
Re: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

From Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>

Date Mon 1/12/2026 11:42 AM

To Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>; Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>; Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Sukhprita "Prita" (Council) <spiekara@dccouncil.gov>; Leila.Batties@hklaw.com <Leila.Batties@hklaw.com>; madeline.williams@hklaw.com <madeline.williams@hklaw.com>

Understood. Thanks for amending the exhibit with 5C's letter minus the restricted attachment.

VJ Kapur (*he/him*)

Advisory Neighborhood Commissioner

Single Member District 5C07

Vice Chair + Treasurer, ANC 5C

text/call: [202-455-6723](tel:202-455-6723)

web: <https://anc5c07.com>

From: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

Sent: Monday, January 12, 2026 11:25:24 AM

To: Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>; Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc: ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>; Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Sukhprita "Prita" (Council) <spiekara@dccouncil.gov>; Leila.Batties@hklaw.com <Leila.Batties@hklaw.com>; madeline.williams@hklaw.com <madeline.williams@hklaw.com>

Subject: RE: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

Mr. Kapur,

I must reiterate that the letter in question will not be included in the record, whether redacted or not; however, I have asked staff to upload the ANC's letter that was inadvertently left off. The ANC was given the opportunity to revise its response to respond to the submission at Exhibit 147 without including the Councilmember's reply to the Applicant's response to the exhibit. You quoted irrelevant laws to our process and still attempted to submit the document that the Commission has already ruled the record is not open to include. As a result, the redacted reply included with your response was not included in the record.

As previously explained, when a submission is made to the record, the parties are given seven days to provide a response. It ends there; no replies to each other's responses are permitted. Further, submissions by non-parties are not permitted and may not be submitted through a party.

Thank you for your understanding and cooperation in adhering to these guidelines.

Sharon S. Schellin

Secretary to the Zoning Commission

Office of Zoning | District of Columbia Government

441 4th Street, NW | Suite 200-S | Washington, DC 20001

(202) 727-0340 (direct) | (202) 727-6072 (fax)

www.dcoz.dc.gov | sharon.schellin@dc.gov

From: Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>

Sent: Monday, January 12, 2026 9:21 AM

To: Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>; Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc: ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>; Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Sukhprita "Prita" (Council) <spiekara@dccouncil.gov>; Leila.Batties@hklaw.com; madeline.williams@hklaw.com

Subject: Re: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

Hi Ms. Schellin,

Just noting that Exhibit 150 as filed contains the content of Commissioner Hicks Delgado's email and the rest of the chain, but not the attachment. The intent was to document the objection via email but file the attachment, but filing both would also make sense.

As it stands, the attachment is not in the case record under Exhibit 150 or otherwise.

24-11 Ex 150 for reference: <https://app.dcoz.dc.gov/CaseReport/ViewExhibit.aspx?exhibitId=391094>

VJ Kapur (*he/him*)

Advisory Neighborhood Commissioner

Single Member District 5C07

Vice Chair + Treasurer, ANC 5C

text/call: 202-455-6723

web: <https://anc5c07.com>

From: Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>

Sent: Wednesday, January 7, 2026 2:50 PM

To: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>; Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc: ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>; Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Sukhprita "Prita" (Council) <spiekara@dccouncil.gov>; Leila.Batties@hklaw.com <Leila.Batties@hklaw.com>; madeline.williams@hklaw.com <madeline.williams@hklaw.com>

Subject: Re: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

Happy New Year to you Secretary Schellin,

Thank you for your clarification regarding the scope of permissible submissions in ZC Case 24-11 (I've imbedded your email into this chain, so we're not running two threads on the same subject anymore).

ANC 5C respectfully submits this carefully redacted version of its response to Councilmember White's submission (Exhibit 147), . The redactions remove any portions that could be characterized as a reply to a response, while preserving the substantive statements relevant to the Commission's consideration of the case.

Although the Federal Rules of Evidence (FRE) do not formally govern Zoning Commission proceedings, core due-process principles reflected in doctrines such as **completeness** (compare to FRE 106) and reliance on **contextual materials reasonably considered by decision-makers** (compare to FRE 703) counsel **AGAINST** selective exclusion of relevant, explanatory material where no unfair prejudice results. Councilmember White's words complete, clarify, and contextualize his position - a completeness, clarification, and context ANC 5C relied on in its supportive response to Exhibit 147.

Again, the redacted version offered here removes any arguable "reply to a response," while preserving substantive policy statements directly relevant to the Commission's deliberations. ***Excluding those statements entirely risks an incomplete and misleading record.*** ANC 5C therefore expressly reserves all objections to the exclusion of the unredacted letter and to any limitation on the Commission's consideration of relevant, non-duplicative material, *but submits this revision solely to mitigate procedural dispute*, not to concede the propriety of the prior exclusion. **This submission is OFFERED IN GOOD FAITH to address the procedural concerns identified. We submit that this redacted version promotes fairness, completeness, and informed decision-making, and does not contravene Subtitle Z § 602.3.**

Thank you for your consideration. Please let us know if further adjustments would facilitate acceptance into the record. As a point of personal privilege, I ask that if this, too, is unacceptable, we get an opportunity to indeed rewrite v. simply resubmit.

Very Respectfully,
xTHD
Chairperson, ANC 5C

Tequia Hicks Delgado

ANC Commissioner

Advisory Neighborhood Commission (ANC) District 5C03

Email: 5C03@anc.dc.gov

Mobile: (202) 643 - 1861

Ms. Hicks Delgado:

Thank you for your response, and I hope you had a wonderful holiday season. I apologize for my delayed reply — I was away on vacation and just returned today. In response to the Zoning Regulations you referenced, please see my comments in italics below:

1. **11-Z DCMR § 206.3:** *"...no comments shall be accepted into the record electronically if submitted or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Commission will consider the applicable case..."* Based on this, the Applicant's filing at 1:27 PM on 12/18/2025 should not have been accepted into the record (and should be removed), as it was submitted within 24 hours of the public meeting, which began at approximately 4:25 PM on 12/18/2025.

[That is correct; if the record is open, nothing may be submitted within 24 hours of the hearing or meeting. In this case, the record was closed, but the Commission reopened it specifically to allow the Councilmember's submission. Once that occurred, the provision you referenced in #2 was

*triggered — all parties then had seven days to respond to the submission for which the record was reopened (Exhibit 147). The Applicant submitted their response the next day, which was less than 24 hours before the meeting where **proposed** action was considered, but not before the **final** vote on the case.]*

2. **11-Z DCMR § 602.3:** “...the Commission shall allow all parties to a case an opportunity to file written responses to any exhibits, information, or legal briefs submitted after the close of the public hearing. All responses shall be filed within seven (7) days following the date by which the exhibits, information, or legal briefs were due...” Under this provision, both ANC 5C and ANC 5D — along with the Applicant, who already filed on 12/18/2025 — should have seven days from 12/17/2025 (the date of Councilmember Robert White’s informational submission) to file a written response.

*[I’d like to include the final sentence of the section you quoted, as it is important here: “Replies by other parties to the aforementioned responses will not be accepted into the record.” You are correct that all parties may submit a response — including the ANCs. The key question, however, is “Respond to what?” There were two issues with the Councilmember’s reply letter: (1) he was not a party and therefore had no standing to submit anything once the record was closed — the record was reopened **only** for his submission at Exhibit 147 and for any party responses to that submission; and (2) even if he were a party, Subtitle Z § 602.3 prohibits replies from being accepted into the record. Your ANC first submitted the letter on its own, which was returned. It was then submitted again as an attachment to an ANC letter, which staff placed into the record while I was out for the holidays. Upon my return, I removed the ANC’s submission containing the Councilmember’s reply. Attaching it to the ANC’s letter did not change the fact that it was a reply to another party’s response, submitted on behalf of a non-party, which is not permitted.]*

I believe you were copied on the email where I returned the submission to Mr. Kapur earlier today. As I mentioned there, since your ANC did submit a response within the seven-day window, you are welcome to revise it so that it responds solely to Exhibit 147. I can maintain the original submission date so that it is not considered late — you would simply remove any references to the attached reply and adjust the text as needed to convey your points without that attachment.

I hope I have answered your questions; however, if have others, or I have confused you, please do not hesitate to reach out to me.

Thank you and Happy New Year to all,

Sharon S. Schellin

Secretary to the Zoning Commission

Office of Zoning | District of Columbia Government

441 4th Street, NW | Suite 200-S | Washington, DC 20001

(202) 727-0340 (direct) | (202) 727-6072 (fax)

www.dcoz.dc.gov | sharon.schellin@dc.gov

From: Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>

Sent: Friday, December 19, 2025 6:03 PM

To: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

Cc: spiekara@dccouncil.gov; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>; Shanel Wilson <swilson@dccouncil.gov>; Jasmine Joyner <Jjoyner@dccouncil.gov>; Whitney Sweetwine <wsweetwine@dccouncil.gov>; Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>

Subject: Re: URGENT -- 24-11 Inaccurate Record

Thank you. And now, with a chance to review the Regulations more closely, it appears only one of these two actions applies according to the Regulations. Please advise.

1. Per 11-Z DCMR § 206.3 "...no comments shall be accepted into the record electronically if submitted or e-mailed less than twenty-four (24) hours prior to the start of a public hearing or meeting at which the Commission will consider the applicable case..."

In which case, the Applicant's filing at 1:27PM on 12/18/2025 should not have been accepted into the record (and shall be removed), as it was within 24hrs of the start of the public meeting to consider the matter (the meeting began at roughly 4:25PM on 12/18/2025).

2. 11-Z DCMR § 602.3 "...the Commission shall allow *all parties* to a case an opportunity to file written responses to any exhibits, information, or legal briefs submitted after the close of the public hearing. All responses shall be filed within seven (7) days following the date by which the exhibits, information, or legal briefs were due..."

In which case, both ANC 5C and ANC 5D shall have (alongside the Applicant that was already afforded the opportunity on 12/18/2025) seven days from 12/17/2025 (the day of Councilmember Robert White's informational submission) to file a written response.

If it is the Commission's desire to move forward on the latter regulation, ANC 5C will happily submit a more formal response to the Councilmember's submission.

Thank you very much for your time and patience here.

xTHD

Tequia Hicks Delgado

ANC Commissioner

Advisory Neighborhood Commission (ANC) District 5C03

Email: 5C03@anc.dc.gov

Mobile: (202) 643 - 1861

From: Schellin, Sharon (DCOZ) <sharon.schellin@dc.gov>

Sent: Monday, December 29, 2025 1:39 PM

To: Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>; DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc: ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>

Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson, Shawn (SMD 5C04) <5C04@anc.dc.gov>; Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>; Sukhprita "Prita" (Council) <spiekara@dccouncil.gov>; Leila.Batties@hklaw.com <Leila.Batties@hklaw.com>; madeline.williams@hklaw.com <madeline.williams@hklaw.com>

Subject: RE: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

Mr. Kapur,

I removed your submission from the record because it attached a reply to a response, which is not allowed per the Zoning Regulations. You were on a previous email communication thread when SMD 5C03 tried to submit the same letter and it was rejected. Attaching it to the ANC's report does not allow it to be submitted either. Therefore, if you would like to revise your response to Councilmember White's submission at Exhibit 147 (without reference to the attachment you originally included), you may do so by **3:00 PM, January 7, 2026**.

If you have any questions, please feel free to contact me.

Sharon S. Schellin

Secretary to the Zoning Commission

Office of Zoning | *District of Columbia Government*

441 4th Street, NW | Suite 200-S | Washington, DC 20001

(202) 727-0340 (direct) | (202) 727-6072 (fax)

www.dcoz.dc.gov | sharon.schellin@dc.gov

From: Kapur, VJ (SMD 5C07) <5C07@anc.dc.gov>

Sent: Monday, December 22, 2025 10:45 PM

To: DCOZ - ZC Submissions (DCOZ) <DCOZ-ZCSubmissions@dc.gov>

Cc: ANC 5C Office (ANC 5C) <5C@anc.dc.gov>; Saucedo-Guzman, Salvador (SMD 5D05) <5D05@anc.dc.gov>;

Rhodes, Sebrena (SMD 5D02) <5D02@anc.dc.gov>; McCray, Charquinta (SMD 5D06) <5D06@anc.dc.gov>; Nelson,

Shawn (SMD 5C04) <5C04@anc.dc.gov>; Hicks Delgado, Tequia (SMD 5C03) <5C03@anc.dc.gov>; Sukhprita

"Prita" (Council) <spiekara@dccouncil.gov>

Subject: ZC 24-11: ANC 5C response to Exhibit 147, Letter in Opposition from CM Robert White

OZ staff,

On behalf of ANC 5C, please accept the attached letter into the subject case record.

VJ Kapur (*he/him*)

Advisory Neighborhood Commissioner

Single Member District 5C07

Vice Chair + Treasurer, ANC 5C

text/call: 202-455-6723

web: <https://anc5c07.com>