

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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Monday,
March 17, 2003

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Commissioner
JAMES HANNAHAM	Commissioner
PETER MAY	Commissioner
JOHN PARSONS	Commissioner

COMMISSION STAFF PRESENT:

Alberto Bastida
Sharon Sanchez

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ZONING COMMISSION

District of Columbia
ZONING COMMISSION

CASE NO. 08-06.01

District of Columbia
EXHIBIT NO. 1.22B1

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EXHIBIT NO.845C5

I-N-D-E-X

Case No. 02-35	
Definition of Building Height	3
Case No. 03-01	
Map Amendment - Takoma Park	50

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

6:37 p.m.

MS. MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Monday, March 17th, 2003.

My name is Carol Mitten, and joining me this evening our Vice-Chairman Anthony Hood, and Commissioners Peter May, John Parsons and James Hannaham.

We have two cases this evening, and the rules of procedure are the same for each, so I won't repeat that part of the opening statement. The first case, this evening, is Zoning Commission Case No. 02-35.

This is a request, by the Office of Planning, for a Text Amendment to Title XI of the District of Columbia Municipal Regulations, to change the definition of "building height" and to add a definition for "natural grade" in XI DCMR Section 199.1.

Notices of both of today's hearings were published in the DC Register on January 23rd, 2003, and in the Washington Times on January 29th, 2003. This hearing will be conducted in accordance with the

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1 to opposition. Mr. Grigg, Mr. Collins, Ms. Hubbard?
2 Mr. Grigg, why don't you go first?

3 Oh, Mr. Collins is going to speak, okay.

4 MR. COLLINS: Good evening, Madame
5 Chairperson and members of the Commission. My name is
6 Chris Collins, with Holland and Knight, and seated to
7 my right is Steven Grigg, who's president of the
8 Republic Properties Corporation.

9 We're here -- we're opposed -- Republic
10 Properties Corporation is opposed to the original
11 proposed language, as published in the DC Register for
12 this case.

13 However, we are here to support the
14 revised language in the OP report, that would portal
15 site from the coverage of this proposal. What I've
16 just submitted to the Commission is a memo, that I've
17 prepared for the Office of Planning, which they've
18 already seen, which was submitted to them prior to the
19 revisions that they put in their report, giving a
20 background history about the development of the portal
21 site.

22 The portal site is between 12th and 14th and
23 is bisected by Maryland Avenue SW. The portal's
24 project has been ongoing since 1986. Maryland Avenue
25 was actually constructed as part of the portal's

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1 project, to provide access to the buildings in that
2 development.

3 There have been a series of approvals,
4 over time, for development of that site, all using
5 Maryland Avenue as the point of measurement. There are
6 two office buildings that have been constructed.

7 The Mandarin Oriental Hotel is under
8 construction, presently, all using Maryland Avenue as
9 a point of measurement. The Fine Arts Commission has
10 looked at the project, both the existing buildings and
11 the buildings under construction, and those proposed
12 for the north side of Maryland Avenue, all using
13 Maryland Avenue as the point of measurement.

14 The RLA has approved, obviously, the
15 buildings on the south side of Maryland Avenue. The
16 RLARC will have jurisdiction over design on the north
17 side. The council has also, as part of an amendment to
18 the schedule of heights back in the late 90's,
19 recognized -- and you'll see in the documents we
20 submitted, that the portal's project is to be
21 developed using Maryland Avenue as the point of
22 measurement.

23 The thrust of the Office of Planning's
24 amendment was really to take out issues where you have
25 a raised roadway that connects from maybe one side to

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1 the other side, like in the H Street issue, and to
2 exempt those which just provide an access to the site.

3 And I had several discussions with Mr.
4 McGettigan about that and the language about a viaduct
5 or a bridge was specifically chosen so that it would
6 recognize that the portal's project was not intended
7 to be swept into this amendment.

8 And I think that the language on the
9 bottom of page two of the report, which summarizes the
10 recognition that the portal site was not intended to
11 be part of this.

12 And we just wanted to give you, for the
13 record, the background information, in case you had
14 any questions about that. One last point that Mr.
15 Mcgettigan wrote, he said other wording, referring to
16 his amendment, other wording may be contemplated to
17 exempt this complex development, but OP felt that the
18 change to the use of bridge or viaduct would provide a
19 simpler, cleaner solution that meets the intent of the
20 amendment.

21 It certainly is the cleanest and simplest.
22 If you want to consider other types of things, other
23 ways to exempt the portal site, certainly the 1910
24 Height Act makes exemptions by lot and square and
25 address.

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1 That's one way. Certainly the DD
2 regulations have exemptions by square and lot, so
3 that's a thought. But, to keep it as simple as
4 possible, I think that the proposal that was developed
5 by OP in their report, that there's the recommended
6 action that they put as Applicant in this case, is
7 that which we would support.

8 MS. MITTEN: Thank you, Mr. Collins.

9 MR. COLLINS: Thank you. And we're here to
10 answer any questions you may have.

11 MS. MITTEN: Okay, we'll here from Mrs.
12 Hubbard and then we'll ask questions. Mrs. Hubbard,
13 can you turn on that mic for me please?

14 MS. HUBBARD: As you know, I don't
15 represent an organization tonight. But I have, for
16 many, many years, testified before this Commission and
17 the VZA and taken an interest in everything to do with
18 height of buildings in the District.

19 I've testified in many, many zoning cases.
20 Now, I too agree with some of the earlier witnesses,
21 from the ANC's and the Commission, that you need to
22 take an overall look at the entire height program, and
23 this particular thing, which is designed to solve a
24 particular problem for a case that we should never
25 have.

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