

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

MEETING SESSION

THURSDAY, MAY 30, 2024

The Public Meeting of the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:08 p.m., EDT, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire
JACOB RITTING, Esquire
DENNIS LIU, Esquire
DAVID L. YOUNG, Esquire

This transcript serves as the minutes from the Public Meeting held on May 30, 2024.

Diversified Reporting Services, Inc.

1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

C O N T E N T S

Case No. 22-02	4
Office of Planning - Map Amendment at Square 175	
Case No. 14-13F	18
Office of Planning - Technical Correction to Z.C.	
Order No. 14-13E re: Penthouse Regulations	
Case No. 86-04B	20
Green Harris, LLC - PUD Modification of	
Significance at Square 1299	
Case No. 20-30A	24
Ingram Texas Partners, LLC - Two-Year	
Time Extension of D-8 Special Exception	
at Squares 325 & 326	
Case No. 20-28A	27
FC 110 N St, LLC (on behalf of GSA) - Two-Year	
Design Review Time Extension @ Square 743	
Case No. 12-14E	29
(3rd and M, LLC, 3rd & K, LLC, and Park Inn	
Associates, L.P. - Two Year PUD Time Extension at	
Square 542) - Subtitle Z § 705.5 that Limits a 2nd	
Time Extension to One Year; and Approval of a	
Two-Year PUD Time Extension	

P R O C E E D I N G S

(4:08 p.m.)

CHAIRPERSON HOOD: Thank you, Ms. Schellin, for helping me. And it does not -- it's not good to make fun of others, so Vice Chair Miller, I'm not making fun of you anymore when you can't get on. All right. Mr. Young, could you start the recording?

Good afternoon, ladies and gentlemen. We're convening and broadcasting this public meeting by video conferencing. My name is Anthony Hood, and joining me are Vice Chair Miller, Commissioner Stidham, and Commissioner Joseph Inamura. Also from our Office of Zoning Staff, Ms. Sharon Schellin. Also from the Office of Zoning and Legal Division, Mr. Dennis Liu, Ms. Hillary Lovick, and Mr. Jake Ritting. And also, handling all our virtual operations is Mr. Paul Young. I would ask all others to introduce themselves 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 on 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.

1 For hearing action items, the only documents
2 before us this evening are the application, the ANC set-down
3 report, and the Office of Planning report. All other
4 documents in the record will be reviewed at the time of the
5 hearing.

6 Again, we do not take any public testimony at our
7 meetings unless the Commission requests someone to speak.
8 If you experience difficulty accessing Webex or with your
9 phone call in, then please call our OZ hotline number, 202-
10 727-0789, for Webex login or call-in instructions. At this
11 time, does the staff have any preliminary matters?

12 MS. SCHELLIN: Yes, sir.

13 Case No. 22-02

14 CHAIRMAN HOOD: Okay. We'll go right with our
15 agenda as noted. For further deliberations, Zoning
16 Commission Case Number 22-02, Office of Planning - Tech's
17 Map Amendment at Square 175. Ms. Schellin.

18 MS. SCHELLIN: Yes, sir. I put this here because
19 it was a motion filed by the Office of Planning to revise
20 their application, since the Commission had this on their
21 agenda recently. And so since they filed that at Exhibit
22 715, they supplemented it at Exhibits 718 and 719. And then
23 at Exhibit 716 and 717 there are some motions in opposition
24 to the request to reopen the record to accept this amended
25 application. So I will turn this over to the Commission. I

1 guess, first you need to decide whether to reopen the record
2 and then move forward from there.

3 CHAIRMAN HOOD: Okay. Thank you. We have a
4 request from the Office of Planning to reopen the record. I
5 guess, first colleagues, we must decide the motion to reopen
6 the record before we can accept any revised application.
7 And let me just read the justification. I want to thank --
8 let me start off by thanking our counsel for helping us kind
9 of put this together as we move through this and deliberate
10 upon all the pertinent issues to get to where we need be or
11 wherever we may end up.

12 "Any supplemental material received by the
13 Commission after the close of the record that bears upon the
14 substance of the application or petition shall be returned
15 by the Director and not accepted into the files of the
16 Commission. But our regulations under Z § 602.6 also says,
17 "However, if the materials are accompanied by a supplemental
18 request, to reopen the record, the request shall be accepted
19 and presented to the Commission for consideration.

20 "Requests must demonstrate good cause and lack of
21 prejudice to any party. Such requests may be granted by the
22 presiding officer, and if granted, these supplemental
23 materials shall be entered into the record."

24 And then when I look at the justification -- and I
25 haven't -- I haven't made a decision yet, but I want us to

1 do this collectively. "The Office of Planning states that
2 its motion meets the criteria of Section Z § 602.6, because
3 it's for good cause and no party would be prejudiced as the
4 revised proposal responds to concerns and comments." And
5 I'm going to read this. "The revised proposal responds to
6 the concerns and comments from both the hearing and in the
7 case record, about the intensity of the proposed MU-10 zone
8 relative to the immediate adjacent RA-2 zone, and the
9 frontage along V Street, being designated neighborhood
10 conservation area on the generalized policy map."

11 As noted by Ms. Schellin, we did have some party
12 responses to OP's motion to reopen the record. There's
13 opposition filed by the Black Neighbors of 1617 U Street,
14 which alleges that OP failed to serve a copy on the Rochelle
15 Apartments, which was another party to the case.

16 Also alleges OP failed to serve OAG and Council
17 Member Bill -- who are -- who are not parties. And let me
18 take the latter first. OP and OAG -- I mean, OAG and
19 Council Member Nadeau are not parties. And there's no
20 requirement in our regulations for them to file to them.

21 And I do believe that the Black Neighbors are
22 correct in the service, but I think what was -- what
23 happened -- initially happened, and I thank the
24 investigative work of our council. What initially happened
25 is that the Rochelle Apartments was left off on the service,

1 but not left off in giving the material. And I think that
2 was corrected by the Office of Planning.

3 And then we had -- they also mentioned lack of
4 public engagement before the -- before the filing of the
5 motion. I think this was in direct response to -- direct
6 response to, as I said earlier, to what we've heard through
7 that hearing process.

8 Also, they mentioned the -- if this is a court of
9 law claim -- if this is a complaint in the Superior Court,
10 amending the complaint would require additional service
11 requirements. We actually don't follow everything like the
12 court of law. We are the Zoning Commission. We have our
13 set of rules and our title that we have to deal with. We
14 don't necessarily do everything that the courts do. And in
15 this case, I would not be advised to move in that direction.
16 And we don't do everything word for word in tandem with any
17 district court, United States courts, or any courts. We
18 just deal with the zoning regulations. So with that, they
19 also mentioned about the -- they mentioned about the
20 service.

21 I don't think I've left anything out, but I'll ask
22 my colleagues, if I did leave something out, let me know.
23 If not, let me hear from others on that. I am not inclined
24 -- I'm inclined to open the record, due to those facts that
25 I just stated, but let me hear from others. Vice Chairman

1 Miller?

2 VICE CHAIRMAN MILLER: Thank you, Mr. Chairman,
3 and thank you for that summary. Yes, I agree that the
4 revised proposal is responsive to concerns expressed in the
5 public hearing record, and I'm supportive of reopening the
6 record the submission for that submission to be accepted.

7 As you stated, both opposition parties --
8 opposition to the motion to reopen -- one by the Black
9 Neighbors of 1617 U and the other joint opposition by DuPont
10 Circle Citizens, Black Neighbors of 1617 U, and homeowners
11 within 200 feet -- both oppositions allege deficient service
12 because the original certificate of service omitted
13 mentioning the Rochelle Apartments, which is correct.

14 However, the Form 150 supplement that OP
15 subsequently filed on May 29th, yesterday, states that OP
16 did serve a copy on the Rochelle Apartments, but just had
17 omitted that fact in its original certificate of service.
18 So the Rochelle apartments did receive service of the
19 motion. It was only the certificate -- original certificate
20 of service that was deficient.

21 And as you indicated, the other service issues
22 raised by the parties in opposition are dealing with civil
23 litigation, Superior Court rules, which have -- is not the
24 case, what we're dealing with here. The joint opposition is
25 alleging that this is a new application. It is not. It's a

1 revised application.

2 And the joint opposition also alleged that OP did
3 not attach a Form 150, which was initially correct, but OP
4 corrected this error by subsequently filing the Form 150.
5 And that's admittedly after the fact, but that 150 form had
6 been filed, so that error has been corrected.

7 And again, as you've stated, both oppositions were
8 alleging a lack of community engagement before the request
9 of IOP, before its request to reopen the record and amend
10 its application. OP stated in its motion that it made its
11 request in response to comments made by the community at the
12 hearings in the case. So I'm not persuaded by the community
13 engagement argument, despite what failings there might have
14 been initially at the outset of this case before we even had
15 hearings, because I think this is this revised proposal is
16 responsive. There may have been that lack of engagement at
17 the outset, but OOT is attempting to correct that now by
18 responding to the input and I welcome that responsiveness.

19 I think I'll leave it at that and see if my other
20 colleagues have other comments that they would like to make
21 or you, Mr. Chairman. Thank you.

22 CHAIRPERSON HOOD: No, I think your comments and
23 my comments mirror each other, so let's see if anybody has
24 anything different. Commissioner Stidham?

25 COMMISSIONER STIDHAM: Thank you. I do not have

1 anything different and am open to -- I'm supportive of
2 opening the record.

3 CHAIRPERSON HOOD: Okay. And Commissioner
4 Imamura?

5 COMMISSIONER IMAMURA: I'm in agreement with you
6 and Vice Chair Miller, as well as Commissioner Stidham to --
7 I'm inclined to open the record. I always try to provide a
8 balanced view and take a close look at the party in
9 opposition here, but I'm not persuaded by their argument.
10 In fact, I think OP's additional efforts here should be sort
11 of welcomed and not punished. You know, their amended
12 application here is not a new application, to be very clear
13 about that, but a more narrow focus here on the issues. And
14 so, I'm inclined to open the record and take another look.

15 CHAIRPERSON HOOD: Okay. We can just -- we'll
16 just do that by general consensus, unless I hear any
17 objection that we will -- again, as stated, we don't find
18 the opposition arguments regarding service, lack of
19 engagement, prejudice, we don't find that persuasive, as
20 mentioned. I think, as noted, what's going on here should
21 be applauded, not punished. And by general consensus, I
22 believe we will open the record. Any objections?

23 (No response.)

24 CHAIRPERSON HOOD: Not seeing any, so Ms.
25 Schellin, we will open the record for the additional

1 submission, the supplemental submission, proposed by OP
2 after being -- after the hearing and hearing from those who
3 have basically helped formulate that through the hearing
4 process. I'll just leave it at that.

5 All right. Now, as we go into the substance of
6 what we had put out there before -- previously, I think it
7 was our May 9th meeting, we -- I think as this result, we
8 can lay out a process. But before we do that, I would like
9 to take off the table, at least -- one second. Okay. I
10 would like to take it off the table, rescind our vote to
11 hold the -- we need to state that we rescinded our vote on
12 May the 9th, to hold a hearing on all options presented by
13 OP. I think we mentioned about holding options. Due to
14 these latest developments, I'd like to take that off the
15 table.

16 Any objections? Any objections to the limited-
17 scope, hearing whatever that would have been at the time? I
18 think it was MU8, MU5, MU6-7, whatever. But I think -- but
19 for what we have now, and especially in response to what I
20 think the government and OP has heard from the public, I
21 think we can take that off the table. So I would move that
22 we, for now, take off the limited scope hearing that we were
23 proposing -- or that we had mentioned on May the 9th, and
24 ask for a second.

25 COMMISSIONER STIDHAM: Second.

1 CHAIRPERSON HOOD: It's been moved and properly
2 seconded. Any further discussion?

3 (No response.)

4 MS. SCHELLIN: Ms. Schellin, would you do a roll
5 call vote, please?

6 MS. SCHELLIN: Commissioner Hood?

7 CHAIRPERSON HOOD: Yes.

8 MS. SCHELLIN: Commissioner Stidham?

9 MS. SCHELLIN: Yes.

10 MS. SCHELLIN: Commissioner Imamura?

11 COMMISSIONER IMAMURA: Yes.

12 MS. SCHELLIN: Commissioner Miller?

13 VICE CHAIRPERSON MILLER: Yes.

14 MS. SCHELLIN: It's 4 to 0 to 1, to approve the
15 vote to rescind holding a limited scope hearing. The minus
16 one, being the third mayoral appointee seat which is vacant.
17 Thank you.

18 CHAIRPERSON HOOD: Okay. Now the path going
19 forward, we will set -- let's set a process and a timetable
20 so everyone, the public, OP, us, and everyone, we're all on
21 the same page in moving forward. What we're requesting is
22 submission from Office of Planning. The record is thin, but
23 submission from Office of Planning, provide an analysis for
24 why the revised proposal from MU-10 zone, with the retention
25 of MU-4 zone, is not inconsistent with the comprehensive

1 plan.

2 Then we will allow -- and I will ask Ms. Schellin
3 to work out timeframes -- we will ask for party responses to
4 OP's new -- this submission, not new -- but this additional
5 submission, because all that, as far as we're concerned, has
6 been discussed.

7 Again, we're going now from the proposal states
8 the MU-10 zone with retention of the MU-4 zone, which has
9 already been -- which already exists. While it's not
10 inconsistent with the comprehensive plan, I would ask all
11 parties to respond to OP's submission. Once these
12 submissions are in the record and have been reviewed, we
13 will consider the next steps at a future public meeting.

14 Once we, you know, we may have a hearing, we may
15 not have a hearing. That may be sufficient for us. I don't
16 know. So don't -- I probably shouldn't even say that
17 because I don't know what may happen after that. But we
18 will decide that at another future public meeting once that
19 is done. So let me ask my colleagues, do you have anything
20 else to add to this?

21 VICE CHAIRPERSON MILLER: Yes, Mr. Chairman.
22 Thank you. I think that process moving forward for now is
23 appropriate to receive a submission from OP providing
24 analysis for why the revised proposal MU10, with a greater
25 retention of the MU4 zone, is not inconsistent with the

1 comprehensive plan and getting party responses to that to OP
2 submission. And once we get those submissions from both the
3 applicant Office of Planning and the parties and opposition
4 and support, that we can -- we can review them and then
5 decide at a future meeting what -- how to proceed.

6 I would just add that as part of the OP
7 submission, written submission on why the revised proposal
8 is not inconsistent with the comprehensive plan, laying that
9 out in one document. If they could also include, if my
10 colleagues are in agreement, why that -- this revised
11 proposal is preferable to the original proposal they stated
12 in their meeting -- in their "reopen the record request" as
13 -- that they're responding to community concerns at the
14 public hearing.

15 But I think it would be helpful to have in --
16 again in one document, why this revised proposal is
17 preferable to their original proposal. And also why it's
18 preferable to the alternatives -- alternative zoning
19 possibilities presented by Office of Planning in our -- in
20 response to our request at the hearing to have a matrix --
21 to include a matrix, which they did provide at Exhibit 700.
22 And we got that last month, prior to our -- I think our last
23 hearing or prior to our -- well, we got it last month.

24 So why the -- this revised proposal is preferable
25 to the alternatives presented in that matrix that OP

1 provided of other zones that are less intense, but would
2 also be not inconsistent. That matrix showed the loss of
3 housing that would happen, particularly affordable housing.
4 So I think it's kind of clear on its face one of the reasons
5 why OP and others would think that this proposal might be
6 preferable to the alternatives.

7 But I think it just would, again, in one document,
8 hearing that justification from the applicant, Office of
9 Planning, would be helpful. And then getting party
10 responses to that, and then we can review that and decide
11 how to proceed from there would be a good way to go. So
12 thank you, Mr. Chairman. I think that's all I have for now.

13 CHAIRPERSON HOOD: Thank you. And I just want to
14 make a point. This information that the Vice Chair just
15 mentioned is not new. Nothing -- what he just asked for is
16 not new information.

17 VICE CHAIRPERSON MILLER: Right. We discussed it
18 at the (crosstalk) and we received that matrix, which the
19 other parties saw and have commented on, but I'd want
20 further comment on.

21 CHAIRPERSON HOOD: Right. I just want to put that
22 out there. It's not new because the letter will come in
23 tomorrow. If have new information, we have to have another
24 hearing. That is not the case. If another hearing is ever
25 warranted, we will do that, but right now we're not asking

1 anything new. And I'm saying that because I don't want
2 people to get confused. So I'm trying to bring this back
3 together so we can -- we don't have to always agree, but we
4 can move forward, fashionably and correctly.

5 Okay. Commissioner Stidham, anything to add?

6 COMMISSIONER STIDHAM: No, sir, nothing to add.

7 CHAIRPERSON HOOD: Okay. And - I was about to say
8 Vice Chair. Commissioner Imamura, you?

9 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
10 Vice Chair Miller does an admirable job, so I'd like to see
11 him stay as Vice Chair Miller. But I just wanted to comment
12 that I appreciate the added sort of request made by Vice
13 Chair Miller and support and align myself with his comments.

14 CHAIRPERSON HOOD: Thank you. Let me ask Mr.
15 Ritting, I think you've heard the discussion. Is -- that's
16 not considered new. Sometimes have to check myself, you
17 know. What Vice Chair Miller ask for, that's not considered
18 new, I don't believe. Is that a correct assessment or do
19 you need time to analyze that?

20 MR. RITTING: No, I don't -- I don't see any
21 reason why you can't go ahead with what you suggested, as
22 amended by Mr. Miller.

23 CHAIRPERSON HOOD: Okay. Okay.

24 MR. RITTING: Good course of action. I'm glad he
25 brought it up. Thank you Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you. I just wanted to
2 make sure. All right. So I think we've covered everything
3 on that case.

4 VICE CHAIRPERSON MILLER: We may need to set
5 dates.

6 CHAIRPERSON HOOD: Yeah. Ms. Schellin, do we --
7 do -- so let me ask this. Moving forward in that fashion,
8 I'm just going to -- can we do a general -- is that a
9 general consensus in the fashion as discussed? Any
10 objections?

11 (No response.)

12 CHAIRPERSON HOOD: So we'll just do that by
13 general consensus. Ms. Schellin, can you set the dates?

14 MS. SCHELLIN: Yes. So we give the applicant -- or the
15 petitioner -- let's see, this one is contesting -- the
16 applicant two weeks and then the parties get one week to
17 respond. So two weeks would be 3 p.m., by the end of June,
18 June 13th, for OP to provide what was requested. And we
19 will give all of the parties, including the ANC if they
20 choose to respond, until Friday the 21st, at 3 p.m. And
21 then we can put this on for June 27th.

22 Actually, Chairman Hood, I'd like to move this, if
23 it's okay, to the 7-11 meeting because I think 6-27 has
24 quite a bit on there. And also, with the parties' responses
25 not coming in until the 21st, I think that our attorneys are

1 going to need a little time to go through those responses in
2 order to provide -- to provide a report in time for the
3 meeting. That's not going to give them enough time. So,
4 we'll move this to July 11th meeting, at 4 p.m., for
5 consideration.

6 CHAIRPERSON HOOD: Okay.

7 MS. SCHELLIN: Thank you.

8 CHAIRPERSON HOOD: July 11th. Thank you, Ms.
9 Schellin.

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: Anything else on this, anybody?
12 Ms. Schellin, anybody on this?

13 MS. SCHELLIN: No.

14 Case No. 14-13F

15 CHAIRPERSON HOOD: Okay. All right, let's move to
16 Final Actions, Zoning Commission Case Number 14-13F, Office
17 of Planning Technical Corrections to Zoning Commission Order
18 Number 14-13E, re: Penthouse Regulations. And I know this -
19 - I believe this is our second final. And for reasons
20 obvious that we need to do this, this is -- we're doing
21 another final action. But I don't want to get into all the
22 nuances because maybe I don't -- can't remember all of them.
23 Ms. Schellin?

24 MS. SCHELLIN: Yes, sir. It is one of those
25 cases. It is a technical correction to a regulation, tech

1 amendment. And in the past, we didn't always have to do a
2 proposed rulemaking on a technical correction. It would
3 depend on who the attorney in the Office of Documents and
4 Administrative Issuance was. So this one and -- is
5 requiring that. So after you took final action, we were
6 told we needed to publish a proposed rulemaking, so we did
7 that. And so the 30 days are over, we've had no responses,
8 and so this is ready now for its actual real final action,
9 if the Commission would move forward with this.

10 CHAIRPERSON HOOD: Okay. I don't have anything
11 else to add to this case. I think it was pretty
12 straightforward and I am inclined to go ahead and move
13 forward this final action, but I'm gonna do it like this. I
14 would move that we take final action. I don't think I have
15 to say twice, but final action on Zoning Commission Case
16 Number 14-13F and ask for a second.

17 COMMISSIONER IMAMURA: Second.

18 CHAIRPERSON HOOD: Okay. Now, if you have any
19 discussion, any discussion from anybody on this?

20 (No response.)

21 CHAIRPERSON HOOD: Okay. Not hearing, Ms.
22 Schellin, you do a roll call, vote, please.

23 MS. SCHELLIN: Chairman Hood?

24 CHAIRPERSON HOOD: Yes.

25 MS. SCHELLIN: Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Miller?

3 VICE CHAIRPERSON MILLER: Yes.

4 MS. SCHELLIN: Commissioner Stidham?

5 COMMISSIONER STIDHAM: Yes.

6 MS. SCHELLIN: The vote's 4 to 0 to 1, to approve
7 final action in Case Number 14-13F, the minus 1 being the
8 third mayoral appointee seat, which is vacant. Thank you.

9 Case No. 86-04B

10 CHAIRPERSON HOOD: Okay. Our next case is Zoning
11 Commission Case Number 86-04B, Green-Harris, LLC - PUD
12 Modification of Significance at Square 1299. Ms. Schellin?

13 MS. SCHELLIN: Yes, sir. Since the -- you last
14 saw this case at Exhibits 39 through -- actually let's see --
15 - 39, 35 -- I'm sorry -- 35, 39, and 39A, the applicant
16 submitted its proposed proffers and conditions. Then they
17 submitted a draft order at Exhibit 40A, and some additional
18 post-hearing submissions at Exhibits 37. And then it was
19 sent over to NCPC and they submitted their report twice.
20 They're identical at Exhibits 36 and 38.

21 Now, what NCPC stated is that the proposed
22 Modification of Significance generally would not be
23 inconsistent with the federal elements of the comp plan for
24 the National Capital and would not adversely impact the --
25 any identified federal interest. And recommends, in bold,

1 that, "The applicant coordinate with the Department of Navy
2 regarding construction activities, to avoid any impacts to
3 the Naval Observatory operations or facilities. And that
4 the applicant continue coordination with the National Park
5 Services to minimize any potential impacts on adjacent
6 parkland, and to preserve the access to the White Haven
7 Trail during construction."

8 So other than that, it's ready for the Commission
9 to move forward with action.

10 CHAIRPERSON HOOD: Okay. Ms. Schellin, I think
11 you -- I dare not try to repeat all that, especially since
12 the federal interest has been waved and they've made their
13 request of what they would like to see and how they want
14 things done.

15 We do have one outstanding issue. It's the
16 parking. The applicant has requested to have the -- has
17 requested to have the flexibility to vary the number of
18 parking spaces by plus or minus 10 percent. As we know, our
19 Office of Planning thinks the number of parking spaces
20 should only be allowed to be decreased by 10 percent, but
21 not increased. They are -- even what's there now, they --
22 what's their proposed, they think that it's already
23 overparked.

24 I'll just tell you, I don't agree with that. But
25 I would rather leave it up to the applicant because I can

1 tell you, I've witnessed -- when you've been around a while,
2 I've witnessed a case that we thought was going to be
3 overparked. Now, I do have to put the caveat in. It was --
4 it was not overparked before COVID. Now, you might be able
5 to make the park -- the argument that maybe it's over-parked
6 now, but we may not always be where we are now.

7 So I would, in turn -- my proposal, I would agree
8 to leave it up to the applicant. They know whether they
9 have enough parking spaces or not, but that's just my
10 opinion. But let me hear from others. Commissioner
11 Imamura?

12 COMMISSIONER IMAMURA: I'm inclined to agree with
13 you on this and think that the applicant might have a better
14 handle on what their needs are. And we're talking only 10
15 percent, about 25 spaces, which is still under what the
16 existing garage has, by about 30 spaces. I certainly
17 appreciate OP and DDOT's position that it might be over-
18 parked. But again, I think this is a nominal, 25 spaces,
19 you know, and it may not even be up to 25 spaces. So, I'm
20 inclined to agree with you, Mr. Chairman, and allow the
21 applicant to make the best decision for this particular
22 project to make it successful.

23 CHAIRPERSON HOOD: Thank you. Commissioner
24 Stidham?

25 COMMISSIONER STIDHAM: I am also in agreement that

1 the applicant is in the best position to make a
2 determination on the necessary parking.

3 CHAIRPERSON HOOD: And Vice Chairman Miller?

4 VICE CHAIRPERSON MILLER: I agree with my
5 colleague's analysis and just would note that the 10 percent
6 flexibility up or down on the parking is a standard
7 flexibility that we usually put in all these types of
8 orders. So I think it's appropriate here. Thank you.

9 CHAIRPERSON HOOD: Okay. With everything we
10 discussed, I think we're ready to move forward. Would
11 someone like to make a motion?

12 COMMISSIONER IMAMURA: I'll make a motion.

13 CHAIRPERSON HOOD: Sure.

14 COMMISSIONER IMAMURA: I move that the Zoning
15 Commission take final action on Zoning Case Number 86-04B,
16 Green Harris, LLC - PUD Modification of Significance, 2001
17 Wisconsin Avenue NW and 3300 White Haven St NW, Square 1299,
18 Lot 328. I ask for a second.

19 CHAIRPERSON HOOD: I'll second it. It's been
20 moved and prompted second. Any further discussion?

21 VICE CHAIRPERSON MILLER: I would just note, Mr.
22 Chairman, that -- just to reiterate what we said at proposed
23 action, that the -- that the project's PUD benefits and
24 amenities outweigh any potential adverse impacts and the
25 requested relief that's being provided in this case. And

1 I'm prepared to support on this vote.

2 CHAIRPERSON HOOD: Okay. Any further discussion?

3 COMMISSIONER IMAMURA: I welcome Vice Chair
4 Miller's friendly amendment.

5 CHAIRPERSON HOOD: All right. Okay. Ms.
6 Schellin, would you do a roll call vote, please?

7 MS. SCHELLIN: Yes, sir. Commissioner Imamura?

8 COMMISSIONER IMAMURA: Yes.

9 MS. SCHELLIN: Commissioner Hood?

10 CHAIRPERSON HOOD: Yes.

11 MS. SCHELLIN: Commissioner Miller?

12 VICE CHAIRPERSON MILLER: Yes.

13 MS. SCHELLIN: Commissioner Stidham?

14 COMMISSIONER STIDHAM: Yes.

15 CHAIRPERSON HOOD: The vote is 4 to 0 to 1, to
16 approve final action in Zoning Commission Case No. 86-04B,
17 as discussed on the dais this evening, the minus one being
18 the third mayoral appointee seat, which is vacant. Thank
19 you.

20 Case No. 20-30A

21 CHAIRPERSON HOOD: Okay, thank you. All right,
22 let's move to -- I think we have time extensions, Zoning
23 Commission Case Number 20-30A, Ingram Texas Partners, LLC -
24 Two-year Time Extension of D-8 Special Exception at Square
25 325 and 326. Ms. Schellin?

1 MS. SCHELLIN: Yes, sir. This is a request for a
2 two-year extension of the deadline to file the building
3 permit application on an approved mandatory special
4 exception in the D-8 zone, until May 6, 2026, and to begin
5 construction by May 6, 2027. The applicant's justification
6 for the extension, they stated that since June 2022, the
7 applicant's been involved in a dispute, including
8 litigation, with the adjacent property owner regarding use
9 of an easement benefiting the applicant's property. So the
10 dispute adversely affected the applicant's ability to obtain
11 a building permit application.

12 And in addition, the applicant has had to change
13 some structural elements, including reverting to an all-
14 steel building, which were requested by WMATA because the
15 project is above a WMATA substation. And this change
16 required the original plans to be modified, adding time to
17 the process.

18 All the parties were served -- actually only the
19 ANC 6-D. They were the only party. They have provided a
20 response at Exhibit 5, voted 6-0, to support the requested
21 time extension. OP filed the report at Exhibit 4,
22 recommending approval, and they feel this would not affect -
23 - materially impact the Commission's original approval. So
24 this is ready for the Commission to move forward and leave
25 it to the Commission.

1 CHAIRPERSON HOOD: Okay. You heard the
2 introduction by Ms. Schellin of this particular case. So
3 with that, I would move that we approve Zoning Commission
4 Case number 20-30A and ask for a second.

5 COMMISSIONER STIDHAM: Second.

6 CHAIRPERSON HOOD: Moved and properly seconded.
7 Any further discussion?

8 (No response.)

9 CHAIRPERSON HOOD: So we will move according as
10 noted and requested. Ms. Schellin, would you do a roll call
11 vote, please?

12 MS. SCHELLIN: Commissioner Hood?

13 CHAIRPERSON HOOD: Yes.

14 CHAIRPERSON HOOD: Commissioner Miller?

15 VICE CHAIRPERSON MILLER: Yes.

16 MS. SCHELLIN: Commissioner Imamura?

17 COMMISSIONER IMAMURA: Yes.

18 MS. SCHELLIN: Commissioner Stidham?

19 COMMISSIONER STIDHAM: Yes.

20 MS. SCHELLIN: The vote is 4 to 0 to 1, to approve
21 final action, Zoning Commission Case Number 20-30A, the
22 minus one, being the third mayoral appointee seat, which is
23 vacant.

24 //

25 //

1 Case No. 20-28A

2 CHAIRPERSON HOOD: Commission Case Number 20-28A,
3 FC 110 N Street, LLC (on behalf of GSA) - Two-Year Design
4 Review Time Extension at Square 743. Ms. Schellin?

5 MS. SCHELLIN: Yes, sir. As you stated, this is a
6 request for a two-year extension to begin construction on an
7 approved design review project until May 21, 2026. Their
8 justification for an extension is that the applicant has had
9 difficulty obtaining a tenant and financing for the project,
10 due to the escalation of construction costs, interest rates,
11 paired with the reduced demand and increased supply for
12 office space.

13 The applicant remains committed to moving forward
14 with the proposed office use for the project and has
15 expended \$6 million on the advanced design, permitting, and
16 leasing efforts to date, as detailed in the affidavit that
17 was attached to their application.

18 Service was made on the parties, ANC 8-F, the
19 only party to the original proceeding. And -- I'm sorry --
20 the only other party. 6-D originally was the original ANC
21 but then redistricting it moved to 8-F. And out of the
22 abundance of caution, the applicant just served both of
23 them. And OP filed a report recommending approval at
24 Exhibit 5. Again, no substantial changes or material
25 impacts from this to your original approval for OP. It's

1 | been more than 30 days since the party has been served, so
2 | if the Commission decides to move forward, it can definitely
3 | do so.

4 | CHAIRPERSON HOOD: Thank you.

5 | CHAIRPERSON HOOD: Thank you, Ms. Schellin. I
6 | don't think we have anything to add, unless my colleagues
7 | do. If not -- if you have something to add, you can mention
8 | it now. But if not, I would like to obtain a motion -- or
9 | if you have something to add -- but would somebody like to
10 | make a motion or something to add?

11 | COMMISSIONER STIDHAM: I can, Mr. Chairman. So
12 | I'd like to move that Zoning Case Number 20-28A, FC 110
13 | North Street, LLC (on behalf of GSA) - two-year design
14 | review extension at Square 743.

15 | CHAIRPERSON HOOD: Okay, I'll second that. It's
16 | been moved and properly seconded. Any further discussion?

17 | (No response.)

18 | CHAIRPERSON HOOD: Not hearing, Ms. Schellin, why
19 | don't you do a roll call vote, please?

20 | MS. SCHELLIN: Yes. Commissioner Stidham?

21 | COMMISSIONER STIDHAM: Yes.

22 | CHAIRPERSON HOOD: Commissioner Hood?

23 | CHAIRPERSON HOOD: Yes.

24 | MS. SCHELLIN: Commissioner Imamura?

25 | COMMISSIONER IMAMURA: Yes.

1 MS. SCHELLIN: Commissioner Miller?

2 VICE CHAIRPERSON MILLER: Yes.

3 MS. SCHELLIN: The vote is 4 to 0 to 1, to approve
4 final action in Zoning Commission Case Number 20-28A, the
5 minus one being the third mayoral appointee seat, which is
6 vacant. Thank you.

7 CHAIRPERSON HOOD: Thank you. I was just sitting
8 there thinking, if we ever went back in person, I wouldn't
9 know how to do "all in favor votes" anymore. I would be
10 looking for roll call votes. Okay. All right. That was a
11 side note. Okay, I need to stay focused.

12 Case No. 12-14E

13 CHAIRPERSON HOOD: All right. Zoning Commission
14 Case Number 12-14E, 3rd and M, LLC; 3rd and K, LLC; and Park
15 Inn Associates, LP - Two-Year PUD Time Extension at Square
16 542. And, Ms. Schellin, I believe we have a waiver request
17 as well?

18 MS. SCHELLIN: Yes. So before we go into the time
19 extension request, I just want to say, as you just stated,
20 there is a waiver request, which the Commission could do
21 this all in one vote, so I won't go through all of it if
22 it's okay. The waiver request is a waiver from the
23 requirements of Subtitle Z § 705.5, which allows no more
24 than two time extension requests for an approved PUD and
25 limits the second one for no more than one year.

1 They are requesting a two-year extension, so, that
2 is what they're asking a waiver from. And this is to be
3 able to file their building permit application for the
4 second phase of an approved PUD until April 17, 2026, and to
5 begin construction by April 27, 2028. The justification
6 from the applicant is that they have been unable to obtain
7 funding due to a combination of rising vacancy rates,
8 increased construction costs, and a hostile lending
9 environment.

10 So this case had an OP report at Exhibit 6, where
11 OP recommended approval. Once again, they stated that there
12 have been no substantial changes to the comp plan or the
13 regulations that would materially impact the Commission's
14 original approval.

15 As of today, no report from ANC 6-D or parties,
16 Carrollsborg A Condominium or Waterfront Tower condominium.
17 However, the requisite 30-day period has expired for them to
18 provide responses, so this is ready also for the Commission
19 to consider final action if it chooses to do so. Thank you.

20 CHAIRPERSON HOOD: Thank you again, Ms. Schellin,
21 for teeing that up. Any objections to the waiver request to
22 allow a second time extension?

23 (No response.)

24 CHAIRPERSON HOOD: No objections, so we will grant
25 their waiver request. I think without repeating everything

1 that Ms. Schellin just mentioned, the analysis of why they
2 need that request I think has been mentioned in their -- in
3 their submissions. And a hostile -- what was it? Hostile
4 financial environment or a hostile financing environment.
5 I've never heard of it.

6 MS. SCHELLIN: Lending.

7 CHAIRPERSON HOOD: I've never heard it put that
8 way. Maybe I've felt it, but I've never heard it put that
9 way. All right. Let's see. Anybody have anything else to
10 add? If not, they can make a motion.

11 COMMISSIONER IMAMURA: I'll make the motion.

12 CHAIRPERSON HOOD: Thank you.

13 COMMISSIONER IMAMURA: So I move that the Zoning
14 Commission grant the time extension and waiver for Zoning
15 Case Number 12-14E, 3rd and M, LLC; 3rd and K, LLC; and Park
16 Inn Associates LP - two-year HUD time extension at Square
17 542. I ask for a second.

18 COMMISSIONER STIDHAM: Second.

19 CHAIRPERSON HOOD: Thank you. Everybody's waiting
20 on somebody to second it. All right, so it's been moved and
21 properly seconded. Any further discussion?

22 (No response.)

23 CHAIRPERSON HOOD: Ms. Schellin, could you do a
24 roll call vote, please?

25 MS. SCHELLIN: Yes. Commissioner Imamura?

1 COMMISSIONER IMAMURA: Yes.

2 MS. SCHELLIN: Commissioner Stidham?

3 COMMISSIONER STIDHAM: Yes.

4 MS. SCHELLIN: Commissioner Hood?

5 MS. SCHELLIN: Yes.

6 MS. SCHELLIN: Commissioner Miller?

7 VICE CHAIRPERSON MILLER: Yes.

8 MS. SCHELLIN: The vote is 4 to 0 to 1 to approve
9 final action, Zoning Commission Case Number 12-14E, the
10 minus one being the third mayoral appointee seat, which is
11 vacant.

12 CHAIRPERSON HOOD: Okay. Ms. Schellin --

13 MS. SCHELLIN: Hey, Archie.

14 CHAIRPERSON HOOD: Do we -- hey, Archie. I knew
15 you were here and I needed you for about an hour. I'll
16 probably need you Monday, too, so come over here Monday
17 instead of over there. All right. How are you?

18 VICE CHAIRPERSON MILLER: Do you have anything to
19 say?

20 ARCHIE: Hi.

21 CHAIRPERSON HOOD: Hi. How are you? We're
22 getting ready to get off of here so Granddad can spoil you.
23 All right. All right. So the Zoning Commission will meet -
24 - Ms. Schellin, do we have anything else

25 MS. SCHELLIN: Nothing else.

1 CHAIRPERSON HOOD: The Zoning Commission will meet
2 again June the 3rd, 2024. Our case is Morningstar Community
3 Development. And I also want to thank our Office of Zoning
4 and Legal Division and everyone for always helping make sure
5 that we have our stuff in order for these cases, and I mean
6 our staff, the OoZ, everybody. So if I left you out,
7 forgive me, but you're included in that.

8 Okay, with that, this meeting is adjourned. Thank
9 you all. See you later, Archie.

10 VICE CHAIRPERSON MILLER: Bye. Thank you.

11 MS. SCHELLIN: Bye, Archie.

12 VICE CHAIRPERSON MILLER: Say bye.

13 ARCHIE: Bye.

14 (Whereupon, the meeting was adjourned at 4:52
15 p.m.)

16 * * * * *

17

18

19

20

21

22

23

24

25

REPORTER CERTIFICATE

This is to certify that the foregoing transcript
In the matter of: Public Meeting
Before: DCZC
Date: 5-30-2024
Place: Virtual Public Meeting
was duly recorded and accurately transcribed under my
direction; further, that said transcript is a true and
accurate record of the proceedings.

Lisa M. Sirard

Reporter Name