

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING
1140th MEETING SESSION (15th of 2002)

+ + + + +

Monday
November 4, 2002

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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, Suite 220, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

COMMISSIONERS PRESENT:

CAROL J. MITTEN, Chairperson
ANTHONY J. HOOD, Vice Chairperson
JOHN G. PARSONS
PETER G. MAY
JAMES H. HANNAHAM

STAFF PRESENT:

SHARON SANCHEZ
Office of Zoning

STEVE COCHRAN
Office of Planning

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I-N-D-E-X

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

6:31 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Monday, November 4th, 2002. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners John Parsons, Peter May and James Hannaham.

The subject of this evening's hearing is Zoning Commission Case No. 01-22MA. This is a request for a Map Amendment from M to C-3-C for lots 23 and 809 in Square 3584.

Notice of today's hearing was published in the D.C. Register on August 30th, 2002 and in The Washington Times on September 19th, 2002.

This hearing will be conducted in accordance with the provisions of 11DCMR Section 3021, which are the procedures for rule making hearings. Copies of today's hearing announcement are available to you and are located on the table near the door.

The order of procedure will be as follows. Preliminary matters followed by the

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1 presentation by the Office of Planning, reports of
2 any other government agencies, reports of the
3 Advisory Neighborhood Commission, in this case 5C,
4 organizations and persons in support, organizations
5 and persons in opposition.

6 All persons appearing before the
7 Commission are to fill out two witness cards. These
8 cards are also located on the table near the door.
9 Upon coming forward to speak to the Commission,
10 please give both cards to the reporter who is sitting
11 to our right.

12 The decision of the Commission in this
13 case must be based on the public record. To avoid
14 any appearance to the contrary, the Commission
15 requests that persons present not engage the members
16 of the Commission in conversation during a recess or
17 at any other time.

18 Ms. Sanchez will be available throughout
19 the hearing to discuss any procedural questions.
20 Please turn off all beepers and cell phones at this
21 time so as not to disrupt these proceedings.

22 At this time the Commission will consider
23 any preliminary matters. Ms. Sanchez, do we have any
24 preliminary matters?

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1 MS. SANCHEZ: Yes, ma'am, there are two.
2 The first one just to let you know that the
3 Affidavit of Maintenance has been received, and the
4 second one is to advise that ANC 5B was notified
5 initially in the notice of filing, and that was
6 carried on to the Public Hearing Notice, whereas ANC
7 5C should have been the one notified.

8 CHAIRPERSON MITTEN: All right. Let me
9 just ask Mr. Cochran, in your report you had made
10 mention of the fact that ANC 5C had been notified.
11 Have you been in contact with ANC 5C, or are you just
12 --

13 MR. COCHRAN: For the record, my name is
14 Steven Cochran, Office of Planning. I was just going
15 by what was in the record, the file.

16 CHAIRPERSON MITTEN: Okay. What we may
17 need to do is leave the record open and re-notice the
18 ANC.

19 Any other preliminary matters? All
20 right. Before we move to the presentation by the
21 Office of Planning, we have a request for a waiver of
22 our rules to accept the late filing of the Office of
23 Planning Report. Is there any objection? All right.

24 And Mr. Cochran, I'm going to ask the Commissioners

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1 if they have any questions for you, or they're
2 willing to stand on the record or need a
3 presentation.

4 Do you need a presentation by the Office
5 of Planning, or can we stand on the record?

6 VICE CHAIRPERSON HOOD: Madam Chair, I'd
7 be favorable to stand on the record.

8 CHAIRPERSON MITTEN: All right. Are
9 there any questions for Mr. Cochran then based on the
10 report?

11 VICE CHAIRPERSON HOOD: It's a well
12 written report.

13 CHAIRPERSON MITTEN: Well written report
14 is the word from this end. Thank you.

15 All right. If there are no questions for
16 the Office of Planning, are there any other
17 government agencies represented? All right. Is ANC
18 5C represented? All right. Organizations and
19 persons in support. Anyone please come forward. Mr.
20 Glasgow, I'm going to acknowledge the written
21 submission that we have from you as well, and if you
22 are interested in standing on the record that would
23 be sufficient.

24 MR. GLASGOW: Yes. We will stand on our

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1 written submission.

2 CHAIRPERSON MITTEN: All right. Thank
3 you. Mr. McNeal, did you want -- Please identify
4 yourself for the record when you begin.

5 MR. McNEAL: Yes. My name is Alvin
6 McNeal and I'm manager of Property Planning and
7 Development for the Washington Metropolitan Area
8 Transit Authority. Madam Chair, I do have a written
9 testimony as well as a letter from WMATA to present.
10 I'd be willing to stand on the letter, as well as my
11 testimony, without presenting now, if you so choose.

12 CHAIRPERSON MITTEN: Since we haven't
13 had the opportunity to read it advance, if you could
14 just summarize it and then if the Commissioners have
15 any questions while you're here, that might help.

16 MR. McNEAL: Good evening Madam
17 Chairperson and members of the Commission. My name
18 is Alvin McNeal, I'm manager of Property Planning and
19 Development for the Washington Metropolitan Area
20 Transit Authority.

21 On behalf of the Washington Metropolitan
22 Area Transit Authority, I am pleased to be here this
23 evening to support Zoning Commission Case No. 01-
24 22MA. The case involves the proposed rezoning of

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1 lots 23 and 809 in square 3584 in the Northeast
2 section of the District of Columbia from M, general
3 commercial, to C-3-C, high bulk major business and
4 employment.

5 I have attached a letter of support to
6 this testimony for your consideration during the
7 Commission's deliberations in this case. Therefore,
8 my remarks will be brief.

9 As you are aware, a new Metro rail
10 station is under construction adjacent to square
11 3584. The station will likely spur redevelopment and
12 attract new investments to this area. The District
13 of Columbia government and WMATA strongly support
14 transit-oriented development in Metro rail areas.
15 TOD is defined as development characterized by a
16 layout that encourages use of public transportation
17 service, walking and bicycling instead of automobile
18 use for many trip purposes.

19 Typically, it places higher density
20 development within easy walking distance of one
21 quarter of a mile, or one half, from a public transit
22 station or stop, and is mixed use, is compact medium
23 to high density development, has a transit stop or
24 station as a center of activity, which can easily be

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1 reached by all modes of travel, is pedestrian
2 friendly and encourages a reduction in the amount of
3 parking.

4 The existing M zone permits numerous uses
5 as a matter of right, which are inconsistent with
6 TOD. On the other hand, the C-3-C zone permits the
7 mix and intensity of uses that would be consistent
8 with TOD, the comprehensive plan and the substantial
9 public investment that is occurring in this area.

10 Additionally, the rezoning will result in
11 a substantial reduction in the number of required
12 parking spaces. In TOD areas parking requirements
13 should be lower and more flexible than usual.
14 Reducing the amount of parking and encouraging the
15 use of transit is a key distinguishing feature of TOD
16 areas.

17 And, finally, the rezoning of lots 23 and
18 809 will have a positive impact on the stability and
19 future growth on the surrounding area. We believe
20 that rezoning lots 23 and 809 will help create a
21 unique transit district and supportive land uses
22 within it.

23 Thank you very much and I will be happy
24 to respond to any of your questions.

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1 CHAIRPERSON MITTEN: Thank you, Mr.
2 McNeal. Any questions for Mr. McNeal? Mr. May?

3 COMMISSIONER MAY: Yes. Not knowing much
4 about how the Metro station itself is going to be
5 developed, will there be a pedestrian friendly way of
6 getting from this square to the station? I mean I've
7 seen some diagrams that indicate that there may be
8 some sort of walkway or bridge that aligns with the
9 tracks rather than forcing people to come to cross at
10 the street level.

11 MR. McNEAL: As I understand it, Mr. May,
12 there is an attempt to make sure that pedestrian
13 access is facilitated through the design of the
14 station. I'm not sure, and I don't think even the
15 designers are sure, as to how to achieve that. But
16 that is what WMATA is seeking in the overall design.

17 In many instances, what happens is that
18 once we get into constructing the station, due to a
19 variety of different reasons, we have to change some
20 aspect of the configuration of the station, but our
21 intent is to make it as pedestrian friendly and
22 compatible as we can possibly achieve.

23 COMMISSIONER MAY: Okay. Do you have
24 more to add on that?

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1 MR. COCHRAN: If you look at Attachment
2 1, there is to be an entrance to the station where
3 that blue line widens out, just below where it says
4 C-3-C, and that it's also supposed to be a
5 handicapped entrance so both bicycles, wheelchairs,
6 everybody will be able to get in there.

7 However, at this point people would still
8 have to cross Florida Avenue to get into the station.

9 The bicycle path will be elevated next to it and no
10 entrance is planned north of Florida Avenue at this
11 point.

12 COMMISSIONER MAY: Okay. I guess that's
13 what I was asking because that stretch of Florida
14 Avenue it's quite a distance to get the corner with
15 New York, and I can see a lot of people trying to
16 cross closer to the Metro and that's a particularly
17 dangerous spot with people coming through the
18 overpass, so I was just wondering whether there was -
19 -

20 But if the bike path is there I would
21 think that it would --

22 MR. COCHRAN: I don't think that the
23 design precludes the addition of other entrances to
24 the hike and bike trail if they were constructed at

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1 the expense of the developer and approved by Metro,
2 because we're looking at just such a thing after the
3 hike and bike path goes underneath New York Avenue
4 and ends up in the capital commerce site. Of course,
5 we hope it doesn't end up there, but that's
6 questionable.

7 MR. McNEAL: I think the question that
8 you're asking is one that we receive in a lot of
9 instances where we're building new stations. And
10 this station is particularly challenging because
11 we're putting in a new station and an operating
12 system, which we haven't done before. And it's very
13 possible that the design could facilitate a better
14 access across Florida Avenue.

15 I know it's one of the aspects of the
16 station that we've looked at and, quite frankly, the
17 reason why we probably didn't have a direct access
18 from Florida Avenue was because of the cost of the
19 station.

20 COMMISSIONER MAY: Sure. Well,
21 connecting to a vacant lot is not exactly wise use of
22 Metro funds I guess, but I would think, or hope, or
23 suggest, that maybe when the site is developed that
24 there be some cooperation. And I would think that

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1 it's in the best interests of the development of the
2 property that there be a safe pedestrian connection
3 there.

4 And I assume that what you're saying is
5 that that's fine from Metro's point of view.

6 MR. McNEAL: Oh absolutely.

7 COMMISSIONER MAY: That's it. Thank you.

8 CHAIRPERSON MITTEN: Thank you, Mr. May.

9 Any other questions for Mr. McNeal? All right,
10 thank you, Mr. McNeal. Any questions for Mr. Glasgow
11 on the written submission from Holland and May?

12 All right. Any other organizations or
13 persons in support? Organizations or persons in
14 opposition? All right. I think what we need to do
15 with the ANC is leave the record open and I think
16 probably to accommodate whatever their meeting
17 schedule may be and can get the notice out, we
18 probably need 45 days.

19 MS. SANCHEZ: Forty five?

20 CHAIRPERSON MITTEN: Yes, since they meet
21 monthly and we don't know what kind of schedule
22 they're on. Can you give me a date there?

23 MS. SANCHEZ: December 19th.

24 CHAIRPERSON MITTEN: Okay. All right.

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1 Ladies and gentlemen, I would like to thank you for
2 your patience at this lengthy hearing that we've had
3 this evening.

4 The record in the hearing is closed
5 except for the -- Mr. Glasgow?

6 MR. GLASGOW: I just had one question. I
7 was wondering, because this is a rule making
8 proceeding and there's going to be an advertisement
9 in the D.C. Register and all that, if the Commission
10 could take its preliminary action tonight. We've got
11 the record open, if there's something that comes in
12 and something needs to be revisited, then there's
13 opportunity to do that.

14 CHAIRPERSON MITTEN: That sounds like a
15 good compromise. All right, so we basically have a
16 request for a preliminary decision tonight and then
17 we'll have a period of advertisement for the rule
18 making. And, again, as we did in another case
19 recently, we had an extended period for the comment
20 period and we can extend that to 45 days just to give
21 ample opportunity, and then we could probably take
22 final action in December or January. What's your
23 pleasure?

24 COMMISSIONER PARSONS: If that's a

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1 motion, I'll second it.

2 CHAIRPERSON MITTEN: Okay. Let's take
3 that to be a motion for approval and we have a
4 second. Any discussion?

5 VICE CHAIRPERSON HOOD: Madam Chair, I
6 just think we need to give the Case number.

7 CHAIRPERSON MITTEN: 01-22-MA, rezoning
8 of lots 23 and 809 in square 3584 from M to C-3-C.
9 Any further discussion? All those in favor please
10 say aye.

11 (Vote taken.)

12 CHAIRPERSON MITTEN: Those opposed
13 please say no. Ms. Sanchez would you record the vote
14 for us?

15 MS. SANCHEZ: Yes. Staff would record
16 the vote five to zero to zero, approving Case No. 01-
17 22MA for preliminary action and this is going to be
18 advertised with an extension of a 45 day time period
19 for the public to respond, as opposed to 30.

20 CHAIRPERSON MITTEN: Right. And I think
21 what would be helpful, just to make sure that the ANC
22 is engaged, is if there were a notice that were put
23 out specially to them, since they weren't originally
24 noticed, and give them ample opportunity to comment.

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1 MS. SANCHEZ: Maybe send them a letter
2 with a copy of the prior notice?

3 CHAIRPERSON MITTEN: That would be great.

4 MS. SANCHEZ: Thank you.

5 CHAIRPERSON MITTEN: All right. So we
6 will be publishing this for comments and look forward
7 to receiving any that may be relevant to this case,
8 and I now declare today's public hearing adjourned.

9 (Whereupon, the above-entitled matter
10 went off the record at 6:48 p.m.)

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