

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

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THURSDAY

MAY 28, 2026

+ + + + +

The Public Meeting of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:12 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- ROBERT E. MILLER, Vice Chair
- JOSEPH IMAMURA, Commissioner
- GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- HILLARY LOVICK, ESQUIRE
- BRIAN LAMPERT, ESQUIRE
- JACOB RITTING, ESQUIRE

ALSO PRESENT:

- MAXINE BROWN-ROBERTS, DC Office of Planning
- CRYSTAL MYERS, DC Office of Planning

The transcript constitutes the minutes from the Regular Public Meeting held on May 28, 2026.

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

FINAL ACTION:

Case No. 25-08  
Office of Planning ..... 5

Case No. 25-12  
Office of Planning ..... 12

PROPOSED ACTION:

Case No. 25-13  
Office of Planning ..... 22

HEARING ACTION:

Case No. 25-16  
McDonald's Corporation ..... 49

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

(4:12 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Wright, Commissioner Imamura, as well as our Office of Zoning staff, Ms. Sharon Schellin, our Office of Zoning Legal Division, Ms. Hillary Lovick, Mr. Jacob Ritting, and Mr. Brian Lampert. I will ask all others to introduce themselves at the appropriate time. Again, the Commissioners today are Commissioner Imamura, Commissioner Wright, and Vice Chair Miller, and myself, Anthony Hood.

All right. I just want to announce that the Zoning Commission, just as previously announced, just had a closed meeting, and that closed meeting was to obtain legal advice from our counsel and to deliberate, but not vote, on the contested cases on today's agenda. So 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 via Webex and YouTube live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all those on Webex or by phone will be muted during the meeting.

For hearing action items, the only documents before us this evening are the application, the ANC setdown report, and the

1 Office of Planning report. All other documents in the record  
2 will be reviewed at the time of the hearing. We do not take any  
3 public testimony at our meetings, unless the Commission requests  
4 someone to speak. If you experience difficulty accessing Webex  
5 or with your phone call-in, then please call our OZ Hotline Number  
6 at 202-727-0789 for Webex log-in or call-in instructions.

7           Before I go to the staff for preliminary matters, I'm  
8 going to say this publicly. We will start -- we normally do our  
9 web links -- we're going to do web links, as Ms. Schellin has  
10 done in the past, but the day of the hearing, closed meeting, or  
11 whatever we have that morning, I would like the staff to start  
12 giving us the links that we're going to use that day or that  
13 morning in one e-mail, so you're going to get it twice; you're  
14 going to get it prior in a -- in a long -- if that works for --  
15 I'm asking my colleagues if that works for you. And the day of  
16 the hearing -- because I just looked at my calendar; I had three  
17 sets of links for right now, so -- and, naturally, me and Vice  
18 Chair Miller want another meeting, so what I would like for us  
19 to do is the day of the meeting, specifically give us if we're  
20 going to do a closed meeting, and specifically give us the closed  
21 meeting or the meeting for that day. If we get that in the  
22 morning, we'll just go straight to that e-mail. Any objections  
23 to moving in that fashion, so we can -- so we can all attend the  
24 same meeting.

25           (No response.)

1 CHAIRMAN HOOD: Okay. so I'd like the staff to get on  
2 that as soon as possible, so thank you for your attention and  
3 time to that issue. All right. So, with that, does the staff  
4 have any preliminary matters?

5 MS. SCHELLIN: No, sir. And staff has heard the request  
6 of the Commission, and we'll do that.

7 CHAIRMAN HOOD: Okay. Thank you. All right. Let's  
8 go to final action, Zoning Commission Case Number 25-08, Office  
9 of Planning text amendment to update the residential apartment  
10 RA-1 zones. Ms. Schellin. And Commissioner Imamura, I know  
11 there's one or two that you're not on, but please remind me when  
12 we get ready to start discussing, where you are and where you're  
13 not, so you can help me with that. Thank you. Ms. Schellin.

14 MS. SCHELLIN: Yes, sir. So on this case, just to  
15 remind you, at the February 26th public meeting, the Commission  
16 took proposed action on the text, as revised by the Office of  
17 Planning in its supplemental report, which they submitted at  
18 Exhibit 20. And then there are some new exhibits. At Exhibit  
19 21, OZ referred the case to the NCPC for their referral, per the  
20 regulations. And then, at Exhibit 22, NCPC provided a letter  
21 stating that the proposed text amendment is not inconsistent with  
22 the Comp Plan for the National Capital and would not adversely  
23 impact any other identified federal interests. And then the  
24 Notice of Proposed Rulemaking at Exhibit 24 was published in the  
25 DC Register. And comments in opposition were received at Exhibit

1 25 from a resident in Brookland -- in the Brookland neighborhood.  
2 And then, other than that, there were no other comments received,  
3 so it is ready for the Commission to consider moving forward with  
4 final action. Thank you.

5 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. Again,  
6 as stated -- I think you mentioned this already, but I want to  
7 mention it -- some of the things that we were looking to follow  
8 up on was increasing proposed by-right development/expansions in  
9 the RA-1 zone to six units -- I think that's where we fell, after  
10 having an elaborate and robust discussion -- reducing the minimum  
11 side yard to five feet for buildings with six units or less; not  
12 including allowance of penthouse habitable space in the RA-1 zone  
13 as part of these amendments; and then continuing to require a  
14 shadow study and a stormwater management plan, as required for  
15 special exception relief, but allow for supplemental  
16 representation to demonstrate shadow impacts.

17 I will tell you, colleagues, I'm not sure -- I'm  
18 concerned about the letter from Ms. Caroline Petti, and I can  
19 open it up. I don't know if others have -- it seems as though --  
20 and, you know, if -- I know we've all had a chance to look at  
21 this letter, but it says, "The RA-1 zoning is located  
22 predominantly in the area" -- she's concerned about her area.  
23 And this is what I always say; when we're fixing something  
24 somewhere else or trying to fix something, we always, I believe,  
25 do -- have other -- different impacts in a specific area. What

1 I am not keen on is taking away the citizen's right to have input.  
2 None of us are. It may -- it may work in this case, with what  
3 we're doing in front of us, but I think she's looking at -- for  
4 example, she says "I've done some looking into zoning case files  
5 in Brookland to get a sense of what the experience with zoning  
6 review has been in Brookland's RA-1 zones. There have been  
7 several cases there in recent years: several involving building  
8 out unfinished basements to incorporate new apartment units and  
9 several involving razing existing single-family homes to replace  
10 them with seven and eight-unit apartment houses. The level of  
11 involvement in each was mixed. One was withdrawn after  
12 application by the developer. Several were approved without any  
13 public input. Several were approved subject to conditions  
14 identified by DC agencies." So -- and "Others involved neighbor  
15 engagement and were managed."

16 So the logistic that I get out of her letter is that,  
17 again -- and I've heard this from the Committee of 100 as well --  
18 is that we're pushing more of the matter-of-right and taking away  
19 public engagement, but I don't know if that's where we want to --  
20 I would like -- I'd like to hear some comments on her letter,  
21 because I raised this concern once before, and that's one of the  
22 things I do not want to do. While we're solving the issue  
23 possibly over in in the RA zones, in some areas, we also may be  
24 exacerbating the issue in other areas, but let's -- any comments  
25 from anyone else on this particular -- and what did you feel

1 | about the letter or do you have anything to discuss on that letter  
2 | that Ms. Petti has given us? Whoever like to go. Vice Chair  
3 | Miller, you'd like to say something or not say anything?

4 |           VICE CHAIR MILLER: I think I understand the concern  
5 | of Ms. Petti, but I think we arrived at a -- kind of a compromise  
6 | proposal between different public comments that we received.  
7 | The -- there is a push nationwide to try to have more matter-of-  
8 | right development, so that there aren't obstacles to getting  
9 | affordable housing and market-rate housing built, which is a real  
10 | problem, not just in Washington, DC, but everywhere. So it's a  
11 | modest -- it's just -- it's a modest increase in the -- in  
12 | the number of units from the original proposal that would be  
13 | matter-of-right.

14 |           I think there are still protections in the RA-1 zone  
15 | for adjacent communities -- adjacent lower-scale single-family  
16 | homes. If the neighbor -- if neighborhoods want to change that  
17 | RA-1 zone to a single-family zone to even provide more protection,  
18 | they have that option to do -- to petition the Zoning Commission  
19 | to do that. So I'm prepared to go forward with final. We did  
20 | proposed rulemaking. I'm ready to go forward with final action  
21 | this evening.

22 |           CHAIRMAN HOOD: Okay. Anyone else? Commissioner  
23 | Wright.

24 |           COMMISSIONER WRIGHT: Yeah. I was going to say, I  
25 | agree with Vice Chair Miller. We are always trying to find a

1 balance. There is a strong impetus to do more by-right  
2 development, but we also, I think, strongly recognize and  
3 appreciate the role that the community plays in providing  
4 comments on projects, and those comments improve the projects  
5 that end up being built, for the most part. So, again, in this  
6 particular instance, we were looking at, I guess, what you might  
7 call a middle ground or a compromise. We had folks asking us to  
8 allow ten units in this zone, and the original proposal had been  
9 four, and we sort of compromised by going with six.

10 We also, I think, compromised a bit on the side-yard  
11 setback requirements, still requiring a five-foot setback  
12 requirement, which is down from eight feet, but still, I think,  
13 is a significant and useful setback requirement. So I absolutely  
14 understand the concern that's being expressed by the resident of  
15 Brookland and the concern about not having public participation  
16 in every project that comes forward, but we also are recognizing  
17 that we need more housing of all types, affordable and otherwise,  
18 and we're looking at every opportunity to try to create that  
19 additional housing, but we're also -- again, I think we're trying  
20 to walk that line of being sensitive to larger projects that have  
21 the potential for greater impact, still requiring some sort of a  
22 review process that involves the community, but smaller projects  
23 being able to move forward. So I'm also ready to take action,  
24 although I definitely recognize and appreciate the concern  
25 expressed.

1 CHAIRMAN HOOD: Okay. Thank you. Commissioner  
2 Imamura, did you have anything to add on that one?

3 COMMISSIONER IMAMURA: Thank you Mr. Chairman. No, I'm  
4 in agreement with Commissioner Wright and Vice Chair Miller.  
5 Nothing more to add.

6 CHAIRMAN HOOD: Okay. I'm just going to say, I think  
7 we did come to -- we did all we could on this, but I'm very  
8 concerned about the letter I see from Ms. Petti. I'm going to  
9 be voting against this. I would like to see a little more  
10 discovery done, but if -- you know, I can count -- but I just --  
11 I just -- it just doesn't sit well with me.

12 And I know what we're trying to achieve about  
13 affordable housing, and I always question that anyway, but her  
14 letter really just -- I'm not going to say woke me up, but it's  
15 just, like, well, wait a minute, what are we doing here, but,  
16 you know, I'd rather -- I'd rather feel good about the way I'm  
17 going to vote, and I'm going to be voting against this. So unless  
18 there's any further discussion, someone will make a motion,  
19 because I don't believe anyone wants to delay it a little longer.  
20 I don't know what we get out of it, because I would like to  
21 hear -- I would like to hear something back from the Office of  
22 Planning on her letter to give me some assurance, because I  
23 brought this up once before, and I didn't see anything, other  
24 than noting that we did have the letter. But, anyway, somebody  
25 like to make a motion?

1           VICE CHAIR MILLER: I would just say, Mr. Chairman, I  
2 don't think this will assuage your concern necessarily, but this  
3 is expansion of existing developments and so -- and going from  
4 four to six from the original proposal is not going to affect  
5 the bulk and density that would have -- that would have been in  
6 the original proposal, but I'm prepared to move -- take --  
7 move -- take -- move that the Zoning Commission approve -- take  
8 final action on Case Number 25-08, Office of Planning's text  
9 amendment to update the residential apartment RA-1 zone, and ask  
10 for -- as revised, and ask for a second.

11           COMMISSIONER WRIGHT: Second.

12           CHAIRMAN HOOD: Okay. It's been moved and properly  
13 seconded. Any further discussion? I'll just add that the RA-1  
14 has been on my radar for a while. I've had concerns with it  
15 previously, even before this. I still have those same concerns.  
16 I just don't think we have the right mix. I just don't think we  
17 got it right. I really don't. Even though we compromised and  
18 we're looking at affordable housing, I'm not even sure -- I'm not  
19 sure that we're even achieving what we're saying we're trying to  
20 achieve, but I guess it's all worth a try, but I just don't -- I  
21 don't have a good feeling about this, and sometimes you have to  
22 go with your gut. All right. So it's been moved and properly  
23 seconded. Any further discussion?

24           (No response.)

25           CHAIRMAN HOOD: Not hearing any, Ms. Schellin, could

1 | you do a roll call vote please?

2 | MS. SCHELLIN: Yes, sir. That was Commissioner Miller.

3 | VICE CHAIR MILLER: Yes.

4 | MS. SCHELLIN: And I believe -- Commissioner Imamura,  
5 | did you second that?

6 | COMMISSIONER WRIGHT: No, Wright.

7 | COMMISSIONER IMAMURA: No, Commissioner Wright did.

8 | MS. SCHELLIN: It was Commissioner Wright. I'm sorry.  
9 | Commissioner Wright.

10 | COMMISSIONER WRIGHT: Yes.

11 | MS. SCHELLIN: Commissioner Imamura.

12 | COMMISSIONER IMAMURA: Yes.

13 | MS. SCHELLIN: And Commissioner Hood.

14 | CHAIRMAN HOOD: No.

15 | MS. SCHELLIN: And, of course, the vote would then be  
16 | three to one to one, Commissioners Miller, Wright, and Imamura  
17 | in favor; Commissioner Hood opposed; Commissioner Stidham not  
18 | present, not voting. Thank you.

19 | CHAIRMAN HOOD: Okay. Thank you. Let's go to Zoning  
20 | Commission Case Number 25-12, Office of Planning omnibus text  
21 | amendment to modify and clarify various provisions of 11 DCMR.  
22 | Ms. Schellin.

23 | MS. SCHELLIN: Yes, sir. This one, I am pretty much  
24 | going to turn this over to you. There were -- we did refer this  
25 | to -- there was an NCPC report on this case, where they filed

1 two letters saying that it would not adversely impact any  
2 identified federal interests. The Notice of Proposed Rulemaking  
3 was sent out. And then a second supplemental report was filed  
4 by the Office of Planning at Exhibit 148. And, as of this  
5 writing, no comments have been submitted in response to the Notice  
6 of Proposed Rulemaking, other than OP's second supplemental  
7 report.

8 CHAIRMAN HOOD: Thank you, Ms. Schellin. Again, I want  
9 to thank my colleagues on this. It was just three of us, and we  
10 missed our other colleagues, but they were on furlough at the  
11 time, but I want to thank all the work that went into this. It's  
12 a lot of work that went into this. I'll just kind of bring us  
13 back. I want to call this the map case, because we did different  
14 things; we moved over here, we went over there, we made a left,  
15 we made a right. But, anyway, the status is the case had 25  
16 individual cases. The Commission held six hearings, starting  
17 October 30th and ending November 13th. And, again, once we got  
18 to the point, even though there was an outcry of the community  
19 for us to divide it up, we did just that. Once we start looking  
20 at it ourselves, we did exactly as requested.

21 At a special public meeting held on November 25th,  
22 2025, the Commission deliberated on all 24 of the subcases. The  
23 Commission took proposed action to approve 12 of the subcases.  
24 The Commission then requested additional information and text  
25 from OP on 11 of the remaining subcases. The Commission requested

1 that OP provide this information in a supplemental report. The  
2 Commission stated it would not move forward or -- on one subcase,  
3 light pole amendment, and the Office of Planning indicated it  
4 would withdraw the case, even though the issue is still around.  
5 And I know Commissioner Wright will speak to that shortly.

6 At a public meeting on December the 18th, 2025, the  
7 Commission deliberated on the remaining cases. OP withdrew an  
8 additional subcase, the 30-foot lot frontage for subdivisions for  
9 apartment buildings. The Commission then approved the text  
10 amendment by -- the Commission approved the text recommended by  
11 OP and a supplemental report on the remaining subcases. And  
12 then, as Ms. Schellin said, we did get an NCPC report, and we  
13 did have our Office of Planning second supplemental report, and  
14 in that order.

15 Okay. Let me -- let me just see what others may have  
16 on this. I know there's some outstanding things we're looking  
17 at, and I'm going to ask Commissioner Wright if she would talk  
18 about maybe some of those things that may be outstanding.

19 COMMISSIONER WRIGHT: Sure. I will just say, you know,  
20 I'm glad we are finally at the end of this process and ready to  
21 vote on the text amendments that we have spent so much time going  
22 over, taking testimony on, analyzing the testimony, making  
23 changes and amendments. I still have, you know, my packet from  
24 that, and I'm going back over all of the comments that we made.  
25 And we spent many long evenings discussing these -- this omnibus

1 set of amendments. I know that there are some small last-minute  
2 edits or corrections that have been made by Office of Planning  
3 and by our legal team, and I, again, agree with all of those.  
4 There's nothing substantive in those that changes what we had  
5 really reviewed and approved.

6 One of the ones that was dropped had to do with  
7 lighting for ball fields, and it is -- there is a case currently  
8 before the BZA that is an appeal of a decision by the Department  
9 of Building about some lighting at a ball field near Duke  
10 Ellington School. And having sat on the BZA for that case, I  
11 know that it's a really complicated issue. I think that the text  
12 amendment that we had received was an effort to address the issue,  
13 but it really didn't delve into it enough or it didn't provide a  
14 satisfactory and nuanced solution. So, even though that  
15 particular text amendment was dropped from this group, I strongly  
16 encourage the Office of Planning to go back to the drawing board  
17 and to think about a text amendment that could be applicable,  
18 because there is -- there are some serious gaps in the current  
19 language in the zoning code, not just about light poles, but a  
20 few other things that are either not included in the definition  
21 of structures or are included in the definition of structures.  
22 It's a complicated issue that I don't want to belabor right now.  
23 I'm glad to talk with Office of Planning staff, you know, about  
24 some of the concerns that we've had during the discussion of this  
25 particular BZA case, but that particular topic needs more work.

1 So, even though it's not going to be handled as part of this  
2 omnibus, I think OP should go back to the drawing board, and I'm  
3 glad to talk with them about it with some more specific  
4 information. But, aside from that, I fully support moving forward  
5 with the current omnibus with, again, the relatively minor edits  
6 that have been added at the -- at the end, and I think this has  
7 been a long haul. A lot of good work has gone into it, and it's  
8 time to move it forward. So that's my comment.

9 CHAIRMAN HOOD: Thank you, Commissioner Wright. Vice  
10 Chair Miller.

11 VICE CHAIR MILLER: Thank you, Mr. Chairman. I would  
12 associate myself with each of your comments -- all of your  
13 comments. There has been a lot of work in this omnibus text  
14 amendment to modify -- clarify now 22 provisions of the zoning  
15 regulations, many of which -- most of which, I recall, were the  
16 subject of BZA cases that were always -- almost always, if not  
17 always, approved without any opposition from the neighborhood,  
18 with support from the ANC, so this is partly an effort to clarify  
19 provisions or modify provisions, so that the BZA workload doesn't  
20 have to be as large as it's been for non-controversial cases.

21 So I appreciate all the work that the Office of Planning  
22 did, the community outreach. I appreciate the work of the staff  
23 on this. I appreciate your responsiveness, Mr. Chairman, to  
24 holding many more hearings than we initially planned, which gave  
25 everybody an opportunity to comment, and I think some changes

1 | were made as a result of that. On the light pole, I do -- I have  
2 | followed that case that is pending that Commissioner Wright is  
3 | sitting on at the BZA. I think a text amendment is a -- would  
4 | be helpful to have, because the existing regulation, as  
5 | interpreted by the Zoning Administrator, kind of leaves a  
6 | lot -- well, I think it could be -- I think it could be  
7 | clarified and bring more certainty to the process, even if it's  
8 | just a special exception process for light poles and other types  
9 | of structures adjacent to single-family neighborhoods, so that  
10 | there's the public input; they can put the conditions on that  
11 | need to be put on in that type of a case, but lighting ball fields  
12 | is an important thing for our kids. And having had kids who  
13 | played on a lot of lighted ball fields, it's important for  
14 | neighborhoods.

15 |           And, in this case -- this particular -- I mean, we  
16 | shouldn't be -- shouldn't be talking about the particular case,  
17 | but the affected ANC supported -- didn't have a problem with the  
18 | light poles. I'll just say it that way. So I'm ready to move  
19 | forward with final action tonight, Mr. Chairman.

20 |           CHAIRMAN HOOD:    Okay.    Again, I want to thank my  
21 | colleagues. We hashed through this omnibus bill, and, as you all  
22 | both have kind of alluded to, it was because of things that we --  
23 | it was the track record that got us to this point, and I  
24 | appreciate all the work that's been put in. Now, what I will --  
25 | I want to echo Commissioner Wright's issue about the light poles

1 | though, and I know she's on that case, so I don't want to get  
2 | too far into it, but I think it would be better if -- I don't --  
3 | you know, I can't schedule the Office of Planning's work, but I  
4 | know that that case is coming back around, and we have two newer  
5 | members, so I know Commissioner Wright will be probably taking a  
6 | lot of the lead on that and helping bring everybody up to speed.  
7 | But, I think, Commissioner Wright -- and you correct me if I'm  
8 | wrong -- hopefully, wouldn't it be better for us to tackle it  
9 | first, before you all have to go back into that and maybe -- I'm  
10 | just -- I'm trying to think of process.

11 |           COMMISSIONER WRIGHT: Yeah. I mean, that's hard. You  
12 | know, there's a very -- the appeal is on a very specific legal  
13 | issue, which has to do with the definition of structure in the  
14 | zoning code. And, you know, I honestly -- I don't know what  
15 | would be better, to deal with that definition before taking action  
16 | on the appeal or take action on the appeal, which will, I think,  
17 | absolutely probably require us to tackle the definition. So, you  
18 | know, it -- the appeal has been pending for a long, long time.

19 |           I mean, my understanding is that the light poles are  
20 | actually -- have been erected. I don't know if they're  
21 | functioning. I honestly -- I don't know what delaying the appeal  
22 | further -- I don't know what impact that would have, from a  
23 | practical standpoint, on the actual site that we're talking  
24 | about. It might not have any impact. I feel like the appeal is  
25 | a very technical, theoretical discussion, and I don't know if

1 putting off or continuing that technical legalistic discussion  
2 would have any impact on the actual project. I just don't know.

3 CHAIRMAN HOOD: Okay. Thank you for that. What I'll  
4 do, we'll just continue to ask the requests that you made to the  
5 Office of Planning, and things will fall where they are, and  
6 we'll go from there. I was just trying to figure out a way to  
7 make it easier, but I guess, in some situations, there are no  
8 ways to make it easier, and especially since you mentioned about  
9 the scope of this. But, either way, I would -- I just echo what  
10 Commissioner Wright has mentioned. Hopefully, we can get  
11 something in front of us when it -- when this -- when the Office  
12 of Planning has the time and the schedule -- they're able to  
13 schedule it, so we can go ahead and deal with our part that we  
14 need to deal with. So that's a request that we're asking for as  
15 a Commission.

16 All right. Again, any further comments on this  
17 omnibus?

18 (No response.)

19 CHAIRMAN HOOD: Okay. Vice Chair, would you like to  
20 make a motion on the omnibus?

21 VICE CHAIR MILLER: Sure. Let me find my -- I had  
22 already moved on to the next case. I would take -- move that  
23 the Zoning Commission take final action on Zoning Commission Case  
24 Number 25-12, the Office of Planning's omnibus text amendment to  
25 modify and clarify various provisions of 11 DCMR, with the minor

1 technical corrections and clarifications that OP brought up in  
2 their most recent report, and asked for a second.

3 COMMISSIONER WRIGHT: Second.

4 CHAIRMAN HOOD: Okay. It's been moved and properly  
5 seconded. Any further discussion?

6 (No response.)

7 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would  
8 you do a roll call vote please?

9 MS. SCHELLIN: Yes, sir. Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Wright.

12 COMMISSIONER WRIGHT: Yes.

13 MS. SCHELLIN: Commissioner Hood.

14 CHAIRMAN HOOD: Yes.

15 MS. SCHELLIN: Commissioner Imamura.

16 COMMISSIONER IMAMURA: I did not participate on this  
17 case.

18 MS. SCHELLIN: Okay. So you're abstaining. So the  
19 vote is three to zero to two to approve final action in Zoning  
20 Commission Case Number 25-12 -- excuse me -- Commissioners  
21 Miller, Wright, and Hood approving; and Commissioner Imamura  
22 present, but he did not vote, having not participated; and  
23 Commissioner Stidham not present, not voting. Thank you.

24 CHAIRMAN HOOD: So both of -- Ms. Schellin, both of  
25 them will be recorded the same way on this case, did not hear it

1 and had had not participated, not abstaining.

2 MS. SCHELLIN: Right.

3 CHAIRMAN HOOD: Yeah. Okay.

4 MS. SCHELLIN: Not abstaining, as -- right. I  
5 said -- I said "not having participated, not voting" for him,  
6 and she's "not present, not voting".

7 CHAIRMAN HOOD: Right. Yeah, but I -- but I just wanted  
8 to correct the record, because you said "abstaining". He's not  
9 abstaining.

10 MS. SCHELLIN: Yeah. Right. Right.

11 CHAIRMAN HOOD: He would never abstain. He's going to  
12 vote up or down.

13 COMMISSIONER IMAMURA: You got that right.

14 CHAIRMAN HOOD: All right. Let's go to the next case.

15 MS. SCHELLIN: Oh, yes.

16 CHAIRMAN HOOD: All right. Give me a minute. And I  
17 want to thank our legal folks. They do a lot of work helping us  
18 get prepped.

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: So much that I can't even find the next  
21 case. Hold on one second.

22 MS. SCHELLIN: Do you want me to call it for you?

23 CHAIRMAN HOOD: Tell me what page is on.

24 VICE CHAIR MILLER: Nine.

25 MS. SCHELLIN: Well, my page is --

1 CHAIRMAN HOOD: Oh, there it is, there it is. It showed  
2 up. Thank you. Thank you, Vice Chair. All right. Proposed  
3 action, Zoning Commission Case Number 25-13, Office of Planning  
4 text and map amendments to create new Wisconsin Avenue mixed-use  
5 zones. Ms. Schellin.

6 MS. SCHELLIN: Yes, sir. So the Commission considered  
7 the OP supplemental report at the April 30th meeting, and, at  
8 that meeting, it reconsidered the public comments in response  
9 to -- if you'll remember, Councilmember Frumin had asked to allow  
10 the public to and also the Committee of 100 to be able to respond  
11 to that supplemental report, because they felt it had quite  
12 extensive information. So the Commission considered that, and  
13 the Commission did allow the record to be reopened for the public  
14 to provide comments to the supplemental report until April -- I'm  
15 sorry -- May 14th. And there are several received into the  
16 record, from Exhibits, let me see, it looks like 236 through  
17 about 255. And so I'm going to now turn this over to you or to  
18 the Commission, rather, to consider whether you want to move  
19 forward with proposed action. Thank you.

20 CHAIRMAN HOOD: Okay. Before I go to Commissioner  
21 Wright, and then Vice Chair Miller, and then Commissioner Imamura  
22 and myself, there were a number of things. This case has been  
23 going on for a while with us and trying to deliberate. And,  
24 first of all, I want the community to know, we appreciate all  
25 the time and attention, whether pro or con, that has been put

1 | into this case. And I know what the community -- some in the  
2 | community were trying to achieve, with some having some  
3 | skepticism or some uncertainty on some of the things; like, we  
4 | tried to make sure community input was there, we're looking at  
5 | stuff, as far as making more things matter-of-right. Some people  
6 | object to it; some people believe that we're causing different  
7 | problems. They want to make sure that some kind of input is  
8 | done. And so we come up with now design review, which is --  
9 | which is taking us to another step.

10 |           We have some people who believe that what's going on  
11 | will hamper the affordable housing component of what's trying to  
12 | achieve -- be achieved. So there are a number of moving pieces,  
13 | as far as the framework and what's been done. And I realize that  
14 | the community has told us on a number of occasions that they have  
15 | worked very hard to get to this point, and I would just ask them  
16 | to be patient, as we try to do what we're supposed to do to get  
17 | us to the point where it can become a win-win for all.

18 |           Now, we might not get all what we want in this and --  
19 | or not get all what we want, but give us a little time. If we  
20 | have to ask additional questions, we ask you to be patient with  
21 | us, because you all have worked on it for years for -- and I'm  
22 | not going to say years, years, but for a while, other than we've  
23 | had it for maybe a few months, so give us -- give us a little  
24 | time. All right. So, with that, I'm going to ask Commissioner  
25 | Wright, if she can kind of start us off. And I know there are

1 | some issues that I have questions about, but I want to hear first  
2 | from my colleagues. Commissioner Wright.

3 |           COMMISSIONER IMAMURA: Thank you. So, again, just as  
4 | I mentioned in the previous case about changes to the RA-1 zone,  
5 | we're trying to walk a fine line here. We're trying to provide  
6 | real opportunities for more housing; for that housing to happen  
7 | along corridors where there is existing infrastructure and  
8 | transit. And that's the right thing to do, both from a Comp Plan  
9 | perspective and from an overall planning policy perspective. It  
10 | is the right thing to do.

11 |           I know that there is concern about anything that can  
12 | hold up or delay a project, although, you know, as I -- as I have  
13 | experienced from the case that we were actually just talking  
14 | about with the omnibus and the issue of light poles, that was an  
15 | appeal of a Department of Building/Zoning Administrator decision.  
16 | So, even if there is no design review process, if someone ends  
17 | up being unhappy with how some of the design elements in the zone  
18 | are being handled by the Zoning Administrator and the Department  
19 | of Building, they can still appeal. There are -- there are always  
20 | ways and opportunities to appeal. So I just don't think we can  
21 | hold -- that we can sacrifice quality and community, because we  
22 | are afraid of appeals.

23 |           And I absolutely understand that, before I came on this  
24 | body, there were cases that were delayed for long periods of time  
25 | with appeals that, I think, many of us felt were not good appeals,

1 and, in most cases, the decisions of this body were upheld,  
2 ultimately, through the appeal process, and all that ended up  
3 happening was that good projects were delayed for a long time.  
4 I -- again, I don't know how we get around that, because, again,  
5 any government action, even a decision by the Zoning  
6 Administrator or the Department of Building, can be appealed.

7 But I also have to say, I truly -- from all of the  
8 experiences that I've had in multiple jurisdictions, I really  
9 believe in the design review process. I don't believe that design  
10 review throws up hurdles that are -- can't be overcome. I have  
11 seen many, many, many projects, including affordable housing  
12 projects, that have gone through a wide variety of design review  
13 processes, whether it's you know a Historic District Review Board  
14 process, because that's a design review process; whether it is a  
15 design review that is embedded in a new zone, like we have in,  
16 you know, many zones in the city already, such as Saint Elizabeth  
17 and the Navy Yard, and a whole bunch of different zones in the  
18 city have a design review element.

19 I actually feel like this design review element is  
20 pretty straightforward, because we have a good set of  
21 Washington -- I'm sorry -- Wisconsin Avenue Design Guidelines  
22 that were developed with a lot of input from the community. I  
23 do understand that a number of people have mentioned, well, why  
24 can't we do form-based code, and I have to say, I also am really  
25 interested in form-based code, but what we've heard from the

1 Office of Planning is that that is an additional level of detailed  
2 work, which would -- they could do, but it would delay the  
3 implementation of this effort by quite a long time, you know,  
4 probably more than a year. And the issue for me is, I don't --  
5 I don't want to delay.

6           We've been talking about this as a community through  
7 the Wisconsin Avenue Design Guideline process. We've had  
8 multiple hearings before this body. There has been a great deal  
9 of community outreach and discussion. I don't want to sort of  
10 throw all that out the window and say let's wait and start over  
11 and do a -- do a form-based code; although I, again, sort of wish  
12 that had been considered earlier on in the process, really from  
13 the -- from the get-go, but I go back to those Wisconsin Avenue  
14 Design Guidelines that talk about a design review process. And,  
15 you know, anyone who participated in the development of those  
16 guidelines would probably be looking for how they're really going  
17 to be implemented. And I think that the design review process  
18 is the way to implement them. If we aren't going to literally  
19 put every line of the Design Guidelines in a zoning text, then  
20 the way to really implement that is to reference the Guidelines  
21 and to create a design review process.

22           Again, I've participated in many design review  
23 processes in jurisdictions as far-flung as Galveston, Texas and  
24 Alexandria, Virginia and Bethesda, Maryland, and a lot of  
25 different places, and I have not seen design review as something

1 that holds up or is a negative. I have seen design review as  
2 something that actually allows communities to come together, set  
3 their goal, decide what they want, and see it implemented in a  
4 way that ends up being satisfactory to all parties.

5           The one thing that was brought up that I thought was a  
6 good point is that we are really talking about design review  
7 primarily for larger new projects. If the design review is  
8 included in this text amendment, as it currently is written, it  
9 would include literally every building. So if there was a small  
10 commercial building that just wanted to build an addition, they  
11 would have to go through a design review process. I don't think  
12 that's our intent. I think we're really looking at projects  
13 that -- like some of the ones described in the Wisconsin Avenue  
14 Design Guidelines, that those are the bigger projects that we're  
15 talking about.

16           I don't know -- there was a number thrown out of this  
17 should only apply to lots that are 15,000 square feet. I don't  
18 know if that's the right number, and I might ask for Office of  
19 Planning to come on and see if they have comments. I'm not as  
20 much in favor of the idea of saying "Oh, if you have a high number  
21 of affordable units, you shouldn't have to go through design  
22 review," because I think affordable projects should be high  
23 quality design also, and I think they should fit in with a  
24 community. They have an important function of providing  
25 affordable units, but they should not lack in compatibility with

1 the community in which they're located. And we have so many  
2 examples of good affordable projects that have been designed in  
3 ways that really fit well with the community. I think of one on  
4 Idaho Avenue, next to the District 2 Police Station. Great  
5 project; fits in really well with the community. And I think  
6 that, you know, that doesn't always just happen by accident. It  
7 happens by careful consideration and discussion with the  
8 community and, you know, ends up with the outcome of a better  
9 building and a better project.

10 So I -- on the big issue that we got a lot of feedback  
11 on, which was some people writing and saying, "Yes do design  
12 review," and others writing and saying, No, no, no, don't do  
13 design review," I definitely fall on the side of saying, yes, we  
14 should do design review, but we may want to refine it to be for  
15 only projects on lots of a certain size. And I don't know if  
16 15,000 square feet is the right size or not. I just -- I just  
17 don't know. I would need Office of Planning to give me some  
18 input on that.

19 We had quite a few people -- again, I do want to say,  
20 although we had people pushing back and saying, "We don't want  
21 design review," we had quite a few organizations who spoke up and  
22 said they did want design review, and so, again, it's that fine  
23 line we're trying to walk. We want projects to happen. We want  
24 to make them easy and predictable. And I think with good Design  
25 Guidelines, which I think we have with the Wisconsin Avenue Design

1 Guidelines, we are able to achieve a design review process that  
2 is clear predictable, and, again, I think, if closely connected  
3 to the guidance in the Design Guidelines, you know, I think  
4 probably hard to succeed in appealing.

5           So those were my thoughts on that topic, and maybe we  
6 can talk about other aspects of the -- of the case, but I think  
7 the design review was the biggest thing we got a lot of testimony  
8 on.

9           CHAIRMAN HOOD: Okay. Thank you. Let's go to Vice  
10 Chair Miller.

11           VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
12 you and Commissioner Wright for your comments and all the public  
13 comments that we have received throughout this lengthy case --  
14 process, and the -- and all the work that went in before it with  
15 the planning effort by the Office of Planning with the community,  
16 developing the Wisconsin Avenue Development Framework, in  
17 response to the Council and Mayor's changes to density  
18 designations on the Land Use Map in the 2021 Comprehensive Plan.

19           So there's been a lot of community engagement, both in  
20 the Comp Plan process and in the Wisconsin Avenue Development  
21 Framework and in our process. And I think it was at the hearing,  
22 which was a very lengthy hearing, as I recall, in December, I  
23 think it was actually Commissioner Wright and I, which made --  
24 were -- seemed receptive to -- or asked the Office of Planning  
25 to consider a design review process, so that people could have

1 public input. I still support a design review process for some  
2 of the -- for some of the zones. There's four zones being  
3 proposed along a one-and-a-half mile stretch of Wisconsin Avenue.  
4 I know -- I do not think a discretionary -- an additional  
5 discretionary review process should be in place for every  
6 development that's going to happen along that -- along that  
7 corridor -- that transit-rich, amenity-rich corridor.

8           The Wisconsin Avenue Development Framework did  
9 reference a design review process should be developed in the  
10 zoning, to be developed for two of the zones, Friendship Heights  
11 mixed-use zone and the Tenleytown mixed-use zone, where the  
12 maximum heights and densities are being proposed right at the  
13 Metro stations there, consistent -- not inconsistent with the  
14 Comp Plan designations.

15           So I would support exemptions from the -- well, I would  
16 support the design review process being limited to those two  
17 zones and to projects that are above -- of a certain size, above  
18 the 15,000 square feet, which we heard from a number of folks,  
19 including a major affordable housing developer along Wisconsin  
20 Avenue. So I would support limiting design review to those two  
21 zones at the Metro stations, where the maximum height and density  
22 is being provided, limiting it to only large parcels, which would  
23 have the greatest impact on adjacent neighborhoods and the  
24 corridor. And I would support the suggestion that we've gotten  
25 from many, to exempt -- unlike what Commissioner Wright said, to

1 exempt design review for projects that have 33 percent or more  
2 of affordable housing, so we can incentivize and get more quickly  
3 more affordable housing that is needed in the Rock Creek West  
4 neighborhood, so I personally would support that. I don't know  
5 if there's a majority that would support that, but I thought that  
6 that was a good suggestion.

7           There were other suggestions. If it was a hundred  
8 percent affordable at 50 percent or below at median family income,  
9 exempt that from design review; get these projects built, even  
10 though, in this particular climate that we're in, not a lot of  
11 projects are being built, and there isn't an unlimited amount of  
12 financing money anyway -- subsidies from the District and federal  
13 government for affordable housing projects, which all need --  
14 which mostly need additional subsidies from the District and  
15 federal government beyond the IZ incentive that our own zoning  
16 provides through the -- through the -- but it's subsidized  
17 through the market-rate development under IZ.

18           So it's I think it's important to point out that some  
19 of the design criteria from the Wisconsin Avenue Development  
20 Framework is already in the proposed text that's before us. It's  
21 not necessarily at a specific enough level to be what might be  
22 characterized as form-based codes, but there are criteria for  
23 proposed setbacks, upper-level setbacks, facade articulation,  
24 open space, midblock connections, and ground-level streetscape  
25 character in the proposed text and map amendment before us, so

1 | there is -- there are those design criteria that already are  
2 | built in, maybe not to the degree that would be considered a  
3 | form-based code, which the Office of Planning said they'd have  
4 | to go back to the drawing board with the community, because that  
5 | that was never discussed in all the planning with the community.

6 |           Design review was discussed for the two Metro site  
7 | zones, Friendship Heights and Tenleytown, and that's what Office  
8 | of Planning has come back with to incorporate in a revision, if  
9 | we were willing to go along with that. So I guess I'd like to  
10 | hear -- I guess it would be helpful to see -- have the Office of  
11 | Planning, yet again, comment on those four suggestions that I've  
12 | mentioned, that came from the public testimony that we received,  
13 | which I'm sympathetic to, to limit design review in certain --  
14 | in certain cases. And I'd like to have the benefit maybe of  
15 | Office of Planning's advice on that. And so I guess that's where  
16 | I am, Mr. Chairman, at this point, so thank you very much.

17 |           CHAIRMAN HOOD:     Okay.     Thank you.     Commissioner  
18 | Imamura, you have anything you want to add or comment?

19 |           COMMISSIONER IMAMURA:     Thank you, Mr. Chairman.  
20 | There's, clearly, a lot to pontificate on here, but Commissioner  
21 | Wright and Vice Chair Miller have covered a lot of ground. I  
22 | think there's just a couple things to emphasize here that I'll  
23 | build on. Vice Chair Miller had mentioned form-based codes and  
24 | so did Commissioner Wright, the idea that -- clearly, the Zoning  
25 | Commission would like to move forward to help this area of the

1 city, and I don't think anybody is interested in a protracted  
2 schedule here to develop form-based codes, but for those who are  
3 advocating for that, I think Vice Chair Miller did a great job  
4 in articulating that there are, and it's baked in the text  
5 amendments, some design criteria to help move in that direction.

6 We are trying to strike a reasonable balance here, and  
7 that's something that Commissioner Wright had mentioned on one  
8 of the previous cases tonight. There are those perhaps in the  
9 community that want the Zoning Commission to make big planning  
10 moves, perhaps maybe without the design review, and allow matter-  
11 of-right, but I think it's best to move -- make incremental moves,  
12 in this case, to initiate some development in this area and to  
13 make the right decisions here. And I guess there have been --  
14 to Vice Chair Miller's comment that, I guess, back in December,  
15 when we had the hearing, a very long hearing. I'm pleased -- I  
16 guess what I want to say is that I'm pleased to see the high  
17 level of interest here in the community, and this is a good  
18 example here of the Zoning Commission deliberating and trying to  
19 make the right decision here, that we don't rubber-stamp cases  
20 for proposed action that come before us, but trying to think  
21 through this thoughtfully and deliberately.

22 I would, in general, agree with Commissioner Wright,  
23 that design reviews are not insurmountable. I understand from  
24 others point of view, having been a project manager and a  
25 construction manager, that you have a project and schedule --

1 construction schedule, financing, right. Time is money. I  
2 understand that, but I think Commissioner Wright's comment about  
3 just good design for the community is important. That's what  
4 everybody lives with. And I think that I'm confident and  
5 convinced that we can thread the needle on this to find and strike  
6 the right balance.

7 Commissioner Wright had made a comment about  
8 affordable housing should have high-quality design, and I'm in  
9 agreement that everybody deserves good design. And I think  
10 there -- the crux of the issue here, as I see it, is that perhaps  
11 not every project needs a design review. And I think Vice Chair  
12 Miller and Commissioner Wright are -- agree that there probably  
13 ought to be a threshold, and they both had mentioned large-scale  
14 projects. And I know that Commissioner Wright had recalled what  
15 Somerset Development Company had thrown out, the idea of 15,000  
16 square feet, and maybe Vice Chair Miller had also mentioned that.  
17 And I don't hear -- I had mentioned it, but I don't want to  
18 suggest that that's the right size either. I would like for  
19 Office of Planning to come back and offer maybe what the  
20 appropriate threshold ought to be. So I think Somerset  
21 Development Company, that's great that they threw out that as an  
22 example or a conversation starting point, and that's fantastic,  
23 but I think it really needs to come from the Office of Planning  
24 on what the appropriate threshold would be for this particular  
25 area.

1           So I'm of the opinion that I think there are -- there's  
2 a case to be made that design review is important and is needed  
3 here. I think others who have made the case about the design  
4 review delaying the process or what have you have also included  
5 the fact that there is, you know, HPRB review for certain historic  
6 resources -- on lots with historic resources or improved with  
7 historic resources, and that is true. There's probably a few  
8 examples for this area. Again, and I -- as I mentioned, I think,  
9 at the hearing, that this is a great example of where, you know,  
10 different government agencies or entities working hand in hand  
11 to insure good quality design for the city, and so that's  
12 certainly appropriate for those cases to have HPRB weigh in. I  
13 would like for the Office of Planning to determine what those  
14 thresholds are for us to review, and that doesn't overlap with  
15 HPRB reviews, and I think there's a way to thread the needle on  
16 this.

17           And so I don't have anything more to share or  
18 pontificate on. I think Vice Chair Miller and Commissioner Wright  
19 have already done a great job in analyzing this completely and  
20 thoroughly, but I'm not prepared to take proposed action tonight,  
21 Mr. Chairman. I would like to send this back to OP for further  
22 analysis, so, that way, we can have something in front of us  
23 to -- a more complete review before we take final -- or proposed  
24 action. That's where I stand, Mr. Chairman.

25           CHAIRMAN HOOD:       Okay.       Thank you.       Thank you,

1 Commissioner Imamura. I want to thank all of my colleagues on  
2 this one. I've been tossing and turning. It's almost like  
3 everything's in the kitchen sink, but I will tell you that I  
4 think that one of the things that Commissioner Wright said that  
5 I agree with, and I hope it doesn't never get to this point,  
6 that -- and I failed to think about that part of getting to an  
7 appeal if somebody has an issue with what we're doing -- some of  
8 what we're doing, but I'm hoping it doesn't get to that point.  
9 That's why you -- we always try to make it to a point where it's  
10 a win-win, but I know, in life, it just doesn't work that way.  
11 But one of the things that I do want to -- okay. Excuse me. So  
12 I know, in life, it just doesn't work that way. But what brought  
13 me back was Commissioner Peter Miles, when he threw that in his  
14 in his testimony of something I said, and it goes along with what  
15 Commissioner Wright, Vice Chair Miller, and what you,  
16 Commissioner Imamura, you all have already said; we're striking  
17 that balance.

18 Now, in the last case, I didn't see it that way. I  
19 had to go with my gut, but, in this case, you're exactly right.  
20 We know that this community has been working, as I mentioned  
21 earlier, a long time on this. There are a lot of issues. There  
22 a lot of moving parts: the design; what size; what requires design  
23 review; what doesn't; take it out; it's going to delay; we're  
24 scared to go to court. Actually, none of that bothers me. What  
25 I'm trying to do is get something that works well for the

1 community. And I'm looking at the letters from the Single-Member  
2 Districts, from the Commissions, from Somerset Development  
3 Company, who is mentioning what an inability it'll be to get  
4 affordable housing. I can -- we can always speculate. We can  
5 always come up with what we think the outcome is going to be,  
6 but I think this is a start. I know there's some things that  
7 that my colleagues have asked to be fine-tuned. I would agree  
8 with those, but I think I'm prepared to move forward, with the  
9 exception of those few things that we're going to ask the Office  
10 of Planning -- that we have asked so far of the Office of Planning  
11 to look at: that design review; the threshold; what should fall  
12 in that category and what shouldn't. So I just need a little  
13 more discovery, but I think that, when I look at it, when it all  
14 comes down to it -- and, again, Commissioner Miles, you helped  
15 me refocus and get back to where we need to be, and that's about  
16 expanding affordability and doing some things in that community  
17 which expands, and I think that's what the nucleus of the  
18 community wants; at least that's the way the record reads.

19           So, with that, I don't have anything else to add to it.  
20 We're looking forward to some things. I don't know if there's  
21 some additional things that you all may want to get back. If  
22 there are, you can mention them, but I'm ready to move forward,  
23 but let me go back to Commissioner Imamura. He has a question  
24 or comment.

25           COMMISSIONER IMAMURA: All right. Thank you, Mr.

1 Chairman. I do. If we do send this back to the Office of  
2 Planning, which it sounds like there's a consensus there.  
3 Something that Vice Chair Miller and I often ask for is sort of  
4 a comparison, when we're looking at various different zones.  
5 And, in this case, I'd like for them to provide us -- show us  
6 their math, if you will, Mr. Chairman, if there's -- I'd like to  
7 see different thresholds and what those impacts are. So they may  
8 provide a preferred threshold for us to consider, but I'd also  
9 like to see their analysis on what other thresholds they might  
10 have considered, be it 15,000 square feet or higher or lower or  
11 whatever that might be, but I'd like to see sort of the analysis  
12 behind that and what kind of impacts that might have, so, that  
13 way, we can make a more informed decision. So I don't want them  
14 to come back and say, "Well, we think that it's 20,000." I'd  
15 like to see what other considerations they ran the ground for us.

16 CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

17 VICE CHAIR MILLER: Thank you. And, again, I appreciate  
18 all of the comments of my colleagues. On the 15,000 square feet,  
19 I don't think it was necessarily stated anywhere, but it's in my  
20 mind that that is the minimum lot size for a Planned Unit  
21 Development, which is a large development, so I think that's  
22 where that number might have come from, but, again, we're asking  
23 the Office of Planning to comment on what the appropriate --  
24 whether there should be an exemption for smaller parcels that  
25 don't -- so they don't have to go through a lengthy discussion --

1 design review process, whether there should be an exemption for  
2 projects that are subject to Historic Preservation Review Board  
3 approval.

4 I would note that two of the major sites along  
5 this -- in Friendship Heights, the Western Bus Garage, I  
6 believe, and the Lord and Taylor site, have had historic landmark  
7 applications pending before HPRB, and there may be other sites  
8 that already are designated. I'm not aware of them personally,  
9 myself, but that was mentioned in our public hearing record from  
10 somebody. So -- yeah, so we want OP's analysis of the -- of  
11 whether smaller sites should be exempt, whether historic review  
12 process sites should be -- that already are subject to historic  
13 preservation design review should be exempt, whether it should  
14 be limited design review to the two major zones which have the  
15 most height and density, on top of the Metro stations at  
16 Friendship Heights and Tenleytown, and whether -- I would want  
17 to see whether there should be an exemption, even though I  
18 understand that, of course, all projects should have good design,  
19 but whether there should be an exemption for large affordable  
20 housing projects of one-third or more that are meeting the IZ  
21 standards or some greater standard, so --

22 And on Commissioner Imamura's last point about the  
23 comparative zones, which we do often ask for, and there was public  
24 comment from those concerned about the text going forward, that  
25 the MU-10 proposed for those two Metro zones along Wisconsin

1 Avenue is -- they were suggesting that MU-9 was more appropriate.  
2 I think Office of Planning did provide some analysis, that it's  
3 the additional height that they were seeking at those two Metro  
4 zones, I think 130 in Friendship Heights and 110 at Tenleytown;  
5 you know, just across the border from the Friendship Heights  
6 zone, the Chevy Chase zone, which Commissioner Wright can correct  
7 me -- how high do those buildings go? I think -- they go at  
8 least 10 more stories, I think, than our -- than our 12-story  
9 buildings or 11 -- well, they're not even 12 now, because this  
10 is the zone that's going to increase the height. They're now  
11 only like six stories right now, I think, or seven maybe.

12           Anyway, so I think that the additional analysis by the  
13 Office of Planning will be helpful. We are all trying to strike  
14 a balance and respond -- be responsive to the concerns that have  
15 been raised, allowing for public input, but also allowing for  
16 development to proceed more quickly, with more certainty. So  
17 it's all a balance, which is what we do here.

18           COMMISSIONER WRIGHT: The other thing that we got some  
19 testimony about, but I really would like -- I'd like to just  
20 mention it and, hopefully, we're putting it to bed. You know,  
21 we're sort of honing down on what the issues are that we still  
22 need to talk about, and, at this point, it seems like they are  
23 the ones that Vice Chair Miller and Commissioner Imamura and  
24 Chair Hood mentioned regarding the design review process. There  
25 had been a lot of discussion about the IZ Plus rules and criteria,

1 and I think we had said at the last go-round, and I'm going to --  
2 and I think, again, we got some information and testimony on  
3 this, although I think everyone is sort of coming to understand  
4 we are not changing the citywide IZ rules for these zones.

5           If you, you know, don't like what the citywide IZ rules  
6 are, there may be an opportunity to have that conversation,  
7 because the Office of Planning is going to be looking at the IZ  
8 Plus program and has a grant to do that and that's great, but we  
9 are not going to create a new and different set of rules on IZ  
10 or IZ Plus for these zones along Wisconsin Avenue. And I think --  
11 I think we all sort of came to consensus on that, and I think,  
12 from the testimony that we received, the written comments, I  
13 think most folks sort of get that, but there was still, you know,  
14 a few comments saying, you know, we should be relooking at the  
15 IZ Plus program. I just want to be clear and check in with my  
16 colleagues that we are in agreement that we aren't going to tackle  
17 that in this particular text amendment.

18           CHAIRMAN HOOD: Okay. Does anybody want to look at  
19 that? I don't.

20           (No response.)

21           CHAIRMAN HOOD: Okay. All right. I think we're in  
22 agreement there. There are a number of things, as Commissioner  
23 Wright and others have mentioned, because I just was looking over  
24 some of my notes and some of the notes that I see here about  
25 the -- I could bring up a lot of stuff, but I think I'm going to

1 | leave it where it is. I think the biggest things have been  
2 | discussed today. I know some groups want us to have a mandatory  
3 | three-bedroom, and, you know, I'm just looking at all these things  
4 | that we can throw into the kitchen sink, but I feel like where  
5 | we are now, especially with the design review issue, I think is  
6 | the biggest pressing, and what sites, and relooking at, I think,  
7 | the different zones, so I think we're kind of narrowing this  
8 | down, because it's quite a bit -- it's quite a bit going on here,  
9 | but, again, this is a start. But I go back to Commissioner Miles'  
10 | comments back to me, which were my own words, and I think were  
11 | at least -- as Commissioner Wright has mentioned on more than one  
12 | occasion, I think we're striking that balance. So I don't have  
13 | anything else to add. Anybody have anything else to add?

14 | (No response.)

15 | CHAIRMAN HOOD: And we're going to send this back to  
16 | the Office of Planning, and, hopefully -- I don't know -- again,  
17 | I don't know what their schedule looks like. Can we bring the  
18 | Office of Planning up, Ms. Brown-Roberts? And I think,  
19 | Commissioner Wright, you had a question a while back. I don't  
20 | know if you remember what it was. You wanted to hear -- or ask  
21 | the Office of Planning something, but that was a while back. I  
22 | can't remember what it was now.

23 | COMMISSIONER WRIGHT: Yeah. No, I think, again, at  
24 | this point, I'm really just looking at the information that we  
25 | discussed a few minutes ago of, you know, what are some parameters

1 for the design review process; should it be restricted to lots  
2 that are of a certain size, 15,000 square feet, 10,000 square  
3 feet, 5,000 square feet, you know, whatever that number -- right  
4 number is? Should we be clearly excluding projects that already  
5 have to go through the Historic District Review Board process  
6 from this second design review process? I think that makes a  
7 lot of sense to only have one design review process. And, you  
8 know, the whole conversation about should we include projects  
9 that have over 33 percent affordable housing in design review or  
10 not? And, again, we may not all on the Commission have consensus  
11 on that issue.

12 CHAIRMAN HOOD: Let me -- before I bring up Ms. Brown-  
13 Roberts, I want us to be cautious, and I learned this from John  
14 Parsons. We know that HPRB has their review and we have our  
15 review, so I would not be ready to punt to the HPRB. I would  
16 want us to deal with what we have to do from a land use  
17 perspective. So, I mean, that's -- but that's something we can  
18 discuss, but we'll wait to see what we get back from the Office  
19 of Planning. I mean, you know, I pulled out -- Commissioner  
20 Wright, I pulled out my planning degree that time, which I don't  
21 have -- I just -- I just threw that out there of my -- of what  
22 I've learned in the past.

23 But, anyway, Ms. Brown-Roberts, you heard some of the  
24 things we asked for. I know you can have it done by next week,  
25 so -- I'm just playing -- but you've heard the discussion. Could

1 | you give us -- just kind of let us know what you're thinking I'm  
2 | not asking for anything definite, but kind of what you're thinking  
3 | from our discussion.

4 |           MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman and  
5 | members of the Zoning Commission. And, just for the record, it's  
6 | Maxine Brown Roberts from the Office of Planning. And I think I  
7 | heard you clearly and the other Commission -- Commissioners  
8 | about -- the first one is to look at the minimum -- either the  
9 | lot size or the building addition, look at -- the first suggestion  
10 | was 15,000 square feet, but we will look at a range of different  
11 | and compare and make a choice and make a recommendation on which  
12 | one we think would be the best fit for this area.

13 |           One thing that I wanted to clarify is, because as  
14 | Commissioner Miller said, that there are four areas of the new  
15 | zoning that we recommended, and one of them was just a straight  
16 | rezoning, so that one is out. The area for the Wisconsin Avenue  
17 | mixed-use zone, I wanted to get some clarification if you wanted  
18 | us to, I mean, omit that section and just concentrate on  
19 | Friendship Heights and Tenleytown, or do we look at all three  
20 | areas and just do the comparison in all three areas, based on  
21 | this -- let's say the square footage of the lot?

22 |           VICE CHAIR MILLER: Well, we have testimony that it  
23 | should be limited to just the two, but we would want your  
24 | advice -- your own professional analysis of should it be --

25 |           MS. BROWN-ROBERTS: Okay.

1 VICE CHAIR MILLER: -- the three zones or not.

2 COMMISSIONER WRIGHT: I would like your advice. I  
3 would look at all three of the areas and look for your advice.  
4 If the -- if the areas not near a Metro only have really small  
5 lots, then maybe it would make sense not to include that, but  
6 we'd like your advice.

7 MS. BROWN-ROBERTS: Okay. Okay. And then, regarding  
8 the limit on the affordable buildings, so are we looking at  
9 buildings that are all-affordable -- that 33 percent that we're  
10 talking about would only be limited to buildings that are all-  
11 affordable and not to others who may have, you know, a great  
12 amount of affordable units and others there?

13 VICE CHAIR MILLER: Again, I think we would want your  
14 advice. We have testimony in the record that both of those  
15 suggestions; if 33 percent or more are affordable, they shouldn't  
16 be subject to design review, and then --

17 MS. BROWN-ROBERTS: Okay. Okay.

18 VICE CHAIR MILLER: I think they also said if a hundred  
19 percent were affordable at 50 percent MFI or below, it should  
20 be -- it should be exempt. We would want your analysis of that --  
21 whether there should be an exemption, if there's a high  
22 affordability at a much greater set-aside -- a deeper  
23 affordability at a much greater set-aside than otherwise would  
24 be required.

25 MS. BROWN-ROBERTS: Okay.

1           VICE CHAIR MILLER:   and maybe you've already weighed  
2 in on that, but that I think it would be helpful.

3           MS. BROWN-ROBERTS:   Okay.  And then we'll also look at  
4 whether to exempt properties that are -- that are not within a  
5 historic district, but are historic buildings.  So I think I  
6 got -- I got it all, yeah.  Thanks.

7           CHAIRMAN HOOD:   Any other follow-up questions for Ms.  
8 Brown-Roberts?

9           (No response.)

10          CHAIRMAN HOOD:   Let me ask this question.  It may be  
11 off the wall, but it won't be the first time.  And I'm asking my  
12 colleagues this.  So, from what we heard from Ms. Brown-Roberts --  
13 I mean, what we've mentioned to Ms. Brown-Roberts, are we ready  
14 to -- I think -- I think somebody said they weren't prepared to  
15 do proposed action tonight, right, or did I hear that?  I can't  
16 remember.

17          COMMISSIONER IMAMURA:  No, you heard that right, Mr.  
18 Chairman.  That was me.  I wasn't prepared to take proposed action  
19 until we found out more from the Office of Planning.

20          CHAIRMAN HOOD:   Okay.  All right.  All right.  Well,  
21 that solves that problem.  Okay.  Any other questions or comments  
22 to Ms. Brown-Roberts?

23          VICE CHAIR MILLER:  No, but we're just reopening the  
24 record for Office of Planning comments; is that correct?

25          CHAIRMAN HOOD:   Correct.

1           VICE CHAIR MILLER: I think we know where everybody  
2 stands on this.

3           CHAIRMAN HOOD: Yeah, we -- what we asked for is not --  
4 is nothing different than what we already have. We know what  
5 everybody's position is on -- we're just asking the Office of  
6 Planning to refine and look at what we've heard already from the  
7 public; that's it. We're not asking for anything new. So, if  
8 you don't mind, you can just let us -- let us do our process.  
9 Okay. We're not looking for anything new. You know, not that  
10 we're cutting out public input, but there's nothing new in the  
11 record. Everything that's been asked for to the Office of  
12 Planning -- I'm saying this, so we won't go to the Council and  
13 say that Anthony Hood or the Zoning Commission won't let us  
14 comment. You've already commented. So what we're trying to do  
15 is get a better understanding ourselves for the comments that  
16 we've gotten from the public. Do my colleagues agree with that?  
17 We've gotten them already, so that's what we're asking.

18           COMMISSIONER IMAMURA: I would agree, Mr. Chairman. I  
19 would only add that we're taking this additional step because of  
20 the comments we received from the public --

21           CHAIRMAN HOOD: Yes.

22           COMMISSIONER IMAMURA: -- to be very clear. So they've  
23 had their due time to share their thoughts with us, and we're  
24 taking additional steps because of that.

25           CHAIRMAN HOOD: Right. Thank you. And I, too, want

1 to thank everyone who weighed in on this. Before I forget, I  
2 want to thank everyone. Wherever you stood, we want to thank  
3 you, because, again, with the different various opinions and  
4 positions, we -- I think we're going to come up with a better  
5 outcome for that -- for that area -- for Wisconsin Avenue and  
6 that area. So, anyway, any other further comments or questions?

7 (No response.)

8 CHAIRMAN HOOD: Do we need any dates, Ms. Schellin?  
9 Thank you, Ms. Brown-Roberts. Don't go anywhere, because we're  
10 going to have some dates.

11 MS. SCHELLIN: Yes. Ms. Brown-Roberts, how much time  
12 do you need?

13 MS. BROWN-ROBERTS: July.

14 MS. SCHELLIN: Okay. Not till the July meeting?

15 MS. BROWN-ROBERTS: Yes.

16 MS. SCHELLIN: Okay. So let me give you until the very  
17 end of June. I'll actually make it until three o'clock p.m.,  
18 July 2nd. How about that?

19 MS. BROWN-ROBERTS: Okay.

20 MS. SCHELLIN: Then we'll put it on for the July 9th  
21 public meeting.

22 MS. LOVICK: Sorry. Excuse me.

23 MS. SCHELLIN: I'm sorry, July 16th. I'm sorry, July  
24 16th. That got moved while I was gone. See what they do when  
25 I'm away; they mess with my schedule. That was moved to July

1 16th, so it will be July 16th, so I guess we could give you a  
2 little more time, if you need it, but do you need a little more?  
3 Okay. So then we could --

4 MS. BROWN-ROBERTS: Let's work with that right now, and  
5 then if we need --

6 MS. SCHELLIN: July 2nd?

7 MS. BROWN-ROBERTS: Yes.

8 MS. SCHELLIN: Okay.

9 MS. BROWN-ROBERTS: And then we'll let you know if we  
10 need additional time.

11 MS. SCHELLIN: So then you can have a great celebration.

12 MS. BROWN-ROBERTS: Yes.

13 MS. SCHELLIN: Okay. Thank you, Chairman Hood.

14 CHAIRMAN HOOD: Okay. Good. All right. All right.  
15 So thank you. We'll move on. Thank you, Ms. Brown-Roberts, and  
16 thank every -- my colleagues and everyone again, all the public.  
17 All right. I think we have one more. Oh, my -- give me one  
18 second. My agenda closed up on me. Oh, here it is. Okay.  
19 Hearing action. Give me one second. Zoning Commission Case  
20 Number 25-16, McDonald's Corporation, text amendment to Subtitle  
21 U. Ms. Meyers.

22 MS. MYERS: Good evening, Commissioners. Crystal  
23 Myers, for the record. I think they're pulling up my slide here.

24 (Office of Planning PowerPoint presentation shared on  
25 screen.)

1 MS. MYERS: Okay. The Office of Planning recommends  
2 setting down Case 25-16 by McDonald's Corporation. This case  
3 would permit a fast-food establishment that has an existing  
4 drive-through to be newly constructed, modernized, or expanded,  
5 if it's approved through a special exception. As submitted by  
6 the applicant, this text amendment would impact the mixed-use  
7 zone groups D, E, F, G, and the Production, Distribution, and  
8 Repair zones. OP is generally in support of all, except for the  
9 amendment to MU use Group F, because, in Group F, drive-throughs  
10 are permitted as a matter-of-right.

11 Next slide please in the District drive-through fast-  
12 food restaurants are prohibited in most zones. Some that  
13 currently exist have been around for a long time and are  
14 considered non-conforming uses. When it is time for these  
15 restaurants to undergo a significant upgrade, they are unable to  
16 renovate and keep their drive-through facility. This is because  
17 Subtitle C, Section 204 in the regulations prevents non-  
18 conforming uses from being expanded and from being included in  
19 new structures.

20 Next slide please. Therefore, these restaurants cannot  
21 be rebuilt or modernized without first rezoning the properties.  
22 Without a text amendment, each zone must forego -- or each site  
23 must forego individual rezoning, which is inefficient and allows  
24 for a bigger change to the property than what is actually  
25 necessary. Recent examples include Zoning Commission Cases

1 24-13 and 22-19. Both properties have McDonald's restaurants.  
2 They were rezoned to MU-7B, which is a zone that permits drive-  
3 through restaurants by right. Both are supported by the  
4 community.

5 Next slide please. Upon review, OP identified  
6 approximately 23 drive-through fast-food restaurants in the  
7 District, and about nine of them could benefit from this special  
8 exception.

9 Next slide please. Here's the proposed text. The  
10 applicant is requesting this text amendment so that these  
11 restaurants can become conforming uses and be reviewed through  
12 the special exception process. This would allow each property  
13 to go through a more detailed review with the Department of  
14 Transportation, OP, and other District agencies. It would also  
15 give the public an opportunity to consider the use on a specific  
16 site during a public hearing.

17 Next slide please. On balance, the proposal is not  
18 inconsistent with the Comprehensive Plan policies and maps. Most  
19 of the existing drive-through restaurants are on properties  
20 recommended for moderate to high-density commercial development  
21 on the Future Land Use Map. These designations are compatible  
22 with this use, but there are two Rock Creek East properties that  
23 are recommended for low-density commercial development, which is  
24 not typical for this use. When considering the general policy  
25 guidance on both -- in both of these cases, the Citywide Section

1 and the Rock Creek East Area Element, OP determined that, on  
2 balance, this text amendment is not inconsistent with the policy  
3 guidance for these properties.

4 And, with that, I will conclude the OP testimony, but,  
5 of course, I'm here for questions. Thank you.

6 CHAIRMAN HOOD: Great. Thank you, Ms. Myers. We  
7 appreciate all the work and the people who submitted this, which  
8 was a request that was made. So let's see if we have any questions  
9 or comments. I think it was a very well done report, also with  
10 making it -- not making it even more restrictive, and we  
11 appreciate the Office of Planning catching that. Let me hear  
12 from others. Vice Chair Miller, you have anything?

13 VICE CHAIR MILLER: No. I support setting this down,  
14 and I appreciate Miss Meyers' comprehensive report.

15 CHAIRMAN HOOD: Okay. Commissioner Imamura, you have  
16 anything?

17 COMMISSIONER IMAMURA: Thank you, Mr. Chairman, and  
18 thank you, Ms. Meyers. Your property count was very helpful to  
19 understand the full impact of this text amendment. The only  
20 question that I have or comment, if we decide to set this down,  
21 I would like the applicant to provide -- and I think this was  
22 also one of your recommendations or OP's recommendations -- for  
23 the applicant to provide an update on its community outreach  
24 efforts, so that's something I would certainly want to hear more  
25 about, given that this has sort of citywide impact. But, in

1 | general, no, I -- those are the only comments that I have, Mr.  
2 | Chairman.

3 |           CHAIRMAN HOOD: Okay. Thank you. Commissioner Wright,  
4 | any comments or questions?

5 |           COMMISSIONER WRIGHT: No. I agree with what my  
6 | colleagues have said, and I think, when you do come back,  
7 | understanding what community outreach and if there is any input  
8 | that you've gotten would be very helpful.

9 |           CHAIRMAN HOOD: All right. Thank you, Ms. Myers. We  
10 | appreciate your report and all the work that you all put into  
11 | this.

12 |           MS. MYERS: You have a good evening.

13 |           CHAIRMAN HOOD: You, too. Thank you. All right.  
14 | Would somebody like to make a motion?

15 |           COMMISSIONER IMAMURA: I'd be glad to make a motion,  
16 | Mr. Chairman.

17 |           CHAIRMAN HOOD: Thank you.

18 |           COMMISSIONER IMAMURA: Only to also add that, you know,  
19 | with the previous case, this is a good incremental move, I think,  
20 | for planning here, and so I'd like to hear more, and prepared to  
21 | set this down. So I move that the Zoning Commission set down  
22 | Case Number 25-16, McDonald's Corporation, text amendment to  
23 | Subtitle U, and ask for a second.

24 |           COMMISSIONER WRIGHT: Second.

25 |           CHAIRMAN HOOD: It's been moved and properly seconded.

1 Any further discussion?

2 (No response.)

3 CHAIRMAN HOOD: Not hearing any, Ms. Schellin, would  
4 you do a roll call vote please?

5 MS. SCHELLIN: Yes. Sir. Commissioner Imamura.

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: Commissioner Wright.

8 COMMISSIONER WRIGHT: Yes.

9 MS. SCHELLIN: Commissioner Hood.

10 CHAIRMAN HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller.

12 VICE CHAIR MILLER: Yes.

13 MS. SCHELLIN: The vote is four to zero to one, the  
14 minus one being Commissioner Stidham, who is not present, not  
15 voting. Thank you.

16 MS. LOVICK: Hi. And I'm sorry --

17 MS. SCHELLIN: And this is being set down as a  
18 rulemaking case.

19 MS. LOVICK: -- I just want to clarify, are you  
20 agreeing with OP's recommendation not to include amendments to  
21 Subtitle U, Section 515.1?

22 COMMISSIONER IMAMURA: Yes. Thank you, Ms. Lovick.

23 CHAIRMAN HOOD: So we'll just include that as well, so  
24 it won't be -- is that all we need to do, Ms. Lovick?

25 MS. LOVICK: Yes, sir.

1 CHAIRMAN HOOD: Okay. So, yeah, we'll just -- I thought  
2 we might have had to remake the motion, but, yeah, we'll just  
3 include that. So who seconded that?

4 COMMISSIONER WRIGHT: I did, and I accept the  
5 amendment.

6 CHAIRMAN HOOD: I just want to make sure I follow proper  
7 protocol. Okay. All right. And no objection, so we'll move in  
8 that fashion. All right. Ms. Schellin, do we have anything  
9 else?

10 MS. SCHELLIN: Nothing.

11 CHAIRMAN HOOD: Okay. The Zoning Commission -- the  
12 Zoning Commission will meet again -- I have this right now --  
13 on -- oh, I don't see the date -- oh, there it is, June the 8th,  
14 2026, and the Zoning Commission Case is 87-23A. It'll be the  
15 George Washington University, and we'll be on these same  
16 platforms. Is that correct, Ms. Schellin?

17 MS. SCHELLIN: That is correct.

18 CHAIRMAN HOOD: I've got the new way now. Okay. So,  
19 with that, I want to thank everyone for their meeting -- I mean,  
20 for their attention -- time and attention to this meeting  
21 tonight, and, with that, this meeting is adjourned. You all have  
22 a great weekend.

23 (Whereupon, the above-entitled public meeting was  
24 adjourned at 5:45 p.m.)

25

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

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 05-28-26

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.



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Deborah B. Gauthier