

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETING

+ + + + +

THURSDAY

OCTOBER 10, 2024

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The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via Webex videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. MILLER, Vice Chair
GWEN WRIGHT, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE
DENNIS LIU, ESQUIRE
JACOB RITTING, ESQUIRE

The transcript constitutes the minutes from the Regular Public Meeting held on October 10, 2024.

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1	T-A-B-L-E O-F C-O-N-T-E-N-T-S	
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1 P-R-O-C-E-E-D-I-N-G-S

2 (4:00 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. We are convening and broadcasting this public meeting
5 by videoconferencing. My name is Anthony Hood. Joining this
6 evening are Vice Chair Miller, Commissioner Stidham, and we also
7 want to welcome our newest colleague, Commissioner Wright. She
8 comes with a lot of expertise. Looking forward to working with
9 her. And let me just ask, Commissioner, you have anything you
10 want to say to start off with?

11 COMMISSIONER WRIGHT: Just that I am thrilled to be a
12 member of this group and to help in the important work that the
13 Zoning Commission does. I am going to have a bit of a learning
14 curve. I've worked in the region, but not in the District of
15 Columbia, so I'm going to spend some time listening and absorbing
16 and learning from my colleagues. So thank you so much for
17 welcoming me so warmly, and I will -- I will look forward to
18 getting really actively involved in the Commission.

19 CHAIRPERSON HOOD: And, again, Commissioner Wright,
20 glad to have you on board. Also this evening, Commissioner
21 Imamura will not be joining us. We are also joined by Office of
22 Zoning staff, Ms. Sharon Schellin, and Mr. Paul Young, who will
23 be handling all of our virtual operations, as well as our Office
24 of Zoning Legal Division, Ms. Hillary Lovick, Mr. Dennis Liu, and
25 Mr. Jacob Ritting. I will ask all others to introduce themselves

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1 at the appropriate time. Copies of today's meeting agenda are
2 available on the Office of Zoning's website.

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

9 For hearing action items, the only documents before us
10 this evening are the application, the ANC Setdown Report, and the
11 Office of Planning Report. All other documents in the record
12 will be reviewed at the time of the hearing. I believe this
13 evening we don't have any hearing action items. Again, we do
14 not take any public testimony at our meetings unless the
15 Commission requests someone to speak or to come forward.

16 If you're experiencing difficulty accessing Webex or
17 with your phone call-in, then please call our OZ Hotline number
18 at 202-727-0789 for the Webex log-in or call-in instructions. At
19 this time, does the staff have any preliminary matters?

20 MS. SCHELLIN: No, sir.

21 CHAIRPERSON HOOD: So I do have a preliminary matter.
22 I would like to move and deal with the proposed action item first.
23 Ms. Schellin, if you can call the proposed action item first
24 please.

25 MS. SCHELLIN: Yes, sir. Let me switch screens real

1 quick. That is Zoning Commission Case Number 23-29, Martins
2 View, LLC, Consolidated PUD and Related Map Amendment at Parcel
3 252/82, 83, 92, and 86. This case had a hearing on July 22nd.
4 The Commission left the record open for various documents. And
5 since then you have, at Exhibit 36, a submission from Sheila
6 Bunn, and ANC 8D made submissions at -- I'm sorry -- and then a
7 written submission from Anna Hamilton at Exhibit 38. ANC 8D
8 submitted a report at Exhibit 37, and an e-mail attachment at
9 Exhibit 41. The applicant made a post-hearing submission at
10 Exhibit 40. And then at Exhibit 48, that's also part of that,
11 40-D.

12 Exhibit 43 is from the applicant regarding the outcome
13 of the meeting they had with the people that the Commission
14 directed them to meet with. Exhibit 42 is an update from
15 Frederick Nelson. He was one of those the Commission asked the
16 applicant to meet with. Exhibit 44 from Ms. Hamilton on the
17 result of the post-hearing talk; she was also one. Then BNCA,
18 Exhibit 45, submitted some supplemental post-hearing statements
19 raising some additional issues. That was -- they all did a
20 planning session and they submitted some submissions at
21 Exhibit -- earlier at Exhibit 35 and 37. And so the applicant
22 responded to their submission at Exhibit 47, requesting that the
23 Commission strike BNCA's submission because it was unresponsive
24 to what the Commission asked them to actually file, which was
25 just a follow-up to the meeting with ANC -- I'm sorry -- with the

1 applicant, and this went above and beyond that. And if the
2 Commission was going to allow it in the record, then they filed
3 a response thereto. And I believe the applicant's draft findings,
4 facts, conclusions of law at Exhibit 46, and I believe that's it.
5 The motion to strike is at Exhibit 47, and that's with regard to
6 Exhibit 45. I think -- I believe that's it. Ready to turn it
7 over to you.

8 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin for
9 recapturing and letting us know everything that we have received.
10 And, again, our newest Commissioner, Commissioner Wright, will
11 not be participating in this case, because she was not on the
12 Commission at the time, so we're going to try to move forward.

13 I'm going to postpone proceedings and deliberations
14 with this case today, but I do want to kind of clear the box out
15 and try to straighten some things out that can get this record
16 very confusing. And I would hope Commissioner Stidham -- and I'm
17 going to say some things, but I want to make sure Commissioner
18 Stidham and Commissioner -- Vice Chair Miller agree with me.

19 I am going to ask staff to send back everything that
20 we didn't ask for. I also want to send back the applicant's
21 response to striking the motion. I want to send all -- everything
22 back. That's not what we asked for. What I would like -- and
23 I'm going to leave it up to staff to figure out what we asked
24 for and what we didn't, and if anybody in the BNCA has any
25 questions about what we asked for or Ms. Hamilton or anybody that

1 has questions, check with our staff. We didn't ask for all this
2 extra information, so there's no need for the extra information,
3 and there's no need for the applicant to send something to strike
4 the motion, 'cause I don't think this Commission -- we don't have
5 time to deal with stuff that we didn't ask for. We already have
6 a complete record. What we asked for was a status of what we
7 asked for, so I'll leave it at that. Let me ask Commissioner
8 Stidham, do you have any other things or do you disagree with
9 that format?

10 COMMISSIONER STIDHAM: I am good with both of those.

11 CHAIRPERSON HOOD: And Vice Chair Miller?

12 VICE CHAIR MILLER: Thank you, Mr. Chairman. Let me
13 take this opportunity first to also welcome Commissioner Wright
14 to the Zoning Commission. We've waited awhile for a great nominee
15 to be named by the Mayor and confirmed by the Council, and we're
16 very pleased that you are joining us with your expertise. And
17 we continue to listen and learn after many years of being on the
18 Zoning Commission, and so we're looking forward to listening and
19 learning from you and all of your experience in another
20 jurisdiction, but very valuable experience. That having been
21 said, I wish you were on this case, 'cause a lot issues have been
22 raised.

23 Mr. Chairman, I generally don't -- I'm generally
24 inclined not to strike things from the record or not want to
25 exclude things. Let me put it that way. I'm generally not in

1 favor of excluding things from the record. I think we're capable
2 of evaluating what's in our record and giving whatever weight,
3 if we think it's appropriate. If it's an ANC properly noticed
4 and filed report, we give it the great weight that it deserves,
5 but I generally -- I'm willing to defer to your judgment as Chair
6 as to -- as to how you want to proceed, but I'm comfortable with
7 what's in the -- in the record, even though there's opposition
8 testimony continuing. I appreciate all of the parties -- or all
9 of the participants at the last hearing and the ANC continuing
10 to work on this case and continuing to have dialogue and to try
11 to work out and try to close the gap that may have existed between
12 the applicant and the opposition testimony. So I do appreciate
13 the applicant and the ANC and the Community -- Bellevue Community
14 Association having that dialogue. I'm sorry that an agreement
15 hasn't yet been reached.

16 I'll defer to your judgement as to how to proceed
17 procedurally, Mr. Chairman, if that's the question, and I think
18 we would benefit from having Commissioner Imamura here, who heard
19 the whole hearing, so I do agree that we should postpone. That
20 I think was your main question. So should we postpone? Yes, I
21 think we should postpone until Commissioner Imamura is able to
22 rejoin us.

23 CHAIRPERSON HOOD: Thank you, Vice Chair. But let me
24 just say a few things. It's not the ANC. We have the ANC. There
25 were specific things that we asked for, and, unfortunately,

1 BNCA -- and BNCA's still going to submit the status of their
2 meeting -- the meetings that were had, what we asked for. The
3 problem is there was so much other stuff that's been submitted,
4 which then caused another motion for us to strike, which then
5 caused -- so basically what I'm trying to do, Vice Chair, is
6 clean up -- clean up the file, clean up the record. That's all
7 I'm trying to do. I'm trying to clean the record up for the
8 stuff we've asked for, and if they ascertain or if they present
9 the stuff that we asked for, I think we wouldn't have all these
10 motions. We should not have all these motions.

11 Not only am I sending -- want to send back what BNCA
12 sent us, which I won't -- should be very detailed, because we
13 specifically asked for it; I'm sending back what the applicant
14 sent us responding to all that stuff, because that was not --
15 that had no place in the hearing. We did not hear that legally,
16 in a legal setting, but then I hear it -- and here's the biggest
17 part; the record was closed. So I'm trying to bring back some
18 sanity to this case. That's all I'm trying to do. So unless
19 you have anything else to add, that's how we'll do it.

20 Ms. Schellin, would you work with -- and here's the
21 other thing. I understand BNCA does not do this all the time,
22 and when I read the applicant's record -- and I know the counsel
23 for the applicant; they do this all the time. So if I sat and
24 assisted, not necessarily give them things, kind of direct them
25 to a point, but the thing is, I found that letter to be very

1 | tough on a group of people who don't do zoning all the time. So
2 | let's clean the slate.

3 | Again, Vice Chair, as you mentioned, that stuff is
4 | still in the record, but the stuff that we -- some of it we've
5 | already heard, some of it was new, and it needs to be pertaining
6 | to zoning. That's the way I read it. So let's clean that up,
7 | let's come back at the time -- Ms. Schellin's going to provide
8 | us with some dates. We will have four members at that time, so
9 | if there are any questions of what this Commission has done,
10 | please work with our staff so we can have a clean record and make
11 | an informed and good decision for the best interest of everyone
12 | involved. Ms. Schelling, could you give us some dates please?

13 | MS. SCHELLIN: If I'm understanding staff -- what staff
14 | is supposed to do, we will remove the submission from BNCA so
15 | that they can revise it to only include a report on the meeting
16 | they had with the applicant, and I'm also going to remove from
17 | the record the applicant's response to BNCA's submission, since
18 | there's nothing for them to respond to, and BNCA can revise their
19 | submission to remove all of the extra stuff, which shouldn't take
20 | very long, since they already have that and they just need to
21 | delete stuff. So we can give them until -- since Monday's a
22 | holiday, how about Tuesday, three o'clock p.m. That's the 15th.
23 | And if the applicant chooses to respond to what they submit, they
24 | could submit that by Friday, the 19th. Those are the only two
25 | submissions we're looking for. And then we can put this on the

1 agenda for the 24th.

2 CHAIRPERSON HOOD: So Friday is the 18th.

3 MS. SCHELLIN: Is Friday the 18th? I'm sorry, the
4 18th.

5 CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: I must be jumping to my cruising day.

7 CHAIRPERSON HOOD: So let me ask this, Ms. Schellin.
8 So we can give them until Tuesday, Monday being a holiday.

9 MS. SCHELLIN: Correct.

10 CHAIRPERSON HOOD: Okay. So that way, we'll take it
11 up again on the 24th.

12 MS. SCHELLIN: Right.

13 CHAIRPERSON HOOD: And everybody will be -- okay.

14 MS. SCHELLIN: Uh-huh.

15 CHAIRPERSON HOOD: All right. So unless I hear anything
16 else, that's the way we'll move on that. I'm just trying to
17 clean the record up. That's all. There's quite a bit there that
18 we didn't ask for. Typically, we don't -- and I get what you're
19 saying, Vice Chair, but this one here caused another -- it's like
20 a snowball effect, and that's what we were getting ready to get.
21 Okay. All right. So let's go back with the agenda, as captioned.
22 I used to could see small print, but things are changing. All
23 right. Okay. Let's go to time extensions on Commission Case
24 Number 22-28A, 11 South Capital, LLC, Design Review Two-Year Time
25 Extension at Square 698, Ms. Schellin.

1 MS. SCHELLIN: Yes. So this is a request for a two-
2 year time extension to file a building permit application, which
3 would extend that to February 17th, 2027, and that would allow
4 for building construction by February 17th, 2028. And the
5 applicant has stated they haven't been able to obtain financing
6 to move forward with construction because of the real estate
7 market impacts and challenges, including things like high
8 construction costs, tightened credit, increased borrowing costs,
9 and just a weak lending market.

10 The OP Report at Exhibit 4 recommends approval. ANC
11 6D and 8F have not submitted a response. And I gave you both of
12 those ANCs because when this PUD was initially filed, it was
13 located in 6D, and 8F is now the affected ANC, and they just
14 served both. The 30-day requisite notice period has expired for
15 them to respond, and so the Commission, if they'd like to do so,
16 they can proceed with final action on this case. Thank you.

17 CHAIRPERSON HOOD: Thank you, Ms. Schellin and to the
18 legal team for teeing all this up. And one thing I've noticed,
19 and I probably have never said this, is that when the ANCs change
20 boundaries and the cases overlap, our office -- the Office of
21 Zoning has been very capable and able of making sure that that
22 requirement is satisfied when the ANCs change, so hats off. Pass
23 on our thank you for making sure that we stay intact and make
24 sure we keep all the ANCs in line for -- we'll make sure they
25 get their information. So I appreciate that. And I noticed --

1 I didn't say anything, but once before we had that, the ANC had
2 moved 6D and 8F, another ANC had done that, but I think that's a
3 major milestone, a major accomplishment in our office, and I
4 wanted to cite that. So let's see if we have any follow-up
5 questions or comments on this action. I have no issues. I think
6 it warrants it, but let me hear from Vice Chair Miller.

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I agree
8 that the applicant has demonstrated good cause, which the Office
9 of Planning also agrees with, so I'm prepared to move forward
10 tonight.

11 CHAIRPERSON HOOD: Okay. Commissioner Stidham.

12 COMMISSIONER STIDHAM: I also agree. I think they've
13 met the need for the time extension, and I'm prepared to support
14 as well.

15 CHAIRPERSON HOOD: And Commissioner Wright, any
16 comments?

17 COMMISSIONER WRIGHT: I agree, and I think this is the
18 appropriate action.

19 CHAIRPERSON HOOD: All right. So would somebody like
20 to make a motion?

21 COMMISSIONER STIDHAM: I'd be happy to.

22 CHAIRPERSON HOOD: Thank you.

23 COMMISSIONER STIDHAM: I would like to move for the
24 timing extension for Zoning Case Number 22-28A, 11 South Capital,
25 LLC, Design Review Two-Year Time Extension at Square 698.

1 VICE CHAIR MILLER: I'll second that.

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

4 (No response.)

5 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
6 you do a roll call vote please?

7 MS. SCHELLIN: Commissioner Stidham.

8 COMMISSIONER STIDHAM: Yes.

9 MS. SCHELLIN: Commissioner Miller.

10 VICE CHAIR MILLER: Yes.

11 MS. SCHELLIN: Commissioner Hood.

12 CHAIRPERSON HOOD: Yes.

13 MS. SCHELLIN: Commissioner Wright.

14 COMMISSIONER WRIGHT: Yes.

15 MS. SCHELLIN: The minus one -- the vote -- I'm
16 sorry -- is four to zero to one to approve final action on Zoning
17 Commission Case Number 22-28A, the minus one being Commissioner
18 Imamura, not present, not voting. Thank you.

19 CHAIRPERSON HOOD: I think our last action for this
20 evening, Zoning Commission Case Number 20-09A, Wagner, LLC, Two-
21 Year PUD Time Extension at Square 5740. Ms. Schellin.

22 MS. SCHELLIN: Yes, sir. Again, a two-year time
23 extension, which would validate -- or I'm sorry -- extend this
24 one for construction to begin by October 29, 2026. And, in this
25 case, we have the applicant unable to obtain financing. However,

1 all necessary financing has been finalized as of May this year,
2 and they expect to close on the financing by the first quarter
3 of 2025. OP has submitted a report at Exhibit 6 recommending
4 approval, and as of today ANC 8B has not submitted a report, but,
5 again, the requisite 30 days to respond has passed, so the
6 Commission can proceed with final action on this case, if it
7 chooses to do so. Thank you.

8 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Again, I
9 think this applicant is well underway. They have some things in
10 the pipeline. Hopefully, that works out for them. We wish them
11 the best of luck, so they can get their financing and move forward
12 with the project. So let's see if we have any other questions
13 or comments. Vice Chair Miller.

14 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
15 agree that the applicant has taken numerous actions to obtain the
16 necessary financing for this all-affordable senior housing
17 project in Ward 8 with 67 units. It requires a substantial amount
18 of District and federal subsidies, and they seem to have -- be
19 very close to getting their financing, which we're pleased to
20 see, since it is an all-affordable senior project, and hopefully,
21 with this time extension they'll be able to proceed with the
22 building permit and construction. Thank you.

23 CHAIRPERSON HOOD: Okay. Commissioner Stidham.

24 COMMISSIONER STIDHAM: Oh, I have nothing further to
25 add. Why I can't speak tonight, I have no idea, but I agree with

1 everything Commissioner Miller just stated, and prepared to
2 support.

3 CHAIRPERSON HOOD: Sounds good. Commissioner Wright.

4 COMMISSIONER WRIGHT: I agree. It sounds like a very
5 important and excellent project, and I agree with the extension.

6 CHAIRPERSON HOOD: Okay. Sounds good. Thank you.
7 Would somebody like to make a motion?

8 COMMISSIONER STIDHAM: I can do this one as well. I
9 propose a motion to support a time extension for Zoning Case
10 Number 20-09A, Wagner, LLC, Two-Year PUD Time Extension at Square
11 5740.

12 CHAIRPERSON HOOD: I'll second it. It's been moved and
13 properly seconded. Any further discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
16 you do a roll call vote please?

17 MS. SCHELLIN: I didn't catch who seconded that.

18 CHAIRPERSON HOOD: I seconded.

19 MS. SCHELLIN: You did. Okay.

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Commissioner Stidham.

22 COMMISSIONER STIDHAM: Yes.

23 MS. SCHELLIN: Commissioner Hood.

24 CHAIRPERSON HOOD: Yes.

25 MS. SCHELLIN: Commissioner Wright.

1 COMMISSIONER WRIGHT: Yes.

2 MS. SCHELLIN: Commissioner Miller.

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: The vote is four to zero to one to
5 approve final action on Zoning Commission Case Number 20-09A, the
6 minus one being Commissioner Imamura, who is not present and not
7 voting.

8 CHAIRPERSON HOOD: Do we have anything else before us,
9 Ms. Schellin?

10 MS. SCHELLIN: I have nothing.

11 CHAIRPERSON HOOD: So, Ms. Schellin, let me ask this
12 question. Didn't we postpone the Wesley Theological Seminary or
13 did I -- did we postpone it to the 17th?

14 MS. SCHELLIN: I'm sorry. Which one?

15 CHAIRPERSON HOOD: The one for -- the case for -- we
16 don't have no case Monday. Wait a minute. I'm -- what is the
17 17th?

18 MS. SCHELLIN: Not unless you want to come alone.

19 CHAIRPERSON HOOD: Okay, the 17th. The 17th is next
20 Thursday.

21 MS. SCHELLIN: The 17th was the Wesley University, and
22 you're right, they asked for a postponement, which was granted,
23 and that has been postponed to I want to say November 18th.

24 CHAIRPERSON HOOD: Okay. So it looks like our next
25 case is going to be October the 21st. Okay. All right. Zoning

1 Commission Case Number 24-08, FC Lumber Shed, LLC, and we'll be
2 on the same platform at four p.m. So, with that, I want to thank
3 everyone for their participation and, again, welcome our newest
4 Commissioner. Commissioner Wright, we're going to be calling you
5 "new" only the first meeting, so after today, the green part is
6 gone. Anyway, with that, again, welcome, and, with that, this
7 meeting is adjourned. Good night. Thanks, everybody.

8 (Whereupon, the above-entitled matter went off the
9 record at 4:26 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC Zoning Commission

Date: 10-10-24

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah B. Gauthier