

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

THURSDAY, JANUARY 25, 2024

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

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

The transcript constitutes the minutes from the Public Meeting held on January 25, 2024.

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C O N T E N T S

Case No. 14-13F	4
Technical Correction to Z.C. Order No. 14-13 E	
Re: Penthouse Regulations	
Case No. 85-16C	6
CLPF-CC Pavilion, LPPD	
PUD Minor Modification @ Square 1661	
Case No. 11-03L	10
SRG, Wharf Phase 2, LLC	
PUD Modification of Consequence @ Square 473	
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ALT-G Investment, LLC	
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650 Morton Street Northwest, LLC	
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DCHA - Five-Year PUD Time Extension of 1st-Stage	
PUD @ Squares 739, 767, 768	
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3840 S Capital, LLC & 3848 S Capital, LLC	
Two-Year PUD Time Extension @ Square 6129	

P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon ladies and gentlemen.

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

Copies of today's meeting agenda are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live, Webex, and YouTube live. The video will be available on the Office of Zoning's website after the meeting. Accordingly, all those listening on Webex or by phone will be muted during the meeting unless the Commission suggests otherwise.

For hearing action items, the only documents before us this evening are the application, the ANC set down report, and the Office of Planning report. All other documents in the record will be reviewed at the time of the hearing. Again, we do not take any public testimony at our

1 meetings unless the Commission requests someone to speak.

2 If you experience difficulty accessing Webex or
3 with your telephone call-in, then please call our OZ hotline
4 number at 202-727-0789 for Webex login or call-in
5 instructions. At this time does -- again, today's date is
6 January 25th, 2024. At this time we will consider any
7 preliminary matters. Does the staff have any preliminary
8 matters?

9 MS. SCHELLIN: Yes, sir.

10 CHAIRPERSON HOOD: Okay. Let's go right along
11 with our agenda as noted. Under consent calendar, minor
12 modifications and technical corrections, Zoning Commission
13 case number 14-13F. Office of Planning technical correction
14 to Zoning Commission order number 14-13E re: penthouse
15 regulations.

16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. The Office of Planning
18 has filed for this technical correction to the penthouse and
19 rooftop structure regulations which is found in subtitle C,
20 section 1501.1. After talking with the Department of
21 Buildings, they have had some difficulties with the fact
22 that this says penthouse habitable space, but not penthouse
23 mechanical space.

24 So they are proposing a technical correction to
25 remove the word habitable, and this will clarify that a

1 penthouse on the roof requires special exception relief
2 consistent with what the Commission's direction was as part
3 of the original case. So if the Commission would consider
4 this and take final action that would be greatly
5 appreciated. Thank you.

6 CHAIRPERSON HOOD: Thank you, Ms. Schellin for
7 teeing it up again. We're going from penthouse habitable to
8 penthouse. I think this is pretty straightforward and a DOB
9 is, as we've done in the past, has told us some issues and
10 we usually get right on top of those corrections, unless I
11 hear from others.

12 And also, we would ask that the Office of Planning
13 to continue to work with our Office of Zoning legal division
14 and refine the language on this correction. And let's see
15 if anybody has any issues or if somebody would like to make
16 a motion, in that order. Any issues with this request? Not
17 seeing any, okay. What I'll do is get it started. I will
18 move that we, as requested, approve Zoning Commission case
19 number 14-13F with the comments as noted by myself. Is
20 there a second?

21 VICE CHAIRPERSON MILLER: Second.

22 CHAIRPERSON HOOD: Moved and properly seconded.
23 Any further discussion? Not hearing any, Ms. Schellin,
24 would you do a roll call vote, please?

25 MS. SCHELLIN: I thought I heard Joe first. Is

1 that right?

2 VICE CHAIRPERSON MILLER: Miller.

3 MS. SCHELLIN: It was Miller, okay. Mr. Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Miller?

6 COMMISSIONER MILLER: Yes.

7 MS. SCHELLIN: Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: Commissioner Stidham?

10 COMMISSIONER STIDHAM: (Inaudible.)

11 MS. SCHELLIN: The vote is four to zero to one to
12 take final action on the technical correction Zoning
13 Commission case number 14-13F, the minus one being the third
14 Mayoral appointee seat which is vacant.

15 CHAIRPERSON HOOD: Okay. Next let's go
16 modification of consequence. We're gonna do deliberations.
17 Zoning Commission case number 85-16C, CLPF-CC Pavilion,
18 LPPD, minor modification at square 1661.

19 Ms. Schellin.

20 MS. SCHELLIN: Yes, sir. At the December 14th
21 public meeting the Commission determined that this was in
22 fact a modification of consequence and left the record open
23 for some following -- for some additional documents. The
24 applicant made a submission at Exhibit 11 and ANC 3E
25 responded there too. As of today, the ANC was the only

1 party who did respond, but the time has expired for the
2 other parties to respond. So this case is ready for the
3 Commission to consider final action. Thank you.

4 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
5 My colleagues, if you will remember, one of the major issues
6 we had was about the monetary of the course of the -- to the
7 Chevy Chase Homeowner's Association. That's been taken off
8 the table. There were other conditions as noted. They are
9 there. Then \$10,000.00 then has been taken off the table.

10 That's under separate agreement. So I don't think
11 if we -- unless we have any objections to the other five
12 conditions, would also put those conditions in place and --
13 and move away six, which was dealing with the payment
14 between the HOA, again which is under separate agreement.
15 Let me go to any other questions or comments.

16 Vice Chair Miller, do you have any?

17 VICE CHAIRPERSON MILLER: Yeah. I agree with your
18 analysis of the case and that there is the separate
19 agreement with the Homeowner's Association regarding the
20 payment so that we don't need to put that in our -- amongst
21 our conditions.

22 I just would note that the ANC's overall three
23 support for this modification -- they reiterated in their
24 most recent letter that their support is contingent on the
25 space being used for a grocery store, which is what all of

1 the changes are designed to accommodate. So I would just
2 leave it to our legal division staff to maybe incorporate
3 that overall condition that it's a grocery store space
4 that's being -- that's what this relief is all about and if
5 that's appropriate to be a condition we can include it or
6 just note that that's what the ANC support for the relief is
7 contingent upon. So I'll just leave it at that. Thank you,
8 Mr. Chairman.

9 CHAIRPERSON HOOD: Okay. I think -- I think we
10 can go exactly with that unless we hear otherwise.

11 Commissioner Stidham, you have anything to add on
12 this?

13 COMMISSIONER STIDHAM: No. I'm good and prepared
14 to support this.

15 CHAIRPERSON HOOD: Okay.

16 Commissioner Imamura, anything to add?

17 CHAIRPERSON HOOD: Okay, sounds good. Okay. Vice
18 Chair, can I impose upon you to make a motion?

19 VICE CHAIRPERSON MILLER: Sure. Thank you, Mr.
20 Chairman. I would move that the Zoning Commission take
21 action on Zoning Commission case number 85-16C, that's CLPF-
22 CC, Chevy Chase Pavilion, LP, PUD minor modification at
23 square 1661 and ask for a second.

24 COMMISSIONER IMAMURA: Second.

25 CHAIRPERSON HOOD: It has been moved and properly

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

3 VICE CHAIRPERSON MILLER: Yes.

4 MS. SCHELLIN: Mr. Imamura?

5 COMMISSIONER IMAMURA: Yes.

6 MS. SCHELLIN: Commissioner Hood (sic)?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: Commissioner Stidham?

9 COMMISSIONER STIDHAM: (Inaudible.)

10 MS. SCHELLIN: Vote is four to zero to one to take
11 final action, Zoning Commission case number 85-16C, minus
12 one being the third Mayoral appointee seat which is vacant.
13 Thank you.

14 CHAIRPERSON HOOD: Okay.

15 Ms. Lovick.

16 MS. LOVICK: Hi. I just want to just clarify.
17 It's a modification of consequence.

18 CHAIRPERSON HOOD: Okay. Let the -- so we know --

19 MS. LOVICK: But you don't need to re-do the
20 motion or anything. I just want to just have that on the
21 record.

22 CHAIRPERSON HOOD: Okay.

23 MS. LOVICK: Okay? Right.

24 CHAIRPERSON HOOD: Thank you. So noted.

25 Modification of consequence. All right, let's see. Okay.

1 Let's go to the next case. Zoning Commission case number
2 11-03L, SRG. And I -- I want to apologize to the public but
3 I can't remember all these acronyms all the time and I'm
4 sure they -- they stand for something. I'm sure we'll read
5 it.

6 They're there, but it's listed like it is and --
7 and that's what I'm going to go with but -- so I want to
8 apologize. If you want to know what the acronym, this is
9 Zoning Commission case number 11-03L and it's in the case
10 file. So forgive us. SR, again, next case is SRG Wharf
11 Phase 2, LLC, PUD modification of consequence at square 473.

12 Ms. Schellin.

13 MS. SCHELLIN: Yes. Again, at the December 14th
14 public meeting the Commission determined the application was
15 a modification of consequence and left the record open for
16 the applicant to provide some additional information and the
17 parties, of course, to respond. So the new exhibits are in
18 the record from the applicant at Exhibits 5 through 5A(2)
19 and 6, and then you have a response from OP at Exhibit 7
20 stating that they support the design of the enclosures and
21 the application.

22 And the ANC 6D provided their response and ANC 6D
23 also provided a copy of a letter that they sent to the ZA
24 regarding their decision at Exhibit 9. The other parties
25 have not responded but the time has passed for them to do

1 so. So this is also ready for the Commission's final action
2 determination. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you. The only
4 thing that's before us, and I know we have done this in a
5 different way, is to let the Commission know about the
6 enclosures. I know that the ANC supported it and brought up
7 some other needs about vehicle circulation, regarding the
8 changes I've so noted. We -- I want to make sure that we
9 know that we received it, but right now before us is this
10 and I would hope that the applicant would -- would still at
11 least consider and look at always our ANCs to see how we can
12 better coexist together here in the city. So I'll leave it
13 at that. Let me open it up for others.

14 Commissioner Imamura, if you'd like to go first
15 please?

16 COMMISSIONER IMAMURA: I'm in agreement with your
17 summary and I would say that I'm also in agreement with the
18 OP's judgement that the materials and supplemental documents
19 they provided, additional elevations and plans, demonstrate
20 that the material is complementary to the overall design.
21 So I appreciate the additional effort to provide that
22 information in the record. Also to note about the ANC's
23 comment about vehicular circulation.

24 And I think it's worth noting that, you know,
25 along Wharf Street there, there is sort of a change in

1 conditions as, sort of, things evolve down there with the
2 valet and pick-up and drop-off and such. And so I think
3 it's important that there's some flexibility in vehicular
4 circulation and so, certainly don't think that that should
5 be a condition of our approval tonight. And as you stated,
6 Mr. Chairman that, you know, I think it's important and we
7 certainly appreciate the opportunity to review these
8 enclosures in the future and I'm prepared to vote in
9 support.

10 CHAIRPERSON HOOD: Sounds good. Thank you.

11 Commissioner Stidham, anything to add on this?

12 COMMISSIONER STIDHAM: No. I have nothing
13 further.

14 CHAIRPERSON HOOD: All right.

15 And Vice Chairman Miller?

16 VICE CHAIRPERSON MILLER: The comments of my
17 colleagues. Thank you.

18 CHAIRPERSON HOOD: Okay. And that you.

19 Commissioner Imamura, would you do us the pleasure
20 of making a motion?

21 COMMISSIONER IMAMURA: Yes, Mr. Chairman, gladly.
22 I move that the Zoning Commission take final action on
23 Zoning case number 11-03L -- 11-03L, SRG Wharf Phase 2, LLC,
24 HUD modification of consequence at square 473. Ask for a
25 second.

1 CHAIRPERSON HOOD: I'll second it. It's been
2 moved and properly seconded. Any further discussion? Not
3 hearing any, Ms. Schellin would you do -- do a roll call
4 vote, please?

5 MS. SCHELLIN: Commissioner Imamura?

6 COMMISSIONER IMAMURA: Yes.

7 MS. SCHELLIN: Commissioner Hood?

8 CHAIRPERSON HOOD: Yes.

9 MS. SCHELLIN: Commissioner Miller?

10 VICE CHAIRPERSON MILLER: Yes.

11 MS. SCHELLIN: Commissioner Stidham?

12 COMMISSIONER STIDHAM: (Inaudible.)

13 MS. SCHELLIN: The vote is four to zero to one to
14 approve final action in Zoning Commission case number 11-
15 03L. The minus one being the third Mayoral appointee seat,
16 which is vacant. Make sure I called that right. That was
17 final, yes. Thank you.

18 CHAIRPERSON HOOD: Was that a final action? It
19 was?

20 MS. SCHELLIN: It was final under the modification
21 of consequence. Yes.

22 CHAIRPERSON HOOD: Okay. I was -- I would have
23 went on to -- to time --

24 MS. SCHELLIN: Now we're moving to final action.
25 Yes.

1 CHAIRPERSON HOOD: All right. Let's go to final
2 action. Zoning Commission case number 23-04, ALT-G
3 Investment, LLC, map amendment at square 3832.

4 Ms. Schellin.

5 MS. SCHELLIN: Yes, sir. At the conclusion of the
6 hearing the Commission took proposed action on this case and
7 it did get referred to NCPC but we've not received a
8 response back yet, but the time period has expired. So it's
9 ready to move forward. The applicant did a follow-up with
10 Mary Hughes, someone who was in opposition to this case, and
11 that's at Exhibit 32. And then the applicant provided a
12 draft order at Exhibit 33. And so this case is also ready
13 for the Commission to deliberate on final action. Thank
14 you.

15 CHAIRPERSON HOOD: Okay. Thank you. We've taken
16 -- callers, we've already taken proposed action. There were
17 a number of things that -- that we really wanted to follow
18 with Ms. Mary Hughes, and I want to thank the applicant for
19 doing that. Let it be noted, they have reached out to Ms.
20 Hughes, sent her copies and tried to engage her in a
21 conversation. They were unsuccessful.

22 So I would still ask that they continue to do that
23 even through this process. I will be voting in favor of
24 this application and ask that they continue to work, and Ms.
25 Hughes continue to work along as we move forward. Because

1 even though it's approved here, you can always still try to
2 fine tune and work your own things.

3 So with that, let me go to -- let me go back to
4 Commissioner Imamura.

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
6 think the record's complete and full on this. We've
7 certainly deliberated on some of the issues and the
8 applicant has delivered on some of our requests and
9 questions. Particularly about whether the MU-7 zone was
10 appropriate versus a lower density zone as well as
11 preserving the PDR space as well. So I'm convinced that
12 this is ready for final action and prepared to vote in
13 support, and appreciate the applicant coming through on some
14 of the questions that we've asked them as well trying to
15 work with Ms. Hughes.

16 CHAIRPERSON HOOD: Okay. Thank you.
17 Commissioner Stidham.

18 COMMISSIONER STIDHAM: I am -- I agree with
19 Commissioner Imamura and I have nothing further.

20 CHAIRPERSON HOOD: Okay.
21 Vice Chair Miller.

22 VICE CHAIRPERSON MILLER: Yeah. I concur with all
23 of the comments that have been made here tonight and would
24 just note that this is largely a zoning consistency case
25 with a comprehensive plan map and I think it meets that

1 standard and the map amendment will be subject to
2 Inclusionary Zoning Plus. So a higher set aside for
3 affordable housing.

4 CHAIRPERSON HOOD: Okay. Commissioner Stidham,
5 would you -- any other comments? Okay. Commissioner
6 Stidham, would you like to make the motion?

7 COMMISSIONER STIDHAM: Sure. I scrolled up, so
8 let me make sure I'm looking at the right case still. This
9 is 23-04, correct?

10 CHAIRPERSON HOOD: I'm going to ask a vote now too
11 -- that's why I wanted you to make the -- okay. Yeah, yeah,
12 23-04.

13 COMMISSIONER STIDHAM: I scrolled down.

14 CHAIRPERSON HOOD: Yeah. That's okay.

15 COMMISSIONER STIDHAM: I would like to make a
16 motion for a final action on Zoning case number 23-04, ALT-G
17 Investment, LLC for a map amendment at square 3832.

18 CHAIRPERSON HOOD: Been moved. Can we get a
19 second?

20 COMMISSIONER IMAMURA: Second.

21 CHAIRPERSON HOOD: It's moved and properly
22 seconded. Any further discussion? Not hearing any, Ms.
23 Schellin, would you record the vote please?

24 MS. SCHELLIN: Yes. Commissioner Imamura?

25 COMMISSIONER IMAMURA: Yes.

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIRPERSON MILLER: Yes.

3 MS. SCHELLIN: Commissioner Hood?

4 COMMISSIONER HOOD: (Inaudible.)

5 MS. SCHELLIN: The vote is four to zero to one to
6 approve final action in Zoning Commission case number 23-04,
7 the minus one being the third Mayoral appointee seat which
8 is vacant. Thank you. And I'm sorry. Chairman Hood,
9 before I forget. On those minor -- I mean modification of
10 consequence cases, if we could have the applicants provide
11 us with draft orders that would be great.

12 CHAIRPERSON HOOD: Okay. Thank you. All right.
13 Let's move right along. Zoning Commission case number 23-
14 09, 650 Morton Street Northwest, LLC, map amendment at
15 square 3040.

16 Ms. Schellin.

17 MS. SCHELLIN: Yes, sir. At the -- this was a
18 November 2nd public hearing. The Commission asked for some
19 additional submissions, and so the applicant's supplemental
20 statements are at Exhibits 36 -- through 36C and 37. And
21 then at Exhibit 39 we have an NCPC letter that states the
22 case falls under one of their exceptions from review. So
23 this is ready for the Commission to consider final action.
24 Thank you.

25 CHAIRPERSON HOOD: Thank you. Thank you, Ms.

1 Schellin. As we talked or mentioned and spoke about this
2 earlier we -- we did talk about the opposition's issues that
3 were raised and the responses and we fleshed through that.
4 I do know Commissioner Imamura had a conversation about
5 shadow studies so I'm going to turn it over to him and see
6 what he thought with the submissions.

7 Commissioner Imamura.

8 COMMISSIONER IMAMURA: Building off your comment,
9 yeah. We, you know, we had three neighbors come and testify
10 about their concerns, about the preservation of a tree, the
11 height of the potential development as well as the --
12 preserving the historic integrity of the neighboring
13 parking. I was skeptical whether this was going to be an
14 appropriate zone and did ask about that, and which is what
15 prompted the -- the shadow study. And I was satisfied with
16 what the applicant provided in the record in that there
17 wouldn't be any detrimental harm to the potential
18 development, and so I was satisfied.

19 I was also pleased that the applicant also reached
20 out to the three neighbors who were concerned to work with
21 them and temper their concerns. And then additionally I
22 think, or would want to make mention, that I think it's IZ
23 Plus will apply to this as well. I see that. So, yes. The
24 IZ Plus will apply to this as well. So I'm prepared to vote
25 in support and I think this is gonna be a tremendous project

1 for the neighborhood.

2 CHAIRPERSON HOOD: Thank you. Well said.

3 Commissioner Stidham, do you have any additional comments?

4 I think -- Commissioner -- Vice Chairman, I thought you were
5 raising your hands.

6 Commissioner Stidham, do you have any additional
7 comments?

8 COMMISSIONER STIDHAM: No, I don't.

9 CHAIRPERSON HOOD: Okay. And Vice Chair Miller?

10 VICE CHAIRPERSON MILLER: I concur with the
11 comments of you and Commissioner Imamura, and I think that
12 the meeting that the -- the proposed zoning is more
13 consistent with the comprehensive plan land use map
14 designation of medium density residential and the policy map
15 designation for a neighborhood enhancement area, and will
16 result in more housing overall and more affordable housing
17 overall than otherwise -- much more than it would be
18 provided under existing RF -- I think it's RF-1 zoning.

19 And it's a transition site between the Georgia
20 Avenue corridor and the row house neighborhood and the
21 zoning will allow for that transitional type of step down to
22 the row house neighborhood. So I think it's appropriate and
23 it advances racial equity goals as well. So I think it is a
24 good project and -- I mean a good map amendment that will
25 result in a good project. Thank you, Mr. Chairman.

1 CHAIRPERSON HOOD: All right. Thank you.
2 Commissioner Stidham, any questions? Oh, no. Wait a
3 minute. Hold on. Didn't I do that already? Okay. I mean,
4 that's what happens when you go to -- let me. I don't --
5 already moved to the time I see. Where are we at? All
6 right, hold on just a second. Let me get my thoughts
7 together. Give me one second.

8 Okay. All right. Oh, I know what it is. Yeah.
9 I don't think I need to add anything. I think my colleagues
10 have captured it all, and I appreciate Commissioner Imamura
11 capturing all of the outstanding issues as well as my other
12 colleagues. So with that somebody -- Commissioner Imamura,
13 would you like to make a motion?

14 COMMISSIONER IMAMURA: Gladly, Mr. Chairman. I
15 move that the Zoning Commission take final action on case
16 number 23-09, 650 Morton Street Northwest, LLC, map
17 amendment at square 3040, and ask for a second.

18 CHAIRPERSON HOOD: I'll second that. Let me let
19 Commissioner Stidham second. She wanted to -- I saw her
20 wanting to second.

21 COMMISSIONER STIDHAM: Second.

22 CHAIRPERSON HOOD: All right. It's been moved and
23 properly seconded. Any further discussion? Not hearing
24 any, Ms. Schellin, would you do a roll call vote please?

25 MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Stidham?

3 COMMISSIONER STIDHAM: Yes.

4 MS. SCHELLIN: Commissioner Hood?

5 CHAIRPERSON HOOD: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 COMMISSIONER MILLER: (Inaudible.)

8 MS. SCHELLIN: The vote is four to zero to one to
9 approval final action in Zoning Commission case number 23-
10 09, the minus one being the third Mayoral appointee seat
11 which is vacant.

12 CHAIRPERSON HOOD: Okay. I was just thinking, if
13 we do a roll call vote, if we ever go back to the hearing
14 room I'm gonna have to re-learn that process. All right.
15 Let's go to the time extension. Zoning Commission case
16 number 03-12Z/03-13Z, DCHA five-year PUD time extension of
17 first stage PUD at squares 739, 767, and 768.

18 Ms. Schellin.

19 MS. SCHELLIN: Yes, sir. In this request, as you
20 stated, it is a five-year time extension request to December
21 18th, 2028 of the first stage approval of this case, and
22 it's going to allow the applicant additional time to file
23 the second stage PUD applications for the development of the
24 three remaining parcels.

25 The waiver request is from subtitle Z, Section

1 705.5 which allows more than two time extensions and it
2 limits the second one for no more than one year. They're
3 also requesting a waiver from 705.3 which allows the
4 Commission to grant no more than two -- I'm sorry, in its
5 discretion to grant an extension for no more than two years,
6 since they are asking for five years.

7 The applicant has stated that the extension is
8 needed because DCHA has been unable to obtain sufficient
9 financing to develop the remaining properties. In
10 particular, on bringing back their -- DCHA is committed to
11 bringing back all 707 of the public housing units originally
12 on the site, and financing of those affordable units is
13 difficult due to the fact that the PUD's federal funding has
14 been depleted and the property has lost its designation as a
15 difficult development area for the purpose of low-income
16 housing tax credit investment. So -- and the applicant does
17 not believe that granting the waivers for the time extension
18 will cause any harm to the parties.

19 So this is before the Commission. There's been,
20 at Exhibit 5, a report from OP which recommends approval,
21 and as of today none of the parties have responded but they
22 have had more than 30 days to do so, which is the requisite
23 time before we put it on an agenda for consideration. So
24 it's ready for the Commission to decide a final action for
25 this case. Thank you.

1 CHAIRPERSON HOOD: All right. Thank you, Ms.
2 Schellin. I'm gonna try this this way, and then open it for
3 discussion. I would move that we approve the two waiver
4 requests subtitle Z, 705.5, also subtitle Z, 705.3, and also
5 grant the time extension for a five -- as requested --
6 request for a five year extension until December 18th, 2028
7 on the first stage approval of the Arthur Capper HOPE VI PUD
8 to allow the applicant additional time to file a second
9 stage PUD application for development of the three remaining
10 parcels, squares 739, 767, and 768. And can I get a second?
11 COMMISSIONER STIDHAM: Second.
12 CHAIRPERSON HOOD: Now here's where we all can
13 discuss it. It's been moved and properly seconded. Any
14 further discussion? Okay.
15 Not hearing any, Ms. Schellin would you do a roll
16 call vote, please?
17 MS. SCHELLIN: Commissioner Hood?
18 CHAIRPERSON HOOD: Yes.
19 MS. SCHELLIN: Commissioner Stidham?
20 COMMISSIONER STIDHAM: Yes.
21 MS. SCHELLIN: Commissioner Imamura?
22 COMMISSIONER IMAMURA: (Inaudible.)
23 MS. SCHELLIN: Commissioner Miller?
24 VICE CHAIRPERSON MILLER: Yes.
25 MS. SCHELLIN: The vote is four to zero to one to

1 approve final action on Zoning Commission case number 18-
2 14A, the minus one being the third Mayoral appointee seat
3 which is vacant.

4 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin
5 let's go to Zoning Commission case number 18-14A, 3840 South
6 Capital, LLC -- I guess it's -- well S Capital, LLC, and
7 3848 S Capital, LLC, two year PUD time extension in square
8 6129.

9 Ms. Schellin.

10 MS. SCHELLIN: Okay. For this one, they're
11 requesting a two-year PUD time extension to March 25th, 2025
12 and the way -- and they're also requesting a waiver from
13 705.2 which requires that the extension request be submitted
14 before the extension of the original approval. And they are
15 also asking for a waiver from 702.6 which says that when it
16 expires, the PUD expires, the approval reverts to the zoning
17 to the preexisting regulations, and they're asking that the
18 zoning not revert back.

19 And the applicants' justification is that, due to
20 an administrative oversight the request was submitted
21 subsequent to March 27th, 2022 and they did not take
22 advantage of the one year extension allowed by Section 705.9
23 during the COVID pandemic that could have extended it to
24 March 27th, 2023.

25 The applicant has, in good faith, actively worked

1 towards developing the project through trying to get
2 financing and they have recorded the PUD covenant and
3 they -- and submitted a building permit application prior to
4 the expiration date. And they feel granting the waiver
5 would allow for the future development of the 106 affordable
6 units which would provide housing for new residents as well
7 as residences and amenities for some existing residents.

8 And their justification for the extension is they
9 are pursuing financing of the project and through DHCD's
10 program and so that's what they have. OP provided a report
11 at Exhibit 6 recommending approval of the two-year extension
12 and the waiver. As of today there was no report from ANC
13 8D, but the 30 day time period to respond has elapsed, and
14 so this case can be considered for final action at this
15 time. Thank you.

16 CHAIRPERSON HOOD: Thank you, Ms. Schellin for
17 really teeing all -- both of those cases up, not leaving a
18 whole lot of room for anything else. Let me turn it over to
19 my colleagues to see if you have anything further or, if
20 not, someone else may want to make a motion or however you
21 choose. I'll turn it over either one.

22 Commissioner Imamura.

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
24 just want to make a general comment here that we've had two
25 time extensions that have come before the Commission, each

1 one unique and nuanced. And so for the general public, we
2 see these time extensions occasionally and again, each one a
3 little different than the other.

4 And I think it's important to note that, like most
5 people, we want to see these projects be successful and, you
6 know, occasionally -- we're living through unprecedented
7 times right now with supply chain issues, financing,
8 interest rates and such. And so these time extensions are
9 critical to ensure the success to these projects.

10 And so I think it's just important to note that we
11 give them serious consideration and review, and I'm prepared
12 to vote in support of this one. I think that it's, on the
13 merits, worthy of approval.

14 CHAIRPERSON HOOD: Okay. Thank you. Well said.
15 Anybody else?

16 Commissioner Stidham or Vice Chair Miller, any
17 comments?

18 COMMISSIONER STIDHAM: I agree. They have been
19 making steady progress and am in favor of supporting the
20 extension.

21 CHAIRPERSON HOOD: Vice Chair Miller?

22 VICE CHAIRPERSON MILLER: Yes. I too agree with
23 my colleagues, with all of the comments have been made, and
24 appreciate Ms. Schellin's thorough summary of where we are,
25 and would just reiterate that this is all affordable -- I --

1 and the way -- so I support the waivers and the time
2 extension and would just note that this is a all affordable
3 106 unit residential building that will have much deeper
4 affordability levels than inclusionary zoning regulations
5 require.

6 Including, I think 20 percent below, or at 30
7 percent median family income and other deeper affordability
8 levels above that, so that -- than -- that -- than IZ
9 requires. So this certainly worthy of our favorable vote
10 tonight. Thank you.

11 CHAIRPERSON HOOD: Thank you. Thank you all, and
12 since Ms. Schellin and Mr. Imamura teed it up so well, I'm
13 gonna ask -- I can't ask Ms. Schellin, so I'm gonna ask
14 Commissioner Imamura if he could make a motion.

15 COMMISSIONER IMAMURA: Gladly, Mr. Chairman. I
16 move that the Zoning Commission take final action on Zoning
17 case 18-14A, 3840 South Capital, LLC and 3848 South Capital,
18 LLC, two-year PUD time extension at 3836 through 3848 South
19 Capital Street Southeast at squares 6129 and lots 77 and 18.

20 VICE CHAIRPERSON MILLER: Second.

21 CHAIRPERSON HOOD: Okay. It's moved and properly
22 seconded. Any further discussion? Not seeing any, Ms.
23 Schellin would you do the roll call vote, please?

24 MS. SCHELLIN: Commissioner Imamura?

25 COMMISSIONER IMAMURA: Yes.

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIRPERSON MILLER: Yes.

3 MS. SCHELLIN: Commissioner Hood?

4 CHAIRPERSON HOOD: Yes.

5 MS. SCHELLIN: Commissioner Stidham?

6 COMMISSIONER STIDHAM: (Inaudible.)

7 MS. SCHELLIN: The vote is four to zero to one to
8 approve final action in Zoning Commission case number 18-
9 14A, the minus one being the third Mayoral appointee seat
10 which is vacant. And Chairman Hood, I believe on the last
11 case, I read that same case number when it should have been
12 03-12Z/03-13Z that the Commission approved, the prior case.
13 I just want to correct that case number --

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: -- that you guys approved on the
16 last one.

17 CHAIRPERSON HOOD: Okay. Thank you. So noted.
18 Do we have anything else, Ms. Schellin? Nothing?

19 MS. SCHELLIN: I see nothing else.

20 CHAIRPERSON HOOD: Okay. All right.

21 MS. SCHELLIN: That's it.

22 CHAIRPERSON HOOD: Okay. The Zoning Commission --
23 thank you everybody for your participation in this hearing,
24 my colleagues and everybody, whoever had anything to do with
25 this OZ/LD (sic) Office of Zoning staff, everybody, public,

1 everybody. So we meet again on the -- oh. We meet again on
2 the 29th. Is every -- all of us here on the 29th? Okay.

3 All right. So we meet on these same platforms.
4 We have a continuation of Zoning Commission case 23-02 at
5 4:00 p.m. on these same platforms. And with that, I want to
6 thank everyone for their participation, unless my colleagues
7 have something to say. All right. With that, this meeting
8 is adjourned. Good night and have a great weekend.

9 (Whereupon, the above-entitled meeting was
10 adjourned.)

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REPORTER CERTIFICATE

This is to certify that the foregoing transcript
In the matter of: Closed Meeting
Before: D.C. Zoning Commission
Date: 01-25-2024
Place: Teleconference
was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.



Gary Euell