

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

1590th MEETING SESSION

THURSDAY, MARCH 28, 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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, Esquire  
JACOB RITTING, Esquire

The transcript constitutes the minutes from the Public Meeting held on March 28, 2024.

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

(4:00 p.m.)

CHAIRPERSON HOOD: Okay. Ms. Young, could you start recording, please?

Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by videoconferencing. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner Stidham, and Commissioner Imamura. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as the Office of Zoning and Legal Division Staff Counsel, Mr. Ritting and Mr. Liu.

I'll ask all others to introduce yourselves at the appropriate time if needed. 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 to 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.

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

1 hearing.

2           Again, we do not take any public testimony in our  
3 meetings unless the Commission requests otherwise. If you  
4 experience difficulty accessing WebEx or with your phone  
5 call in, then please call our OZ hotline number 202-707-0789  
6 for WebEx or login or call-in instructions.

7           Okay, at this time, does the staff have any  
8 preliminary matters? Ms. Schellin, did you have any  
9 preliminary matters?

10           SECRETARY SCHELLIN: Can you not hear me?

11           CHAIRPERSON HOOD: Yeah, I hear you now. I didn't  
12 hear you the first time.

13           SECRETARY SCHELLIN: Okay. No preliminary  
14 matters.

15           CHAIRPERSON HOOD: Okay. Again, we want to  
16 congratulate Mr. Clifford Moy who works under our Board of  
17 Zoning adjustment team in his retirement. I mentioned that  
18 in the Zoning Commission, so I wanted to make sure we  
19 mentioned that, and we wish him well on his next chapter of  
20 his retirement, and thank you for his service. As I  
21 mentioned in his retirement celebration, the city is better  
22 served because he passed this way.

23                           Case No. 03-03C

24           CHAIRPERSON HOOD: All right, let's move right on  
25 with our agenda. Let's go to our consent calendar item.

1 It's a minor modification. Zoning Commission Case No. 03-  
2 03C. All we need to determine -- but anyways, Kriegsfeld  
3 Corporation on behalf of Capital Gateway Estates Residents  
4 Association. Minor modification to PUD at Squares 5246,  
5 5272, 5277, 5279, and 5280. Ms. Schellin?

6 SECRETARY SCHELLIN: Yes, sir. This is a request  
7 that was made by the Residents Association. It was -- it  
8 started out one of the residents there, after going from  
9 being tossed from agency to agency, she was finally referred  
10 to our office after learning that her property was part of a  
11 PUD.

12 And I guess the developer at one time thought he  
13 would put decks on the rear of the homes but ran out of  
14 money. So, there are a couple homes or a few homes that  
15 have decks, and then a few people put the decks on  
16 themselves, or had the decks put on, and some of them were  
17 done legally, and the fact that they went through the  
18 Department of Buildings, and some of them illegally, and  
19 even those that did go through DOB, they were put up and  
20 shouldn't have been because they were a part of a PUD.

21 So when this lady went through, tossed around, and  
22 she came to us, I remembered you guys doing something  
23 similar in another case. If you'll remember, it's probably  
24 been about two years or so in another situation, same type  
25 situation where some were put up illegally, but the

1 commission made a revision to the order that would allow  
2 individuals to put up a deck.

3           And so this is what they're also requesting, and  
4 the only party was the ANC and an ANC report was received.  
5 OP submitted its report at Exhibit 4. They did add some  
6 additional language that says basically if some zoning  
7 really just happened to be needed for the deck that they  
8 would go to the BZA instead of having to come back to the  
9 Commission for a modification to a PUD, because they would  
10 not be a party, first of all, and they couldn't file the  
11 case. And so it makes it quite difficult when the developer  
12 leaves the area. So they added some language that would  
13 allow them to go to the BZA for such relief.

14           CHAIRPERSON HOOD: Thank you, Ms. Schellin. I  
15 just got tired of hearing all that -- whoever had to go  
16 through. I think we've done this before in this case, and I  
17 think it's -- I think the intent of the Zoning Commission  
18 was not to have it done this way, even though it ended up  
19 this way.

20           The intent originally was not to prevent rear  
21 decks, I'm sure, to be erected as long as it meets within  
22 the zoning regulations, and I think we have some proposed  
23 language which has excepted the rear deck for any single  
24 family dwelling shall be permitted provided it conforms to  
25 all zoning requirements and further that a rear deck

1 requiring relief from zoning requirements may seek relief  
2 from the Board of Zoning adjustment pursuant to subtitle X-  
3 901, which Ms. Schellin has basically teed up.

4 I don't have anything to add. I am definitely in  
5 support of this, but let me open it up to my colleagues who  
6 may have something else to add to this, and we want to take  
7 -- again, like I've always said, take the burden off of the  
8 homeowners, and this is actually making this very burdensome  
9 to do what we know is outdoor space.

10 Okay, let me go to Commissioner Stidham. Any  
11 questions or comments?

12 CHAIRPERSON STIDHAM: No sir, I agree (inaudible)  
13 should not be a burden on the homeowner and I'm prepared to  
14 support this.

15 CHAIRPERSON HOOD: Commissioner Stidham, we're not  
16 hearing you. I don't know if you need to move closer or  
17 turn your mic up.

18 CHAIRPERSON STIDHAM: Is that better?

19 CHAIRPERSON HOOD: Yeah, that's better. That's  
20 better some. Try it again. Maybe your mic is tired from  
21 yesterday.

22 CHAIRPERSON STIDHAM: Maybe it is tired from  
23 yesterday. So, no sir, I did not have anything to add, and  
24 I agree with you that it should be -- the homeowner should  
25 not be put through this to get some outdoor space. So I am

1 prepared to support.

2 CHAIRPERSON HOOD: Okay. You may want to come --  
3 cut off and cut back on. I heard that part a little, but we  
4 didn't hear you as clear. Commissioner Imamura?

5 CHAIRPERSON IMAMURA: I'm in agreement with you,  
6 and I regret that the individual that went from agency to  
7 agency struggled as they did. I'm glad that it finally came  
8 back full circle here so we can resolve the issue. We are  
9 problem solvers on the Zoning Commission, so I'm glad to  
10 provide that.

11 I'm certainly in support, and I just want to  
12 reiterate that, you know, this requested change, Mr.  
13 Chairman, doesn't result in changes to the use, height, or  
14 density, or in the materials fact. So, I just want to make  
15 sure that's on the record as well, but I'm in support of  
16 this.

17 CHAIRPERSON HOOD: Thank you. Vice Chair Miller?

18 CHAIRPERSON MILLER: Thank you, Mr. Chairman. I  
19 support this minor modification. I have nothing really to  
20 add. I'm happy to be part of the problem solvers caucus  
21 that Commissioner Imamura mentioned.

22 CHAIRPERSON HOOD: Okay, and I was supposed to ask  
23 does anybody object to this being a minor modification  
24 first, but I'd like that new thing. I may have to use that.  
25 Problem solvers. Some people consider us the problem



1 makers, but we're the problem solvers, so I like that. And  
2 also, Ms. Schellin, do we have a last minute -- was this the  
3 case where we had a last minute from one of the ANCs?  
4 Seven?

5 SECRETARY SCHELLIN: That was 7C at Exhibit 5.  
6 They said that they were in support. They filed our ANC  
7 form 129.

8 CHAIRPERSON HOOD: Okay, and whoever the people  
9 are who had to go through all that, again, as my colleagues  
10 already mentioned, we're glad that we're going to give you  
11 some relief. So, go enjoy --

12 SECRETARY SCHELLIN: Yes.

13 CHAIRPERSON HOOD: -- your outside deck.

14 SECRETARY SCHELLIN: Yes. Mrs. Adams?

15 CHAIRPERSON HOOD: Mrs. Adams. I apologize for  
16 all that, Mrs. Adams.

17 Okay, so what I will do is approve as requested,  
18 and we know this is a minor modification. Zoning Commission  
19 case number 03-03C as captioned, and ask for a second.

20 CHAIRPERSON IMAMURA: Second.

21 CHAIRPERSON HOOD: It has been moved and properly  
22 seconded, noted in our discussion. Any further discussion?  
23 Not hearing any, Ms. Schellin, would you do a roll call  
24 vote, please?

25 SECRETARY SCHELLIN: And you're approving that

1 with OP's added language about --

2 CHAIRPERSON HOOD: With OP's added language --

3 SECRETARY SCHELLIN: Yes, okay.

4 CHAIRPERSON HOOD: -- that I read.

5 SECRETARY SCHELLIN: Just wanted to make sure.

6 CHAIRPERSON HOOD: Yes.

7 SECRETARY SCHELLIN: So, roll call vote.

8 Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 SECRETARY SCHELLIN: Commissioner Imamura?

11 CHAIRPERSON IMAMURA: Yes.

12 SECRETARY SCHELLIN: Commissioner Miller?

13 CHAIRPERSON MILLER: Yes.

14 SECRETARY SCHELLIN: Commissioner Stidham?

15 CHAIRPERSON STIDHAM: Yes.

16 SECRETARY SCHELLIN: The vote is four to zero to

17 one to approve final action, Zoning Commissioner Case No.

18 03-03C, the minus one being the third mayoral appointee

19 seat. Thank you.

20 Case No. 14-18C

21 SECRETARY SCHELLIN: Yes, sir. For this one, the

22 applicant has requested a two-year PUD time extension for

23 the -- for the block seven of the Brookland Manor, Brentwood

24 PUD.

25 CHAIRPERSON HOOD: Thank you. Let's move right

1 on. We have a time extension, am I right? Yeah, a time  
2 extension. Zoning Commission Case No. 14-18C, Mid-City  
3 Financial Corporation Two-Year Time Extension at Square  
4 3953. Ms. Schellin?

5 And so, their reasoning is this is -- the  
6 requested extension is for the second stage PUD, and they're  
7 saying since the DC Court of Appeals decision of March 4,  
8 2021 in obtaining the building permits prior to March 4,  
9 2023's deadline, the applicant has been unable to obtain  
10 necessary financing, and to be able to start construction  
11 for block seven.

12 So, despite their diligent efforts, and due to  
13 circumstances beyond their reasonable control, they have  
14 requested this time extension. They did serve this on all  
15 of the parties, 5C, 5B, Brookland Manor, Brentwood Village  
16 Residents Association, and who were the original parties to  
17 the case, and of course OP and DDOT.

18 OP provided a report at Exhibit 8, and they did  
19 recommend approval. Then ANC 5C provided a report in  
20 support. That one came in late today -- I believe it was  
21 Exhibit 9 in support -- and as of this afternoon, there was  
22 no report received from 5B, nor the Brookland party, and the  
23 requisite 30 days have passed since they were served.  
24 Therefore if the Commission chooses to do so, they can --  
25 you can proceed with final action. Thank you.

1                   CHAIRPERSON HOOD: Thank you, Ms. Schellin, you  
2 teed that up very well. You hit all of the high points, I  
3 believe. I think this is ready for -- I would be willing to  
4 support this two year time extension with the necessary  
5 approvals from the Office of Planning and the ANC 5C and  
6 other the approvals -- they've had time to weigh in if they  
7 chose to, but obviously they have not, and I think that this  
8 is -- for me, this is ready to move forward. Let me hear  
9 from others. Commissioner Imamura?

10                  CHAIRPERSON IMAMURA: Mr. Chairman, I'm in  
11 agreement. You know, just to reiterate, this is the first  
12 time extension for the second stage PUD here. So, and the  
13 extension is per the commencement of construction, because  
14 they've already obtained their building permit. So, they've  
15 applied and received their building permits. So, this seems  
16 reasonable to me and pretty straightforward. I'm prepared  
17 to support it.

18                  CHAIRPERSON HOOD: Okay. Commissioner Stidham?

19                  CHAIRPERSON STIDHAM: First of all, can you hear  
20 me?

21                  CHAIRPERSON HOOD: Yeah. We can hear you now good  
22 now, yes.

23                  CHAIRPERSON STIDHAM: Okay, perfect. I also  
24 agree. I think that they have met the requirements of the  
25 time extension, and my -- I am prepared to support. Sorry,

1 that was a tongue twister for some reason.

2 CHAIRPERSON HOOD: All right, and Vice Chair  
3 Miller?

4 CHAIRPERSON MILLER: I mean, I agree with my  
5 colleagues, and appreciate Ms. Schellin's summary, including  
6 the reference to the appeal, which I would just add was a  
7 three-year delay in this case. It was upheld, our decision  
8 finally, but anyway, it's just the life we live.

9 CHAIRPERSON HOOD: How long to date? I thought it  
10 was more than three years. It was only three years? It  
11 seems like it's been around forever. Okay. All right, let  
12 me --

13 CHAIRPERSON MILLER: It was -- yeah, it took a  
14 while to get to the three -- anyway.

15 CHAIRPERSON HOOD: Okay. Would somebody like to  
16 make a motion? Maybe I'll ask Commissioner Imamura. Can  
17 you make a motion on this?

18 CHAIRPERSON IMAMURA: Sure thing, Mr. Chairman.  
19 Let me find the case here, look through my notes. I move  
20 that the Zoning Commission approve the time extension for  
21 zoning Case No. 14-18C, Mid-City Financial Corporation two-  
22 year time extension at Square 3953. Ask for a second.

23 CHAIRPERSON STIDHAM: Second.

24 CHAIRPERSON HOOD: It has been moved and properly  
25 seconded. Any further discussion? Not hearing any. Ms.

1 Schellin could you do a roll call please?

2 SECRETARY SCHELLIN: Imamura?

3 CHAIRPERSON IMAMURA: Yes.

4 SECRETARY SCHELLIN: Commissioner Stidham?

5 CHAIRPERSON STIDHAM: Yes.

6 SECRETARY SCHELLIN: Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 SECRETARY SCHELLIN: Commissioner Miller? The  
9 vote is four to zero to one to approve final action of  
10 Zoning Commission Case No. 14-18C, the minus one being the  
11 third mayoral appointee seat, which is vacant. Thank you.

12 Case No. 23-29

13 CHAIRPERSON HOOD: Okay, thank you. Let's go to  
14 hearing action Zoning Commission Case No. 23-29. Martins  
15 View, LLC Consolidated PUD and Related Map Amendment at  
16 parcels 252/82, 252/83, 252/92, and 252/86. Let's go to Mr.  
17 Lawson and Mr. Jurkovic. Is Mr. Jurkovic new, or am I new?

18 MR. LAWSON: Good evening Mr. Chair and members of  
19 the Commission. Yes, Michael is new to the Office of  
20 Planning. You've met him certainly at the Board of Zoning  
21 Adjustment, but I'm here just to introduce Michael to the  
22 Zoning Commission. This is his first case before presenting  
23 before you all.

24 Michael came to us, started in November, he has a  
25 great planning background, including a background in

1 affordable housing, which we'll definitely be putting to  
2 good use here in DC. So welcome, Michael. I'll turn it  
3 over to you in a second.

4 First, I would also -- just to -- like to  
5 congratulate Dr. Imamura on his election to the AICP College  
6 of Fellows. A well-deserved congratulations, sir.

7 CHAIRPERSON HOOD: Oh, I didn't know that. Well,  
8 congratulations Dr. Imamura. I didn't know that. Do you  
9 want to tell us something about it, or we can talk later?  
10 Will you tell us later what's going on?

11 CHAIRPERSON IMAMURA: Let's stay focused.

12 CHAIRPERSON HOOD: Congratulations.

13 CHAIRPERSON IMAMURA: Yeah, thank you, Mr.  
14 Chairman. We'll stay focused on the residents of DC for  
15 tonight.

16 CHAIRPERSON HOOD: Oh, I thought you -- oh, I'm  
17 glad you said stay focused on the residents, because stay  
18 focused is a whole different other topic. So, thank you.  
19 But let me -- so, Mr. Jurkovic -- did I pronounce your name  
20 correctly?

21 MR. JURKOVIC: It's Jurkovic.

22 CHAIRPERSON HOOD: Jurkovic. Okay, so let me ask  
23 you. Well, welcome to the Zoning Commission. My standard  
24 question, do you like the DZA or the Zoning Commission best?  
25 Which one do you like best?

1 MR. JURKOVIC: I will try to be as eloquent --

2 CHAIRPERSON HOOD: Took you too long.

3 MR. JURKOVIC: -- as my colleague was --

4 CHAIRPERSON HOOD: Took you too long.

5 MR. JURKOVIC: -- last week with this question,  
6 but I would have to say that I appreciate both the Board and  
7 the Commission equally.

8 CHAIRPERSON HOOD: Mr. Lawson, you all are doing a  
9 good job over there, because they come in with the right  
10 answers. And I'd rather him be favorable to the Zoning  
11 Commission, but I can take those answers too. All right,  
12 we'll turn it over to you.

13 MR. JURKOVIC: All right, thank you very much.  
14 Hang on as my presentation opens. All right. Good evening,  
15 Mr. Chairman, and members of the Commission. The Office of  
16 Planning recommends the Zoning Commission set down the  
17 consolidated PUD and Map amendment for Martins View, LLC.  
18 The applicant proposes to redevelop an existing site  
19 comprised of apartments totaling 150 units, with obtaining  
20 an apartment complex totaling 821 units, and a 5,500 square  
21 foot childcare facility.

22 The applicant intends to accommodate the existing  
23 residents with an onsite tenant relocation plan. In  
24 addition to PUD design flexibility, the applicant has  
25 requested flexibility to the maximum penthouse height



1 requirement and IZ provisions.

2           The Commission may grant the penthouse flexibility  
3 pursuant to subtitle X 303.1, and if this case is set down,  
4 OP will review with DCHD the request for IZ flexibility and  
5 provide a recommendation prior to the public hearing.

6           Next slide, please? Here is the Comprehensive  
7 Plan. The future land use map identifies this site as  
8 appropriate for moderate density residential uses. Though a  
9 small portion of the property has been designated as parks,  
10 recreation, and open space, the Comprehensive Plan states  
11 that the FLUM map is to be soft-edged, and this area was  
12 likely included due to the proximity to the existing park  
13 space.

14           Therefore, the redevelopment of the site should be  
15 compatible with the surrounding context, and per the plan  
16 the RA2 zone is compatible with the FLUM designation.

17           We also examined the proposal as it relates to the  
18 Comprehensive Plan, policy has been reviewed through a  
19 racial equity lens. From this, we believe the project would  
20 advance aspects of the plan's goals regarding equity,  
21 including but not limited to the provision of affordable  
22 market rate and replacement housing, the site's location and  
23 the bus route as it relates to public transportation access  
24 for existing and future residents, and the street space  
25 improvements as intended by the applicant to enhance the

1 pedestrian experience while accessing Fort Greble Park. The  
2 full analysis can be found in our report, including  
3 economic, demographic, and data trends for the far  
4 southeast/southwest planning area.

5 In summary, when evaluating through a racial  
6 equity lens, the project would not be inconsistent with the  
7 Comprehensive Plan. In respect to design, OP generally  
8 supports the proposal, although we asked the applicant  
9 several items.

10 First, the creation of a park gateway for Fort  
11 Greble Park at the intersection of Martin Luther King Jr.  
12 Avenue and Elmira Street, and the provisions for outdoor  
13 amenities outside the confined courtyard.

14 Furthermore, the programming of the interior  
15 courtyard as it relates to provisions of light and air  
16 reaching the space, confirmation of the intent to meet  
17 minimum bicycle parking requirements, as well as to provide  
18 additional information in the tenant relocation plan as it  
19 relates to distribution of existing tenants throughout the  
20 site.

21 This concludes my verbal testimony. In summary,  
22 OP recommends that the application be set down.

23 CHAIRPERSON HOOD: Thank you, Mr. Jurkovic. Help  
24 me pronounce your name again?

25 MR. JURKOVIC: Jurkovic. The J is more of a Y

1 sound.

2 CHAIRPERSON HOOD: So, I'm hoping that I can get  
3 your name correct, because one of your former colleagues --  
4 well, one of your colleagues at OP -- and I always digress a  
5 little bit -- I think it took me about three years to get  
6 her name right. Because as you saw, I was getting mixed up.  
7 So hopefully that doesn't happen with you. So, thank you  
8 for your report. Let's open up any questions or comments.  
9 Let me start with Commissioner Imamura first.

10 CHAIRPERSON IMAMURA: Thank you, Mr. Chairman.  
11 Mr. Jurkovic, welcome.

12 MR. JURKOVIC: Thank you.

13 CHAIRPERSON IMAMURA: Great report. Thank you.  
14 Also, nice slide deck. So, that was very clean and  
15 organized. I do have a few questions and a few comments,  
16 and I'll try to keep them bundled in categories to make it a  
17 little easier.

18 First, I'm just curious, this is kind of standard,  
19 out of the box. Is OP aware of any oppositions to the  
20 proposal at all?

21 MR. JURKOVIC: At this time, we are not aware of  
22 any opposition.

23 CHAIRPERSON IMAMURA: Okay. Now, if the  
24 Commission decides to set this down, there's a couple things  
25 that -- I'm rather excited about this -- the potential for

1 this project here, and I'd like to hear a little bit more  
2 from the applicant when you work with them about their  
3 relocation plan and their phasing.

4           So, it sounds as if in sort of tenant occupied  
5 space that they'll keep the existing tenants there onsite  
6 during the construction. So, I'm really curious how that's  
7 going to work. Also curious about their outreach efforts.  
8 I know that they held a couple meetings in person. I would  
9 like to hear a little bit more about what that effort looked  
10 like.

11           I'm also -- I'm supportive of the list of comments  
12 that you provided the applicant too about the park gateway.  
13 I think that's really important, as well as the outdoor  
14 amenities confined to the courtyard, such as the exterior  
15 landscaping patios and benches that you've mentioned, and  
16 share the concern of the interior second courtyard.

17           So, I'm going to be really interested to hear a  
18 response about that. I know that you all mentioned you were  
19 going to provide a detailed analysis about the penthouse  
20 height flexibility that they're requesting, which we're  
21 talking about a difference between 15 and 18 and a half  
22 feet.

23           My question to the applicant, and I'm sure they're  
24 listening, is there's always a design solution here of  
25 something of this density. I'm curious why we -- they

1 weren't able to resolve that three-and-a-half-foot  
2 difference. So, I'd like to hear a little bit more about  
3 that from the applicant.

4           Looking through some of my other notes. Give me  
5 one minute. Oh, okay. So, affordable housing. 17 percent  
6 devoted to IZ, and it's -- I think it's terrific. Of that,  
7 they said eight percent -- they anticipate eight percent  
8 will be three bedroom units. That's fantastic. I'm just  
9 wondering why we can't achieve ten. So, I think that would  
10 be monumental. That'd be terrific. That's just another  
11 unit or two.

12           Notice that this is going to be Elite Gold. I saw  
13 the 8,000 square feet of solar arrays, fully electric, 20  
14 percent of parking spaces will be EV ready -- that's  
15 terrific. Day care. I'm really interested in addition to  
16 some of the sustainability aspects of it, they did mention  
17 that they're planning to relocate two heritage trees. So,  
18 I'm interested to see what that plan looks like, and if they  
19 could walk me through some of that.

20           I also appreciated the fact that they included in  
21 the record obviously their architectural plans, but I  
22 appreciate their civil plans that they put in there as well  
23 as their landscape plan.

24           So I'm interested in hearing a little bit more  
25 about their stormwater management strategy beyond what's

1 required by the District. So, I'd like to hear how they're  
2 going above and beyond managing their stormwater, as well as  
3 their landscape plan.

4 Oftentimes, and this is -- I failed to mention  
5 this, and so I want to take this moment, but I'd like to  
6 hear them discuss a little bit more about their landscape  
7 plan through the seasons. So, they often forget about that  
8 and provide illustrative views of dense foliage, but I'd  
9 like to hear what this is going to look like year-round.

10 So with that, those are my requests of the  
11 applicant. I'm hoping that they are listening, and I'm sure  
12 they are. Again, Mr. Jurkovic, welcome, and thank you for  
13 the work you did at -- and put into your report, as well as  
14 the work you will do on behalf of the District -- the  
15 residents of the District of Columbia. So thank you very  
16 much. Mr. Chairman, I yield back.

17 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
18 Stidham, any questions?

19 CHAIRPERSON STIDHAM: I think Commissioner Imamura  
20 covered everything.

21 CHAIRPERSON HOOD: All right. Vice Chair Miller?

22 CHAIRPERSON MILLER: Thank you, Mr. Chairman.  
23 Yes, I agree that Commissioner Imamura covered a lot of  
24 ground, and thank -- I appreciate -- I welcome Michael  
25 Jurkovic to the Zoning Commission, and I appreciate your

1 comprehensive 23 page report, and 21 pages of attachments,  
2 which I read all of them.

3 I'll have to read it again when we get to the  
4 hearing, but I agree with all of your comments, and the  
5 comments that have been made by Commissioner Imamura about  
6 your comments, as well as his own additional comments. So,  
7 I'm prepared to set this down. Thank you.

8 CHAIRPERSON HOOD: All right. Mr. Jurkovic, I  
9 don't have any additional questions or comments. I'm  
10 looking forward to the hearing, and we will see -- it sounds  
11 like we will be setting this down.

12 So, thank you again for your report. A very well  
13 done report, I might add. So, I think you got off easy  
14 today. All right, Commissioner Imamura, would you like to  
15 make a motion? Did you -- you made a -- Commissioner  
16 Stidham, would you like to make a motion? I'll try to get  
17 everybody included.

18 CHAIRPERSON STIDHAM: Sure. Hang on. I scrolled  
19 own already --

20 CHAIRPERSON HOOD: All right.

21 CHAIRPERSON STIDHAM: -- so hang on. Okay. So, I  
22 would like to make a motion to approve.

23 CHAIRPERSON HOOD: We're going to -- we're going  
24 to set it down, Commissioner.

25 CHAIRPERSON STIDHAM: That's right. I would like

1 to make a motion to set down Zoning Case No. 23-29, Martins  
2 View, LLC, consolidated PUD, and related map amendment at  
3 parcels 252/82, 252/83, 252/92, and 252/86.

4 CHAIRPERSON HOOD: Okay, I'll second that. It's  
5 been moved and properly seconded. Any further discussion?  
6 Not hearing. Ms. Schellin, could you do a roll call vote,  
7 please?

8 SECRETARY SCHELLIN: Yes. Commissioner Hood?

9 CHAIRPERSON HOOD: Yes.

10 SECRETARY SCHELLIN: Commissioner Miller?

11 CHAIRPERSON MILLER: Yes.

12 SECRETARY SCHELLIN: Chair Imamura? The staff  
13 will record the vote as four to zero to one to set down  
14 Zoning Commission Case No. 23-29 as a contested case, the  
15 minus one being the third mayoral appointee seat. Thank  
16 you.

17 Case No. 24-01

18 CHAIRPERSON HOOD: Thank you. Let's go to our  
19 next case, hearing action Zoning Commission Case No. 24-01.  
20 This is the Howard University map amendment at square 3060,  
21 3064, 3065, 3074, 3075, and 3078. Ms. Brown-Roberts?

22 MS. BROWN-ROBERTS: Good afternoon, Mr. Chairman.  
23 I'm not seeing -- not -- my camera isn't coming out, but I  
24 hope you can hear me.

25 CHAIRPERSON HOOD: Yes, we can hear you well.



1 MS. BROWN-ROBERTS: You can hear me?

2 CHAIRPERSON HOOD: Yes.

3 MS. BROWN-ROBERTS: Okay. Good afternoon, Mr.  
4 Chairman, and members of the Commission. Maxine Brown-  
5 Roberts for the Office of Planning on Zoning Commission Case  
6 24-01. Next slide?

7 Howard University filed a petition to rezone  
8 properties that front on the east side of Georgia Avenue  
9 between Euclid Street on the north and Florida Avenue on the  
10 south. Next slide?

11 The proposed map amendment would rezone the  
12 properties from the RA2, PDR2, and the PDR3 zones to the MU-  
13 9B and the MU-10 zones. The map amendment is intended to  
14 implement changes recommended by the Comprehensive Plan. A  
15 majority of the property is governed by the 2020 to 2030  
16 Howard University Campus plan, except for a few parcels on  
17 the south which are owned by the Florida Avenue Baptist  
18 Church, and the Florida Avenue Baptist Church trustees.  
19 Next slide.

20 And the next -- that's the -- that's the campus  
21 plan outline that I was talking about. Next slide?

22 The FLUM designates the property for mixed use,  
23 medium density residential, medium density commercial, and  
24 institutional uses; high density residential, medium density  
25 commercial, institutional uses; and medium density

1 residential, medium density commercial uses. The  
2 generalized policy map recommends the area as a main street  
3 mixed use corridor and multi-neighborhood center.

4           The RA zone -- the RA zone properties can  
5 accommodate residential use -- in this case, dormitories,  
6 and a variety of other non-residential uses. However, the  
7 moderate -- the moderate level of density that is allowed by  
8 the zoning along the corridor would not be consistent with  
9 the density envisioned by the FLUM.

10           THE PDR2 and the PDR3 zones do not support the  
11 existing developments, and are now inconsistent with the  
12 intensity of development envisioned by the campus plan. The  
13 MU-10 zone is identified as a medium density residential,  
14 and medium density commercial zone, and the MU-9 is a high  
15 density residential zone and recommends RA-4 and RA-5 zone,  
16 but states that other zones may apply.

17           The MU-9 zone is appropriate in this case as it  
18 permits high density mixed use development, including  
19 office, retail, and housing with a focus on employment and  
20 residential use. The proposed zones are therefore not  
21 inconsistent with these designations.

22           The proposed amendment would also implement many  
23 of the mid-city area policies, which are specific to the  
24 development of these properties, and these are outlined in a  
25 report. The properties are also within the area covered by

1 the DUKE Plan, envisioned as a university and neighborhood  
2 district. Next slide?

3 The properties are also within the area covered by  
4 the DUKE Plan envisioned as a university and neighborhood  
5 district, where the university and other property owners can  
6 develop their properties in accordance with the DUKE Plan.

7 The DUKE Plan also provides several guidelines for  
8 development in this area, many of which has been integrated  
9 in the Comprehensive Plan. The proposed zones would also  
10 implement the development identified in the campus plan for  
11 a mix of uses to serve the university, as well as ground  
12 floor, retail, or other service uses to serve the wider  
13 community, and active pedestrian activities along Georgia  
14 Avenue and Main Street corridor.

15 The proposal for the new Howard University  
16 Hospital and other medical facilities would serve the  
17 neighborhood and the city as a whole. Overall, when  
18 evaluated through a racial equity lens, the proposed  
19 amendment is not inconsistent with the Comprehensive Plan.  
20 Because the area is within the Comprehensive Plan, they are  
21 exempt from IZ, as only student housing are allowed on  
22 campus.

23 However, the Office of Planning has recommended IZ  
24 plus in the event any of the properties are taken out of the  
25 campus plan for development. Although not providing

1 affordable housing on these sites, the university provides  
2 many other services free or at reduced rates to underserved  
3 and financially challenged residents of the neighborhood and  
4 the city as a whole. Next slide?

5 The university has outlined that they have been  
6 having outreach to the community and the ANC on several  
7 occasions, and will continue to do so if the proposal is set  
8 down.

9 The Office of Planning therefore recommends that  
10 the proposed map amendment is set down for public hearing,  
11 and that it would be appropriate for IZ plus. Thank you,  
12 Mr. Chairman, and I'm available for questions.

13 CHAIRPERSON HOOD: Thank you very much, Ms. Brown-  
14 Roberts. I think it's a very detailed and a good report.  
15 Thank you very much. Let's see if we have any questions or  
16 comments. Commissioner Stidham?

17 CHAIRPERSON STIDHAM: Thank you, Chair. The first  
18 thing that I would like to point out and commend the  
19 applicant on the inclusion of potential Comprehensive Plan  
20 inconsistencies in their submission. That is really helpful  
21 for them to point that out to us, so I would like to make  
22 sure that they are recognized for that work.

23 As far as questions, I know that this includes  
24 properties that are not owned by the university. So, when  
25 this does come back for hearing, it would be helpful to

1 understand how those properties fit into the campus plan.  
2 Are there part of the campus plan, and if they are not, how  
3 they are seen as part of this project.

4 And also, is the housing that's proposed for the  
5 properties owned by the university also consistent with the  
6 uses for those unowned properties as well? Otherwise, I  
7 think that is all I had, Chair, and back to you.

8 CHAIRPERSON HOOD: Thank you. Commissioner  
9 Imamura?

10 CHAIRPERSON IMAMURA: Thank you, Mr. Chairman. I  
11 align myself with the comments and questions by Commissioner  
12 Stidham, and also just want to underscore that I appreciate  
13 the applicant highlighting the potential comp plan  
14 inconsistencies.

15 Just for full transparency and forthrightness, I  
16 appreciate that. That helps us make more important  
17 decisions. So -- but otherwise, I don't have any additional  
18 comments, and I'm interested to hear Vice Chair Miller's  
19 comments.

20 CHAIRPERSON HOOD: And Vice Chair Miller?

21 CHAIRPERSON MILLER: And thank you Maxine Brown-  
22 Roberts for your thorough Office of Planning report  
23 recommending set down. I agree with the Office of Planning  
24 that the proposed rezoning is more consistent with both the  
25 Comprehensive Plan land use map designations and with the

1 campus plan than the existing -- particularly PDR zoning.

2 But I agree that -- with the comments that it  
3 would be helpful to have the applicant or OP just provide a  
4 little more information specifically as to how the other  
5 policy -- how the compound policies overall and what  
6 specific policies outweigh some of the potentially  
7 inconsistent ones like retaining industrial areas. But we  
8 don't -- okay. So, that's -- I'm prepared to move forward  
9 with set down. Mr. Chairman?

10 CHAIRPERSON HOOD: Okay, thank you. I don't  
11 necessarily have anything to add. I too am prepared to move  
12 forward. Vice Chair, would you like to make a motion in  
13 this case?

14 CHAIRPERSON MILLER: Sure. I would move that the  
15 Zoning Commission set down Case No. 24-01, Howard  
16 University's map amendment at squares 3060, 3064, 3065,  
17 3074, 3075, and 3078.

18 Those are properties generally on the Howard  
19 University campus fronting on the east side of Georgia  
20 Avenue Northwest between Euclid Northwest to the north and  
21 Florida Avenue to the south. So, I would move that we set  
22 down that case, 24-01, for a public hearing, and ask for a  
23 second.

24 CHAIRPERSON HOOD: It's been moved and properly  
25 seconded. Any further discussion? Not hearing, Ms.

1 Schellin, would you do a roll call vote, please?

2 SECRETARY SCHELLIN: We're setting this down as a  
3 rule making?

4 CHAIRPERSON MILLER: Yes. I think that's what the  
5 petitioner --

6 SECRETARY SCHELLIN: They did. They absolutely --  
7 I just want to confirm that that's what the Commission is  
8 setting it down as, okay?

9 CHAIRPERSON MILLER: Yes, unless my colleagues  
10 have some objection, that was my intent. Thank you.

11 SECRETARY SCHELLIN: Okay. So, Commissioner  
12 Miller?

13 CHAIRPERSON MILLER: Yes.

14 SECRETARY SCHELLIN: Mr. Imamura?

15 CHAIRPERSON IMAMURA: Yes.

16 SECRETARY SCHELLIN: Commissioner Hood?

17 Commissioner Stidham?

18 CHAIRPERSON STIDHAM: Yes.

19 SECRETARY SCHELLIN: The vote is four to zero to  
20 one to set down Zoning Commission Case No. 24-01 as a rule  
21 making case, the minus one being the third mayoral appointee  
22 seat which is vacant. Thank you.

23 Case No. 89-07

24 CHAIRPERSON HOOD: Okay. Thank you. Next, let's  
25 go to -- we have a correspondence item. Zoning Commission

1 Case No. 89-7, 1200 K Street, I Company LLC and 120 K Street  
2 II Company LLC. Motion to modify order number 644(1), order  
3 to extinguish PUD, and this is a modification of -- a motion  
4 to modify condition one to the PUD extinguishment order.

5 Ms. Schellin?

6 SECRETARY SCHELLIN: Yes, sir. In December of  
7 2023, the applicant had the PUD extinguished, and thus  
8 that's what order number 644(1). And so now what they are  
9 doing is they're requesting the Commission to modify that  
10 order.

11 The order that extinguished the PUD. There were  
12 two conditions that needed to be met, and the first  
13 condition was to -- written proof that a deed transferring  
14 title of the property to the Post Brothers and/or its  
15 affiliates had been recorded.

16 And so now they're asking to modify that, and you  
17 know, and the Commission of course has -- they are  
18 requesting to modify it to add Starwood Property Trust, Inc.  
19 and/or its affiliates as a conveyance property -- party, or  
20 to remove condition one in its entirety. So, it's up to the  
21 Commission how they want to proceed with this, but those are  
22 just some options put out to the Commission. Thank you.

23 CHAIRPERSON HOOD: Thank you, Ms. Schellin, for  
24 teeing that up. Again, colleagues, this is -- we can  
25 therefore grant the motion to modify, and we have two -- on



1 advice, we have two ways we can deal with this. We can add  
2 Starwood Property Trust, Inc. and its affiliates to a  
3 conveyance party to condition one, or we can remove  
4 condition one in its entirety.

5 My recommendation is the second, the latter,  
6 remove condition one in its entirety because who else knows  
7 what may change later that has to deal with that first part.  
8 So, that's my recommendation. Let me hear from others.  
9 Commissioner Stidham?

10 CHAIRPERSON STIDHAM: Yes, sir. I agree with you.  
11 To remove condition one in its entirety makes a lot of  
12 sense.

13 CHAIRPERSON HOOD: Okay, and Commissioner Imamura?

14 CHAIRPERSON IMAMURA: I'm in agreement, Mr.  
15 Chairman.

16 CHAIRPERSON HOOD: Okay, and Vice Chair Miller?

17 CHAIRPERSON MILLER: Thank you, Mr. Chairman. I  
18 am in agreement as well, and especially since anything that  
19 facilitates the conversion of office to residential in our  
20 downtown is particularly welcome at this time.

21 CHAIRPERSON HOOD: Okay. I'm going to try to make  
22 this motion, and I'm sure our counsel will let me know if I  
23 don't do it correctly. I would move that we accept the  
24 correspondence in the modification to remove condition one  
25 in its entirety in Zoning Commission Case No. 89-7, I

1 believe, and -- which is affiliated with Zoning Commission  
2 Order 644(1) -- thank you, Ms. Schellin, for teaching me  
3 that word, parens, I say parenthesis -- (1), or whatever the  
4 case is, do what's -- do what's requested in this case, and  
5 that's what I'm saying.

6 CHAIRPERSON STIDHAM: Second.

7 CHAIRPERSON HOOD: Okay, it's been moved and  
8 properly seconded. Any further discussion? It must have  
9 been all right. I didn't see nobody turn their camera off.  
10 Ms. Schellin, would you do a roll call vote, please?

11 SECRETARY SCHELLIN: Was that Commissioner Stidham  
12 who seconded it?

13 CHAIRPERSON STIDHAM: Yes.

14 SECRETARY SCHELLIN: Yes, okay.

15 Commissioner Hood?

16 CHAIRPERSON HOOD: Yes.

17 SECRETARY SCHELLIN: Commissioner Stidham?

18 CHAIRPERSON STIDHAM: Yes.

19 SECRETARY SCHELLIN: Commissioner Miller?

20 CHAIRPERSON MILLER: Yes.

21 SECRETARY SCHELLIN: Commissioner Imamura?

22 CHAIRPERSON IMAMURA: Yes.

23 SECRETARY SCHELLIN: So, the vote is four to zero  
24 to one to approve the applicant's request to modify  
25 condition one of order 644(1), and that condition is

1 actually being removed from the order. So, the minus one  
2 being the third mayoral appointee seat, which is vacant.  
3 Thank you.

4 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Do we  
5 have anything else before us this evening?

6 SECRETARY SCHELLIN: Nothing else.

7 CHAIRPERSON HOOD: All right. I want to thank  
8 everyone for their participation. Before we close out, the  
9 Zoning Commission will meet again April the 1st, 2024. This  
10 is Zoning Commission Case 23-14, 14th Street Collective  
11 Property Owners.

12 Again, I want to thank my colleagues and everyone  
13 who has helped us get prepared as always for our meetings,  
14 so thank you all, and in honor of all the work that  
15 Commissioner Stidham did yesterday, we're going to get out  
16 of here in 45 minutes. So with that, you all have a great  
17 evening. Thank you.

18 CHAIRPERSON STIDHAM: You too. Thank you.

19 (Whereupon, the above-entitled meeting was  
20 adjourned.)

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REPORTER CERTIFICATE

This is to certify that the foregoing transcript  
In the matter of: Public Meeting  
Before: DC Zoning Commission  
Date: 03-28-2024  
Place: Teleconference  
was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and  
accurate record of the proceedings.



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Gary Euell