

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

))),

IN THE MATTER OF:

CG OVERLAY

Text Amendment

))-

*
*
* Case No.
* 06-25
*
*
*

Thursday, November 16, 2006

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

The Public Hearing of case no.
06-25 by 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	Vice Chairperson
MICHAEL TURNBULL	Commissioner (AOC)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

This transcript constitutes the
minutes from the public hearing held on
November 16, 2006.

I-N-D-E-X

ITEM	PAGE
OFFICE OF PLANNING	6
JOEL LAWSON	
Questions by the Commission	10

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

(6:44 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, November 16.

My name is Carol Mitten. And joining me this evening is our Vice Chairman, Anthony Hood; and Commissioner Michael Turnbull.

The subject of this evening's hearing is Zoning Commission case number 06-25. This is a request by the Office of Planning for a map and text amendment to title 11 of the District of Columbia municipal regulations, which are the zoning ordinance, and to extend the boundaries of the Capitol Gateway overlay.

Notice of today's hearing was published in the D.C. Register on July 21st, 2006. And copies of the hearing announcement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are available, too. They're in the wall bin
2 by the door.

3 The hearing will be conducted in
4 accordance with the provisions of 11 DCMR
5 section 3021. And the order or procedure will
6 be as follows: Preliminary matters followed
7 by the presentation by the Office of Planning,
8 reports of other government agencies, report
9 of the affected Advisory Neighborhood
10 Commission, organizations and persons in
11 support, and organizations and persons in
12 opposition.

13 All persons appearing before the
14 Commission are to fill out two witness cards.
15 The cards are on the table by the door. Upon
16 coming forward to speak to the Commission,
17 please give both cards to the reporter, who is
18 sitting to our right.

19 Please be advised that this
20 proceeding is being recorded by the court
21 reporter and is also being webcast live.
22 Accordingly, we ask you to refrain from making

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 any disruptive noises in the hearing room.

2 The decision of the Commission in
3 this case must be based on the public record.
4 And to avoid any appearance to the contrary,
5 the Commission requests that persons present
6 not engage the members of the Commission in
7 conversation during a recess or at any other
8 time.

9 I ask you to turn off all beepers
10 and cell phones at this time so as not to
11 disrupt the hearing.

12 And, Mrs. Schellin, are there any
13 preliminary matters?

14 (No response.)

15 CHAIRPERSON MITTEN: Then, Mr.
16 Lawson, we are ready for your presentation.

17 MR. LAWSON: Thank you, Madam
18 Chair.

19 CHAIRPERSON MITTEN: Thank you.

20 MR. LAWSON: My name is Joel
21 Lawson. And I am with the D.C. Office of
22 Planning.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 At your May 25th, 2006 special
2 meeting, you sat down for public hearing a
3 proposal from the Office of Planning to expand
4 the boundaries of the Capital Gateway overlay
5 to include those portions of the west side of
6 South Capitol Street south of M Street that
7 are now currently within the overlay area.
8 This includes portions of squares 649, 651,
9 653, and 655.

10 This initiative would be
11 consistent with OP, District Department of
12 Transportation, and Anacostia Waterfront
13 Corporation, and National Capital Planning
14 Commission plans to ensure the transformation
15 of South Capitol Street into a fittingly
16 monumental boulevard.

17 This proposal by OP would not
18 change the underlying zoning. So it would not
19 change the permitted uses, the permitted
20 heights, or the permitted densities currently
21 available.

22 However, it would provide for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Zoning Commission and, therefore, community
2 review of any new development proposal, would
3 prevent new driveway access from South Capitol
4 Street, and would, where appropriate, require
5 a 15-foot setback from the South Capitol
6 Street property line.

7 All of these provisions currently
8 exist for other properties on South Capitol
9 Street. OP analysis is that the existing
10 zoning height and density can comfortably be
11 accommodated within the smaller envelope,
12 resulting from the 15-foot setback where the
13 setback would be applied.

14 Since the sit-down meeting, OP has
15 presented the proposal to meetings of the
16 ANC-16 in the Southwest Neighborhood Assembly,
17 sent two mailed notices to owners and
18 occupants in the area, including a summary of
19 the proposal, and discussed the details of the
20 proposal with a number of area residents and
21 landowners.

22 As a result of these discussions,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 OP is proposing a few minor changes to the
2 originally advertised text amendment,
3 specifically, number one, to amend the
4 proposed boundary within square 655 to include
5 only those properties fronting directly onto
6 South Capitol Street.

7 Square 655 is an interesting
8 square in that it is currently developed with
9 rowhouses, even though the current zoning is
10 R-5E, which allows for a high-density
11 apartment-type development.

12 A number of area residents and
13 neighborhood groups questioned our original
14 proposal to include all of square 655. We
15 agree that this is not necessary as including
16 only the properties which front on South
17 Capitol Street would achieve the desired
18 purpose while minimizing perceived changes to
19 the zoning.

20 Number two, OP is proposing
21 language which clarifies the replacement of
22 improvements to or normal additions to an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 existing rowhouse -- these rowhouses are
2 currently located in 653 and square 655 --
3 that these types of changes would not require
4 Zoning Commission review and that minor
5 vertical; i.e., upper story, additions to such
6 rowhouses would also not require the 15-foot
7 setback.

8 These rowhouses are generally two
9 stories in height and appear to be constructed
10 to the front property line along South Capitol
11 Street. Vertical additions are currently
12 permitted under existing zoning. OP believes
13 that such minor additions should be permitted
14 to extend up from the existing structure and
15 not be required to provide the 15-foot
16 setback.

17 Both DDOT and AWC have indicated
18 support for this initiative. OP did not
19 receive comments from any other district
20 agency. Generally our discussions with the
21 area residents have been regarding details of
22 the proposal.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 In fact, just today OP and DDOT
2 met with one of the major landowners in the
3 area to discuss a number of details,
4 particularly how the 15-foot setback may or
5 may not impact his property.

6 I don't see him in the audience
7 tonight. He did indicate that he would like
8 to submit some comments to the Zoning
9 Commission. So the Zoning Commission may wish
10 to leave the record open to receive his
11 comments if you wish to. But our discussions
12 with him were very interesting and very
13 informative and I think on both sides.

14 In summary, we continue to
15 recommend the proposed expansion of the
16 boundary for the Capital Gateway overlay
17 district, to include the remaining WATS and
18 the west side of South Capitol Street, south
19 of M. Such a change is consistent with
20 established District policy as well as with
21 planning efforts for improvements to the South
22 Capitol Street corridor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 That's it for me. And I am
2 available for questions. Thank you.

3 COMMISSIONER TURNBULL: Thank you,
4 Mr. Lawson.

5 Questions for Mr. Lawson? Mr.
6 Turnbull?

7 COMMISSIONER TURNBULL: Mr.
8 Lawson, I can't remember. I am trying to
9 visualize square 651, this narrow sliver. I
10 am trying to remember what's --

11 MR. LAWSON: A fairly good portion
12 of square 651, if my memory is right, 2, is
13 either not developed or is very
14 under-developed. There are a couple of small
15 commercial buildings. It's not rowhouses in
16 651.

17 It's very small buildings. As you
18 can see from the plot, from the maps, they are
19 very narrow lots. They are relatively small.

20 COMMISSIONER TURNBULL: I mean,
21 they are not very deep. That's --

22 MR. LAWSON: They're not very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 deep, which is one of the reasons why we're
2 not proposing that the 15-foot setback be
3 required on that square.

4 COMMISSIONER TURNBULL: And then
5 right behind it by the alley, I guess, then
6 there are rowhouses right --

7 MR. LAWSON: Yes. Behind the
8 alley, it's zoned, I believe, R-4, but it's
9 all low-density residential development,
10 well-established.

11 COMMISSIONER TURNBULL: Okay. So
12 fine. I just couldn't visualize that block
13 anymore. Okay. Thank you.

14 MR. LAWSON: Thanks. I should say
15 that behind it is low to moderate density
16 residential. It's certainly not all
17 low-density development.

18 CHAIRPERSON MITTEN: Anyone else?
19 Questions?

20 VICE CHAIRPERSON HOOD: Yes. I
21 wrote a question down. If you have questions
22 --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: I don't.

2 VICE CHAIRPERSON HOOD: I wrote
3 something down. I can't see where I marked
4 it. Anyway --

5 CHAIRPERSON MITTEN: Well, if you
6 have something and you can find it before we
7 conclude, we can come back to that.

8 VICE CHAIRPERSON HOOD: Okay.
9 Thank you.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Lawson.

12 Are you planning on testifying?

13 (No response.)

14 CHAIRPERSON MITTEN: Okay. Well,
15 we'll just slide right on through, then. Mr.
16 Hood, we're back to you.

17 VICE CHAIRPERSON HOOD: I know I
18 marked it, but, anyway, that's okay. I can
19 deal with it later.

20 CHAIRPERSON MITTEN: Okay. When
21 we take proposed action, you can always ask
22 Office of Planning a question at that point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 also. I think, in deference to the request or
2 at least the intention that an individual has
3 to submit something for the record, I think
4 we'll leave the record open for two weeks. If
5 you wouldn't mind communicating to the
6 individual?

7 SECRETARY SCHELLIN: That would be
8 until November 30th.

9 CHAIRPERSON MITTEN: November
10 30th?

11 SECRETARY SCHELLIN: Yes.

12 CHAIRPERSON MITTEN: Okay. So the
13 record will remain open until November 30th.
14 And then after that, we'll get that on the
15 agenda probably for the December meeting and
16 go from there.

17 So thank you, everybody, for your
18 attention. And we're adjourned.

19 (Whereupon, the foregoing matter
20 was concluded at 6:52 p.m.)

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com