON HOOD: Thank you. I still hope we get  
7   it -- we get some -- get it done this time. That's my hope.  
8   All right. So we'll -- unless there's something else, I  
9   would move that we approve on the final action zoning  
10  commission case number 22-38, Office of Planning on behalf  
11  of the DMPED map amendment as squares 5246 and 5273 and ask  
12  for a second.

13              VICE CHAIRPERSON MILLER: Second.

14              CHAIRPERSON HOOD: It's been moved and properly  
15  second. Any further discussion? Not hearing. Ms.  
16  Schellin, would you do a roll call vote please.

17              MS. SCHELLIN: Commissioner Hood?

18              COMMISSIONER HOOD: Yes.

19              MS. SCHELLIN: Commissioner Miller?

20              VICE CHAIRPERSON MILLER: Yes.

21              MS. SCHELLIN: Commissioner Imamura?

22              COMMISSIONER IMAMURA: Yes.

23              MS. SCHELLIN: Commissioner Stidham?

24              COMMISSIONER STIDHAM: Yes.

25              MS. SCHELLIN: The vote is four to zero to one to

1 approve final actions on the commissioner case number 22-38,  
2 the minus one being the third mayoral appointee seat which  
3 is vacant. Thank you.

4 CHAIRPERSON HOOD: Thank you. Let's move on.  
5 Zoning commission case number 20-33B, D.C. Department of  
6 General Services on behalf of the University of District of  
7 Columbia campus plan amendment and further process in this  
8 square 1964. Ms. Schellin.

9 MS. SCHELLIN: Yes, sir. Since the hearing on  
10 September 21st for this case, the only submissions to the  
11 record are the applicants post-hearing submissions at  
12 Exhibits 90 through 90D. I can't even read my own  
13 handwriting. I'm sorry. 90D2 and Exhibit 92. So, this is  
14 also ripe for the commission to consider final action.

15 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.  
16 Colleagues, as you know, this is a case from the Department  
17 of General Services on the UDC campus. We get a further  
18 processing or we did an amendment to the campus plan, and  
19 then we did a further processing all at the same time, well,  
20 in sequence, but again, some of the new exhibits, some of  
21 the things that we brought up was the UDC student engagement  
22 that was bid, the UDC community task force agendas. The  
23 garden replacement, which I think was very big and then the  
24 colocation study, the locations of student housing which  
25 came up in the net zero project design, student professional

1 educational opportunities, and then there's one other.  
2 Again, we still want to make sure that we encourage them to  
3 continue to work with DOE even -- in spite of whatever we do  
4 here to continue to work with DOE. But let me open it up to  
5 others, and I'm going to start with Commissioner Imamura.

6           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
7 appreciate the applicant providing supplemental documents in  
8 the record regarding some of our concerns and requests. One  
9 in particular about the community garden that struck me was  
10 the location for the community garden. In the photographs  
11 that were taken there I have a concern, Mr. Chairman, about  
12 not only is the location perhaps maybe inconvenient but more  
13 importantly, based on the slope and the set of stairs, my  
14 concern would be whether or not the new community garden  
15 here in this location would be accessible. And so I would  
16 encourage the applicant to make sure that they work with the  
17 community to -- I think there's potential here where it  
18 could be accessible and be a really neat design solution,  
19 but accessibility I think is critical for those with  
20 mobility issues.

21           The second issue that I have raised would be for  
22 this particular location is, in the photographs that they  
23 provided, there seems to be a lot of shade, shadows there  
24 cast, and I'm not fully convinced this might be the most  
25 suitable place for the community garden. Granted, these

1 photographs were probably taken here back in October, but I  
2 think that certainly daylight and perhaps maybe a quick sun  
3 study might be helpful. But those are kind of my concerns  
4 there. I'd also note that they did mention, Mr. Chairman,  
5 they held or provided some agendas for their quarterly task  
6 force meetings. It just seemed very evident to me that they  
7 were not held biquarterly basis, but really biannually,  
8 nearly every six months. I realize that they started  
9 providing the dates in which they provided the agendas was  
10 really sort of at the beginning of the pandemic. However,  
11 we've moved out of the pandemic, certainly I would encourage  
12 UDC to come into compliance or conformance with the  
13 requirements for these quarterly task force meetings and  
14 hold them on a more regular basis.

15               So, those are my concerns and comments, Mr.  
16 Chairman.

17               CHAIRPERSON HOOD: Thank you. Commissioner  
18 Stidham.

19               COMMISSIONER STIDHAM: Thank you. I agree with  
20 Commissioner Imamura. I have nothing more to add related to  
21 the project. Thank you.

22               CHAIRPERSON HOOD: Thank you. Vice Chair Miller.

23               VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
24 I think this is an important project for the university and  
25 can provide a number of student learning and employment

1 opportunities actually and that there is a synergy there. I  
2 too share the concerns that have been expressed about the  
3 importance of replacing the community garden one for one  
4 that's there, which the opposition testimony that we heard  
5 from neighbors was mostly centered on that issue and I think  
6 the university is committed to replacing that but I -- so, I  
7 would encourage, maybe go beyond encouraging the university  
8 to -- even though they've identified this space, that we  
9 include in our -- that we consider including in our quarter  
10 approving of this application a condition that requires the  
11 community garden space that's -- the square footage that's  
12 there now to be in place prior to a certificate of occupancy  
13 for the new archives building. So, and one that is  
14 accessible to address the concern that ADA compliant  
15 accessible, I think we can work on -- wordsmith that and  
16 maybe we could even wordsmith it to -- instead of delaying  
17 this for a sun study, to require that it be a space that --  
18 I guess it's putting more on the zoning administrator than  
19 it normally does, but I'm just throwing it out there off the  
20 top of my head. Then it has at least, you know, three or  
21 four hours of sunshine during the three -- during the summer  
22 solstice, the spring equinox, and the fall equinox, at least  
23 if it has at least four -- three or four hours of daylight  
24 on the garden during the growing season. It shouldn't be  
25 that difficult to certify as part of their CFO application.

1 But it's just something that occurred to me. So, just  
2 something I'm throwing out there. But I want to move  
3 forward as quickly as we can on this. Thank you.

4 CHAIRPERSON HOOD: Thank you. I think my  
5 colleagues, all three of you, have covered it. I don't have  
6 anything to add. I will like for us to put a condition and  
7 I will leave that up to our counsel. You heard from  
8 Commissioner Imamura, Commissioner Stidham, and Vice Chair  
9 Miller and myself, the three issues, placement,  
10 accessibility, ADA compliant, placement, I think, about the  
11 sun and I think the -- I'm leaving out one. There's three.  
12 What am I leaving out?

13 VICE CHAIRPERSON MILLER: It's the one for one,  
14 it's the one for one replacement.

15 CHAIRPERSON HOOD: One for one replacement.

16 VICE CHAIRPERSON MILLER: Maybe you said that,  
17 yeah.

18 CHAIRPERSON HOOD: ADA compliant, and also that we  
19 get sunlight -- I'm not -- I don't have the green thumb,  
20 Vice Chair, like you. So I'm not going to say how much time  
21 it should be. To me, at least it should be six hours, but I  
22 don't know how that works. And Commissioner Imamura.

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
24 think instead of stipulating perhaps the metric behind it,  
25 perhaps our counsel can help provide some language that's



1 reasonable sunlight for, you know, proper growth and  
2 cultivation in the community garden.

3 CHAIRPERSON HOOD: Okay. I like that, reasonable  
4 sunlight, but see, I don't have a green thumb like Vice  
5 Chair Miller. Maybe he knows three hours would do it. I  
6 don't know. Because I have -- I can't grow grass in the  
7 sun.

8 VICE CHAIRPERSON MILLER: I defer to the green  
9 thumb of Commissioner Imamura who has a landscape architect  
10 background --

11 CHAIRPERSON HOOD: Okay.

12 VICE CHAIRPERSON MILLER: -- background amongst  
13 other backgrounds.

14 CHAIRPERSON HOOD: Okay. Good. Okay, I think we  
15 straight. I think our counsel knows. If not, they will  
16 turn their camera on and let me know. Good. All right.  
17 Anything else? Would somebody like to make a motion?

18 VICE CHAIRPERSON MILLER: I would move, Mr.  
19 Chairman, that the zoning commission take final action on  
20 zoning commission case number 20-33B, D.C. Department of  
21 General Services of the University of the District of  
22 Columbia, campus plan amendment and further processing at  
23 square 1964 and ask for a second. Thank you.

24 COMMISSIONER IMAMURA: Second.

25 CHAIRPERSON HOOD: It's been moved and properly

1 second. Any further discussion? Not hearing anything. Ms.  
2 Schellin, would you do a roll call vote, please?

3 MS. SCHELLIN: Commissioner Miller?

4 VICE CHAIRPERSON MILLER: Yes.

5 MS. SCHELLIN: Commissioner Imamura.

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: Commissioner Hood.

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Stidham.

10 COMMISSIONER STIDHAM: Yes.

11 MS. SCHELLIN: The vote is four to zero to one to  
12 approve final action in zoning commission case number 20-  
13 33B, the minus one being the mayoral appointment's seat  
14 which is vacant. Thank you.

15 CHAIRPERSON HOOD: Okay. Next, we have time  
16 extension. Yeah, time extension. Zoning commission case  
17 number 20-14A, 5 M Investment LLC two-year design review,  
18 time extension in square 649, Ms. Schellin.

19 MS. SCHELLIN: Yes, as you stated it is a request  
20 for a two-year time extension of a previously approved  
21 design review case. They have stated this is necessary due  
22 to being unable to obtain sufficient financing among other  
23 things. Exhibit 5 is an OP report in support, Exhibit 6 is  
24 ANC 6D report in support, ANC 8F, which is directly across  
25 the street. Also and effected, ANC was served, but has

1 provided no report. However, the requisite 30 days or more  
2 than 30 days has expired so this case is also ready for the  
3 commission to decide final action. Thank you.

4 CHAIRPERSON HOOD: Okay. All right. Thank you.  
5 Something I'd like to start us off. I don't have any  
6 problems with moving forward the request at hand. Let me  
7 hear from others. Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
9 think this is pretty straightforward. I don't have any  
10 issues or concerns and I'm prepared to vote for the two-year  
11 time extension.

12 CHAIRPERSON HOOD: Commissioner Stidham.

13 COMMISSIONER STIDHAM: I agree. The applicant has  
14 justified the nature of the time extension. So, I'm good to  
15 finalize as well.

16 CHAIRPERSON HOOD: Thank you. Vice Chair Miller.

17 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
18 I concur with you and my colleagues.

19 CHAIRPERSON HOOD: Okay. Would someone like to  
20 make a motion? Commissioner Stidham. You've made a motion  
21 before, haven't you?

22 COMMISSIONER STIDHAM: Just once. But I'm willing  
23 to give it another go.

24 CHAIRPERSON HOOD: Okay. Make a go.

25 COMMISSIONER STIDHAM: I am making a motion to

1 approve the time extension for zoning case number 20-14A at  
2 5 M Investment LLC requesting a two-year design review time  
3 extension at square 649.

4 CHAIRPERSON HOOD: Great, and I'll second that.  
5 So we move it properly second. Any further discussion? Not  
6 hearing any, Ms. Schellin, would you do a roll call vote  
7 please.

8 MS. SCHELLIN: Commissioner Stidham.

9 COMMISSIONER STIDHAM: Yes.

10 MS. SCHELLIN: Commissioner Hood.

11 CHAIRPERSON HOOD: Yes.

12 MS. SCHELLIN: Commissioner Imamura.

13 COMMISSIONER IMAMURA: Yes. Nicely done,  
14 Commissioner Stidham.

15 COMMISSIONER STIDHAM: Thank you.

16 MS. SCHELLIN: Commissioner Miller.

17 VICE CHAIRPERSON MILLER: Yes.

18 MS. SCHELLIN: The vote is four to zero to one to  
19 approve final action, zoning commission case number 20-14A.  
20 The minus one, of course, being the third mayoral  
21 appointment seat, which is vacant. Thank you.

22 CHAIRPERSON HOOD: Thank you. Now, we'll go to  
23 hearing action, I believe is the next, so we have zoning  
24 commission case number 23-21, Office of Planning Map  
25 Amendment to Create Zoning for Zone A of the Armed Forces

1 Retirement Home, Washington campus parcel 121/28, Mr.  
2 Jesick.

3 MR. JESICK: Thank you, Mr. Chairman and members  
4 of the commission. The commission will recall that last  
5 month you sat down for a public hearing case number 23-20,  
6 which is the text amendment to create the Armed Forces  
7 Retirement Home zones, and this is the accompanying map  
8 amendment case 23-21 to map those zones on the AFRH site.

9 Next slide, please, Mr. Young. Now, just as a  
10 quick refresher, there would be seven zones with a range of  
11 use permissions and a range of heights and densities. Other  
12 key highlights of the AFRH zones include 20 percent  
13 inclusionary zoning, lead and renewable energy standards,  
14 and site-wide and designated street design and use  
15 requirements. Outside of zoning, there would also be review  
16 of all development by VHPRB and the Historic Preservation  
17 Office. And all of this would be to implement the vision of  
18 the AFRH master plan, which was approved by NCPC last year.

19 And finally, we found that the ARFH zones would  
20 not be inconsistent with the comprehensive plan including  
21 when viewed through a racial equity lens. So, the Office of  
22 Planning is recommending that the commission set down the  
23 proposed map amendment for a public hearing.

24 That concludes my verbal testimony, but I'd be  
25 happy to take any questions. Thank you.

1           CHAIRPERSON HOOD: Thank you, Mr. Jesick. I just  
2 -- I have really one question. I'll let others go. I am  
3 trying to figure out, and I don't necessarily have the map  
4 right up in front of me, but I think it's ANC 5A and 5E, and  
5 I know part of what's going on, unless it's far enough away  
6 to where I calculated is close to ANC -- I mean, close to  
7 Ward 1, and I want to know is there a Ward 1 ANC that also  
8 should be served or also should be involved in this? From  
9 the ANC perspective.

10           MR. JESICK: The closest Ward 1 ANC is 1E. I  
11 think by the letter of the regulations, they would not be  
12 considered an affected ANC. The site itself is within 5A,  
13 and it's across Irving Street from, I believe it's 5C. So,  
14 those would be the two affected ANCs.

15           CHAIRPERSON HOOD: It's 5E. It's 5E because 5C is  
16 over here with me.

17           MR. JESICK: Okay.

18           CHAIRPERSON HOOD: So, we're far enough away.  
19 Okay, you're right. It's Irving Street. It's not Water  
20 Street. I can't think of the street. It's another street  
21 that abuts the home, and that's in Ward 1. Anyway, let's  
22 just do this. Let's just make sure that it's not a Ward 1  
23 ANC that should be involved in this. Okay. I'm sure we'll  
24 probably hear from the constituents of Ward 1 in this case,  
25 but I just want to make sure we don't leave their ANC out,

1 if it's one that should be involved. Let's just make sure  
2 we do our necessary due diligence. Thank you. All right.  
3 Any questions of Mr. Jesick, anyway? Vice Chair -- oh, I'm  
4 sorry.

5 COMMISSIONER IMAMURA: No questions, Mr. Chairman.  
6 Thank you, Mr. Jesick for your report.

7 CHAIRPERSON HOOD: And Commissioner Stidham.

8 COMMISSIONER STIDHAM: No, thank you for your  
9 report, but I have no questions or comments. Thank you.

10 CHAIRPERSON HOOD: And Vice Chair Miller.

11 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
12 Yeah, I would -- I think -- well, let me thank all the work  
13 of the Office of Planning and National Capital Planning  
14 Commission and the various ANCs and community task forces  
15 that have worked for many years on the master plan for the  
16 Armed Forces Retirement Home, and this will facilitate both  
17 preservation of existing open space and historic structures  
18 and development of primarily a lot of housing, facilitate up  
19 to, according to OPs report, 3,000 housing units, 600 of  
20 which would be affordable under our inclusionary zoning  
21 regulations because this will be a map amendment with IZ  
22 plus, as I understand it, would -- I see -- from D.C. Office  
23 of Planning nodding his head in agreement that it is IZ plus  
24 designated as part of the map amendment. And I would  
25 encourage, in addition to 5A and 5E, which are immediately

1 abutting Zone A, the part that we're mapping under this  
2 proposal, the home's property, I think itself does, as  
3 you've indicated Mr. Chairman, border ANC 1E, I guess that's  
4 on its western, maybe its western edge. It doesn't abut --  
5 immediately abut Zone A, which is being mapped here, but we  
6 can encourage the reaching out to 1E as well, since they  
7 obviously have been involved with the Armed Forces  
8 Retirement Home as a neighbor many years. Many, many years.  
9 So, I support this set-down report. Did we discuss the  
10 issue of whether we're setting it down as a contested issue,  
11 a contested map amendment or is it rule-making, I think the  
12 Office of Planning, I think we've been advised that it could  
13 be justified either way that we've done it, both ways, in  
14 other cases that might be similar or not similar, but that  
15 in this case, I could be justified either way. I personally  
16 would be more comfortable with setting it down, since we  
17 have an OP recommendation to set it down as a contested  
18 case. I don't know if Mr. Jesick wanted to address why you  
19 have recommended that if that is your recommendation. But I  
20 think I'm more comfortable with that just to avoid any  
21 procedural challenges in the future saying party -- they  
22 wanted to be parties to this proceeding. So, that's just my  
23 comments on that issue, Mr. Jesick. Did you have a comment  
24 on that issue, Mr. Chairman? Did you have a comment?

25 CHAIRPERSON HOOD: I'll let Mr. Jesick -- I have a



1 -- well, let me go first. My comment is that typically when  
2 we moved in this fashion, we have always done a rule-making.  
3 I get that sometime people consider parties and do this -- I  
4 get that. But one thing we're going to do, I even do this  
5 in rule-making. I hear from the public. So, typically when  
6 we do zoning, when we do like this, map amendments and  
7 zoning changes, if I'm not mistaken, and when we did the --  
8 there's on one Capitol Hill that we did. I forget the name  
9 of it. The Capitol -- I don't know what it's called. But I  
10 remember another one, when we did Walter Reed, we do them, I  
11 believe, and Ms. Schellin can correct me, because she keeps  
12 up with this, I probably don't like I should, but we had  
13 done rule-makings. Whenever it's legislative, we've done  
14 rule-makings. And I don't think we need to change it now.  
15 You know, I understand people are not going to always agree  
16 -- the four of us don't always agree, but we come out to a  
17 better outcome for the city, right. I believe that. So,  
18 I'm not worried about people participating, because I'm  
19 going to make sure that happens, whatever it comes back.  
20 So, anyway, let me -- Mr. Jesick, let me hear what you have  
21 to say.

22 MR. JESICK: Thank you, Mr. Chairman and  
23 Commissioner Miller. I don't know that we necessarily have  
24 a strong opinion. I think initially because it was one  
25 property, maybe we were thinking it should be a contested

1 case, but the regulations aren't too definitive on that  
2 point. Certainly, this is a large land area dealing with,  
3 you know, large policy issues. So, I think it could be also  
4 a rule-making case. We'd be fine either way.

5 CHAIRPERSON HOOD: All right. Thank you,  
6 Commissioner Jesick. Commissioner -- Mr. Jesick.  
7 Commissioner Imamura.

8 COMMISSIONER IMAMURA: Well, I ought to  
9 congratulate --

10 VICE CHAIRPERSON MILLER: We do need another  
11 commissioner.

12 COMMISSIONER IMAMURA: I want to congratulate  
13 Commissioner Jesick there. Now, thank you, Mr. Jesick for  
14 that clarification that it can go either way. Mr. Chairman,  
15 I agree with you that, you know, this is legislative in  
16 nature. Most importantly, I really want to make sure that  
17 we're consistent with our practice. So, I believe this  
18 ought to be a (audio drop) case and I think we have a strong  
19 track record. You have a strong track record, Mr. Chairman,  
20 with your good neighbor policy. So, I'm highly confident  
21 that people -- the community will still be able to  
22 participate and contribute to that better outcome. But  
23 again, I feel pretty strongly that this ought to be a case  
24 that remains consistent with the zoning commission practice  
25 and policy.

1                   CHAIRPERSON HOOD: Thank you. Commissioner  
2 Stidham, any comments?

3                   COMMISSIONER STIDHAM: No. I'm in agreement also.

4                   CHAIRPERSON HOOD: Commissioner Schellin, since  
5 everybody's a commissioner, do you have anything? All  
6 right. So, Vice Chair, where are you? You're fine with  
7 doing a --

8                   VICE CHAIRPERSON MILLER: I could have gone either  
9 way, and since I didn't have a strong preference, I just had  
10 a preference, and others seem to have a stronger preference,  
11 I'm fine with deferring to all of my colleagues.

12                  CHAIRPERSON HOOD: Okay. I think the only person  
13 who -- unless I'm mistaken has not made a motion, it'd be  
14 good on the record. All of us have made a motion.  
15 Commissioner Imamura, you haven't made a motion tonight,  
16 have you?

17                  COMMISSIONER IMAMURA: Not tonight, Mr. Chairman.  
18 Happy to do so.

19                  CHAIRPERSON HOOD: Thank you.

20                  COMMISSIONER IMAMURA: Sure. I move that the  
21 zoning commission set down case number 23-21 Office of  
22 Planning, Map Amendment to Create Zoning for Zone A of the  
23 Armed Forces Retirement Home, Washington Campus, parcel 121,  
24 128. Ask for a second.

25                  CHAIRPERSON HOOD: I'll second it. It's been

1 moved and properly seconded. Any further discussion?

2 Commissioner Imamura.

3 COMMISSIONER IMAMURA: I just want to thank Vice  
4 Chair Miller for always being congenial and collegial,  
5 accepting this as a rule-making.

6 CHAIRPERSON HOOD: Any further discussion? Mr.  
7 Jesick?

8 VICE CHAIRPERSON MILLER: I try.

9 CHAIRPERSON HOOD: I don't think you can vote Mr.  
10 Jesick. Any further discussion? All right, Ms. Schellin,  
11 can you do a roll call vote, please?

12 MS. SCHELLIN: Yes, I will. However, if I may  
13 before I do the vote, may I ask that the commission combine  
14 these two cases so that all submissions be put in just case  
15 number 23-20 just -- and that way we'll just put a note in  
16 23-21 to see case number 23-20. Typically, they're filed as  
17 one case. There was some confusion on this one, whether the  
18 map amendment should be rule-making or contested, and so  
19 because of that confusion, they were filed as two separate  
20 cases and so, to keep from having duplicate files, case  
21 records, if we could do that, that would be great. I know  
22 you guys don't want to have two records to have to review.

23 CHAIRPERSON HOOD: No. So, I think -- unless I  
24 hear of an objection, we will proceed as Ms. Schellin has  
25 mentioned. Yes, (audio drop).

1 MS. SCHELLIN: That's great. So, I'll do the roll  
2 call vote. Commissioner Imamura.

3 COMMISSIONER IMAMURA: Yes.

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Stidham.

7 COMMISSIONER STIDHAM: Yes.

8 MS. SCHELLIN: Commissioner Miller.

9 VICE CHAIRPERSON MILLER: Yes.

10 MS. SCHELLIN: The vote is four to zero to one to  
11 set down zoning commission case number 23-21 as a rule-  
12 making case and the minus one being the third mayoral  
13 appointee seat which is vacant. Thank you.

14 CHAIRPERSON HOOD: Okay, Ms. Schellin, do we have  
15 anything else this evening?

16 MS. SCHELLIN: Nothing else.

17 CHAIRPERSON HOOD: Okay. Before I close out, the  
18 zoning commission will meet again October the 30th on these  
19 same platforms, and this University of District of Columbia,  
20 Lamond-Riggs campus case, which is zoning commission case  
21 number 23-16 will be on these same platforms at 4:00 p.m.  
22 Unless I hear from my colleagues anything.

23 So, with that, I'm going to thank everybody for their  
24 participation tonight and this meeting is adjourned. Thanks  
25 everybody for everything you all have done. Thank you all.

1                   (Whereupon the above-entitled meeting was  
2 adjourned.)

3                                 \*   \*   \*   \*   \*

REPORTER CERTIFICATE

This is to certify that the foregoing transcript  
In the matter of: Public Meeting  
Before: D.C. Zoning Commission  
Date: 10-26-2023  
Place: Virtual Hearing via Zoom  
was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and  
accurate record of the proceedings.



Gary Euell