

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSIONER ORDER NO. 22-06(1)**  
**Z.C. Case No. 22-06**  
**801 Maine Ave SW PJV, LLC**  
**(Consolidated Planned Unit Development and**  
**Related Map Amendment @ Square 390, Lot 53)**  
**July 13, 2023**

**DENIAL OF MOTIONS FOR RECONSIDERATION, STAY OF ORDER,**  
**AND REHEARING**

At its public meeting on July 13, 2023, the Zoning Commission for the District of Columbia (“Commission”) considered two post-hearing motions filed in the record for Z.C. Case No. 22-06:

1. Motion of the Capitol Square Homeowners Association’s (CSHOA) for Reconsideration of Decision; (Exhibit [“Ex.”] 135-135A.) and
2. Motion of Advisory Neighborhood Commission (“ANC”) 6D for Reconsideration of Decision, (Ex. 136-136B.)

**PROCEDURAL HISTORY**

1. On February 11, 2022, 801 Maine SW PJV, LLC (the “Applicant”) submitted an application for a consolidated planned unit development (“PUD”) and related Zoning Map amendment from the MU-12 to the MU-9A zone for Lot 53 in Square 390 (the “Property”) to enable the construction of a mixed-use building consisting of approximately 498 dwelling units and approximately 24,168 square feet of ground-floor retail and/or services use (the “Application or “Project”).
2. On October 6, 2022, the Commission held a public hearing on the Application. At the hearing, CSHOA was granted party status and testified in opposition to the Application. ANC 6D, also a party to the case, filed a report and testified in opposition to the Application.
3. At its public meeting on December 15, 2022, after considering the case record, including post hearing submissions by the Applicant, ANC 6D, the Office of the Attorney General, and Ward 6 Councilmember Charles Allen, the Commission took proposed action to approve the Application.

4. At its public meeting on February 9, 2023, after considering the case record, including additional post hearing submissions by the Applicant, ANC 6D, and Ward 6 Councilmember Charles Allen, the Commission took final to approve the Application.
5. By Z.C. Order No. 22-06, effective June 9, 2023, the Commission approved the Application (the “Order”).
6. On June 9, 2023, the Order was published in the *District of Columbia Register* (70 DCR 008366 *et seq.*) and became final and effective upon publication.
7. On June 20, 2023, CSHOA filed a Motion for Reconsideration (Ex. 135). In summary, CSHOA asserts that the Commission’s findings were erroneous on several aspects of the Application, including traffic impacts, zone district, shadow impacts, the evaluation of the PUD benefits and consistency with the Southwest Neighborhood Small Area Plan, and great weight to ANC 6D, among other things.
8. Also on June 20, 2023, ANC 6D filed a Motion for Reconsideration and a Request to Vacate the Order (Ex. 136). In summary, ANC 6D contends that the Commission’s findings were erroneous on several aspects of the Application, including the balancing of the PUD benefits against the flexibility requested, consistency with the Southwest Neighborhood Small Area Plan, traffic and shadow impacts, zone district, and great weight to ANC 6D, among other things.
9. On June 27, 2023, the Applicant filed answers in opposition to the motions filed by the CSHOA and ANC 6D. (Ex. 137, 138.)
10. On July 13, 2023, at its regularly scheduled public meeting, the Commission voted to deny the motions filed by the CSHOA and ANC 6D, respectively.

### **CONCLUSIONS OF LAW**

1. Pursuant to Subtitle Z § 700.6, a motion for reconsideration or rehearing must state with specificity the respect in which the final order is claimed to be erroneous, the grounds of the motion, and the relief sought. The Commission may not grant a request for rehearing unless new evidence is submitted that could not reasonably have been presented at the original hearing. (Subtitle Z § 700.7.)

#### **CSHOA’s Motion**

2. The Commission is not persuaded by the arguments in the CSHOA’s Motion for Reconsideration. The issues and information in the motion were raised at the public hearing and in the post hearing submissions filed; and the Order explains the Commission’s conclusions regarding the issues raised by the CSHOA. While the CSHOA disagrees with the reasoning of the decision, there is no evidence of any error that requires reconsideration of the decision.

**ANC 6D's Motion**

3. The Commission is not persuaded by the arguments in ANC 6D's Motion for Reconsideration. The issues and information in the motion were raised at the public hearing and in the post hearing submissions filed; and the Order explains the Commission's conclusions regarding the issues raised by ANC 6D. While ANC 6D disagrees with the reasoning of the decision, there is no evidence of any error that that requires reconsideration of the decision.

**DECISION**

- 1. The Motion of the Capitol Square Homeowners Association's (CSHOA) for Reconsideration of Decision is **DENIED**.
- 2. The Motion of Advisory Neighborhood Commission ("ANC") 6D for Reconsideration of Decision is **DENIED**.

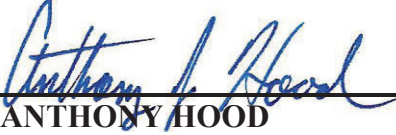
**VOTE FINAL ACTION: 4-0-1**


(Anthony J. Hood, Peter G. May, Robert E. Miller, Joseph Imamura; third Mayoral appointee seat vacant))

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on September 1, 2023.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

  
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**ANTHONY HOOD**  
**CHAIRMAN**  
**ZONING COMMISSION**

  
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**SARA A. BARDIN**  
**DIRECTOR**  
**OFFICE OF ZONING.**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.