

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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SPECIAL MEETING
1125TH MEETING SESSION (17th OF 2001)

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MONDAY
DECEMBER 17, 2001

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The Special Meeting of the District of Columbia
Zoning Commission convened at 6:00 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
JAMES HANNAHAM	Commissioner

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC
Sharon Sanchez, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Ellen McCarthy, Deputy Director,
Office of Planning
Jennifer Steingasser, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Alan Bergstein, Esq.
Marie Sansone, Esq.

Preliminary Matters	--
Z.C. Case No. 01-27TE/96-16C	4
Z.C. Case No. 01-30	7

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

(6:08 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a special public meeting of the Zoning Commission of the District of Columbia for Monday, December 17th, 2001.

My name is Carol Mitten. Joining me are Vice Chairman Anthony Hood and Commissioner Hannaham. There are two items on the agenda this evening.

Are there any preliminary matters before we begin, Mr. Bastida?

SECRETARY BASTIDA: The staff has no preliminary matters, Madam Chairman.

CHAIRPERSON MITTEN: Then let's move to the first item on the consent calendar, Zoning Commission Case Number 01-27TE/96-16C, the time extension for the Prevocational School site.

SECRETARY BASTIDA: Madam Chairman, the staff has provided the information in the file that consists of a -- the Office of Planning report and -- the application of the applicant and the Office of Planning report.

The applicant has requested a three-year time extension. The Office of Planning recommended a two-year time extension.

CHAIRPERSON MITTEN: Thank you.

1 SECRETARY BASTIDA: And they --

2 CHAIRPERSON MITTEN: I'm sorry. I thought you
3 were done.

4 SECRETARY BASTIDA: The staff requests an action
5 by the Commission.

6 CHAIRPERSON MITTEN: Thank you.

7 All right. I think Mr. Bastida summed it up. We
8 have a request by the applicant for a three-year time extension,
9 and the Office of Planning is recommending a two-year extension.

10 VICE CHAIRPERSON HOOD: Madam Chair, are we
11 opening it up for discussion?

12 CHAIRPERSON MITTEN: Yes, sir.

13 VICE CHAIRPERSON HOOD: Okay. I am in favor of
14 going with the applicant for three years. And the rationale is
15 because when I looked through who they -- I don't want to get
16 myself in trouble, but I work for the Federal Government.

17 When I look through what they -- who they are
18 dealing with, and who they are waiting on, it does take a while
19 to proceed, and I think it needs to have some predictability,
20 and also to be able to go to the table and negotiate with some
21 confidence and know that that is not an issue.

22 I don't think two years is enough. Normally, I
23 wouldn't -- I'm not in favor of even extending it, but I think
24 the government moves a little slower than normal. And when I
25 looked at some of the agencies they're dealing with or trying to

1 obtain as a tenant, I think that three years would be reasonable
2 accommodations from this Commission.

3 CHAIRPERSON MITTEN: Would you like to put that
4 in the form of a motion?

5 VICE CHAIRPERSON HOOD: Okay. I make a motion
6 that we approve, unless my colleague --

7 CHAIRPERSON MITTEN: Well, we can get some -- any
8 further discussion after the motion.

9 VICE CHAIRPERSON HOOD: Okay. I make a motion
10 that we approve Application Number 96-16C for a period of three
11 years.

12 CHAIRPERSON MITTEN: Second. Is there any
13 further discussion? Mr. Hannaham, any discussion?

14 COMMISSIONER HANNAHAM: My colleague's rationale
15 sounds reasonable, me having had government experience as well.

16 So I can see no reason why we couldn't give them the benefit of
17 the doubt for another year.

18 CHAIRPERSON MITTEN: All right. Thank you.

19 We have a motion and a second to extend Zoning
20 Commission Orders Number 830 and 830A for three years. All
21 those in favor, please say aye.

22 (Chorus of ayes.)

23 Those opposed, please say no.

24 (No response.)

25 Mr. Bastida?

1 SECRETARY BASTIDA: The staff would record the
2 vote five to zero, Mr. Hood moving and Ms. Mitten seconded, Mr.
3 Hannaham voting on the affirmative. Mr. Parsons and Mr. May
4 voting on the affirmative by absentee ballot.

5 CHAIRPERSON MITTEN: Thank you.

6 The next case is Zoning Commission Case Number
7 01-30, which relates to a special exception under the Buzzard
8 Point overlay rules that have been set down.

9 Mr. Bastida?

10 SECRETARY BASTIDA: Madam Chairman, the staff has
11 provided you the documentation, and just shortly ago provided
12 you a revised order for dismissal, and you have received also
13 the different alternative by which you can take action. And the
14 staff requests an action by the Commission at this time.

15 CHAIRPERSON MITTEN: Thank you.

16 What we have before us is an order to dismiss
17 this application inasmuch as the setdown rule applies, but in
18 this case there is -- there is some language that had been
19 advertised as an alternative for review of buildings along M
20 Street under a special exception procedure that was really
21 included to invite public discussion and was not well defined in
22 terms of the manner in which we would apply it at this juncture.

23 And it would be unduly burdensome to this
24 applicant, I believe, to require them to go through a special
25 exception procedure in this case. And I would move that we

1 approve the order to dismiss the application.

2 VICE CHAIRPERSON HOOD: Second.

3 CHAIRPERSON MITTEN: Is there any discussion?

4 VICE CHAIRPERSON HOOD: I would just concur with
5 your comments, Madam Chair. I don't think any more needs to be
6 added.

7 CHAIRPERSON MITTEN: Thank you.

8 We have a motion and a second to dismiss the application for a
9 special exception at 140 M Street, Southeast. All those in
10 favor, please say aye.

11 (Chorus of ayes.)

12 Those opposed, please say no.

13 (No response.)

14 Mr. Bastida?

15 SECRETARY BASTIDA: The staff would record the
16 vote five to zero, Mr. Hood moving and Ms. Mitten seconded, Mr.
17 Hannaham voting on the affirmative. Mr. Parsons and Mr. May
18 voting on the affirmative by proxy.

19 CHAIRPERSON MITTEN: Just one correction.

20 SECRETARY BASTIDA: By absentee ballot. I'm
21 sorry.

22 CHAIRPERSON MITTEN: Well, that's fine. That's a
23 good correction, too. I made the motion, and Mr. Hood seconded
24 the motion --

25 SECRETARY BASTIDA: Thank you for the correction.

1 CHAIRPERSON MITTEN: -- in this case. Thank you.

2 And since there's no further business for this
3 special public meeting, I will adjourn this meeting, and we will
4 reconvene at 6:30 for our public hearing.

5 (Whereupon, at 6:14 p.m., the proceedings in the
6 foregoing matter were adjourned.)