

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION
PUBLIC HEARING

In the matter of:
Petition from the Office of Planning: Case No.96-12Z
to amend the Zoning Map

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

Thursday, April 17, 1997

The above-entitled matter came on for hearing,
pursuant to notice, at 7:00 p.m.

BEFORE:

MAYBELLE TAYLOR BENNETT	Chairperson
HERBERT FRANKLIN	Commissioner
JERRILY KRESS	Commissioner

STAFF PRESENT:

MADELIENE H. DOBBINS	Office of Zoning
NATE GROSS	Office of Planning
BILL JOHNSON	Office of Planning
JOHN MOORE	Office of Planning

INDEX

<u>ITEM</u>	<u>PAGE</u>
Preliminary Matters	5
Affidavit of Maintenance of Posting	5
Office of Planning Presentation	6
Mt. Olive Rd. at West Virginia	6
Rezoning Two	14
Rezoning Four	17
Rezoning Nine	23
Rezoning Eleven	35
Other Government Agencies Reports	47
Advisory Neighborhood Commissions Reports	47
Persons in Support	47
Persons in Opposition	47
William Frank Reed	48
Margot Kelly	62
Yves Fedrigault	71
Gottlieb Simon	77
Martin Strauss	91

P R O C E E D I N G S

7:14 p.m.

CHAIRPERSON BENNETT: Good evening, ladies and gentlemen. My name is Maybelle Taylor Bennett. I'm Chairperson of the District of Columbia Zoning Commission. Joining me this evening are Commissioners Franklin and Kress. I declare this continued public hearing open.

The case that is the subject of this public hearing is Case Number 96-12Z, a petition from the Office of Planning requesting the Commission to amend the Zoning Map of the District of Columbia. The petition proposes to rezone several areas in the city, located in various quadrants.

The amendments are proposed to implement provisions of the Comprehensive Plan for the National Capital that require zoning to not be inconsistent with the Comprehensive Plan. The proposed amendments are the second phase of the Zoning Consistency project, which is necessitated by the Comprehensive Plan Amendments Act of 1994.

The Commission will consider the Office of Planning Proposal, and any other modifications, or alternative proposals that are reasonably related to the scope of the proposed amendments. as advertised. The specific amendments are contained in the notice of public hearing for this case. Copies of that notice are available for the public.

Notice of tonight's hearing was published in the D.C Register on March 7, 1997 and in the Washington Times on March 4,

1 1997. This hearing session is continued from the hearing session
2 held on this case on February 24, 1997. This hearing will be
3 conducted in accordance with the provisions of Section 3021 of the
4 District of Columbia Municipal Regulations, Title 11, Zoning.

5 The order of procedure will be as follows:

6 First, preliminary matters, including the Affidavit of
7 Maintenance of Posting. Second, the presentation of the Office of
8 Planning. Third, the report, the reports of other Government agencies.
9 Fourth, the reports of Advisory Neighborhood Commissions. Fifth,
10 persons in support, and persons in opposition. The Commission will
11 adhere to this schedule as strictly as possible.

12 Those presenting testimony should be brief and
13 nonrepetitive. If you have a prepared statement, please give copies to
14 staff and orally summarize the highlights.

15 Each individual appearing before the Commission
16 must complete two identification slips and submit them to the staff
17 before making your statement. If these guidelines are followed, an
18 adequate record can be developed in a reasonable length of time.

19 Excuse me. I hope it's going to be an abbreviated
20 meeting session -- hearing session.

21 All right. Why don't we proceed, then, with the
22 preliminary matters?

23 MS. DOBBINS: Good evening, Madam Chairman,
24 members of the Commission. We first need to have someone from
25 the Office of Planning certify that the Affidavit of Posting was
26 maintained.

27 MR. JOHNSON: My name is Bill Johnson. I'm with

1 the Office of Planning. I maintain that the Affidavits were maintained
2 as appropriate.

3 MS. DOBBINS: Okay.

4 CHAIRPERSON BENNETT: Thank you.

5 MS. DOBBINS: The other preliminary matter is just to
6 indicate that you've received some materials that were not here prior
7 to your receiving your packet.

8 You have a letter from SPTS, Incorporated, from the
9 Capitol Hill Restoration Society, and from Single Member District
10 Representative ANC 2CO5. And I think you have received a
11 supplemental report from the Office of Planning this evening.

12 CHAIRPERSON BENNETT: All right. Thank you
13 very much. Why don't we proceed, then, with the Office of Planning's
14 report?

15 MR. GROSS: Good evening, Madam Chair. I'm
16 Nathan W. Gross, Office of Planning. With me of the staff are John
17 Moore and Bill Johnson.

18 We can either give you a summary of our
19 supplemental report on an issue that arose in one of the previous
20 rezonings, which isn't technically advertised for tonight, although Mr.
21 Strauss of that area also submitted a letter.

22 We'd be happy to summarize that and then go to the
23 testimony for this evening. Would you like to hear a summary of it?

24 CHAIRPERSON BENNETT: I would, because it was
25 --

26 MR. GROSS: Okay.

27 CHAIRPERSON BENNETT: You know, it's still a part

1 of this case. I think he made some very cogent remarks.

2 MR. GROSS: Absolutely.

3 CHAIRPERSON BENNETT: And we need to hear
4 what the Office of Planning did. I didn't have a chance to read it,
5 because we just got it. Mr. Moore brought it up to us. I understand
6 that OP did follow up with an on-site survey.

7 MR. GROSS: Right.

8 CHAIRPERSON BENNETT: And if you could share
9 with us what your findings were, that would be good. We can dispose
10 of that and move on to the subject of tonight's case.

11 MR. GROSS: Yes. I think Mr. Moore will do that.

12 CHAIRPERSON BENNETT: Okay. Thank you.

13 MR. MOORE: Good evening. I am John Moore, the
14 Office of Planning. And again, Mrs. Dobbins, I apologize, and I smack
15 myself on the hand for --

16 CHAIRPERSON BENNETT: That's all right.

17 MR. MOORE: As the Commission instructed, we did
18 conduct a survey of the properties that front on the north side of Mount
19 Olive Road at West Virginia Avenue, in response to Mr. Strauss'
20 concern that the proposed zoning, that is C-2-A from C-M-1, would
21 create some harm for him and his business, and other businesses
22 along that corridor.

23 We went out on the fourth of this month, and
24 interviewed the building adjacent to Mr. Strauss, which is an auto
25 repair business. We also went into Mr. Strauss' business, and he was
26 gracious enough to give us a guided tour of his facility.

27 And the man wasn't kidding when he said he's got a

1 unique business. It is rather unique, and he does some dynamite
2 things in there with cameras. I mean, cameras that take pictures of
3 bullets coming out of guns.

4 CHAIRPERSON BENNETT: Oh, no.

5 MR. MOORE: It's unique as far as I'm concerned,
6 anyway.

7 And looking at Mr. Strauss' particular use, we still,
8 we're of the opinion that it could work in C-2-A. But when you look at
9 the businesses next to him, being auto-related, and one is a rug
10 cleaning business, there is a question that maybe they should still
11 remain as C-M-1.

12 Now, the properties -- the businesses that front on
13 West Virginia Avenue is neighborhood serving commercial. And, of
14 course, that is appropriate for C-2-A.

15 Again, Mr. Strauss still had concerns that we were
16 doing harm to his business with respect to expansion and resale if we
17 let -- if we changed it to zone it to C-2-A.

18 We committed during the tour to do three things for
19 Mr. Strauss. One, to fax him an abundance of information regarding
20 what could happen in a C-2 zone. And we did fax him 19 pages an
21 hour or so later.

22 We also committed to help -- to try to help him resolve
23 a pressing issue for him, and that is parking. There is very
24 constrained parking up in that area.

25 I don't know if it was staged or not, but while we were
26 talking to Mr. Strauss on the second visit, they asked me for the keys
27 to our car so they could move it because of the competition parking

1 in that area.

2 We promised to arrange a meeting with the officials at
3 the Department of Public Works who own the property adjacent to Mr.
4 Strauss', on the east, right next to his, a property line separates it, to
5 see if Public Works would be willing to work with him in terms of
6 allowing some temporary parking on their property, which would help
7 him.

8 And Art Lawsen, the Deputy Director at Public Works
9 had gone on that tour with us, and was very sensitive to what Mr.
10 Strauss' concerns were, and offered to work with him in terms of
11 providing some relief on some public space for parking. And hope
12 that will be some help to him.

13 Mr. Strauss also expressed that, given some of the
14 frustrations that relate to parking, neighborhood conditions and some
15 of the others, he was actually contemplating moving. And, of course,
16 our first concern was that Mr. Strauss, if he relocated, chose to
17 relocate within the District.

18 So we committed to him that we would ask through
19 our director, that the Deputy Mayor for Business Services and
20 Economic Development assign someone to work with him in terms of
21 identifying relocation sites.

22 We have talked to that agency, and they think that
23 basically everything is predicated on what DPW is willing to do with
24 respect to the parking or expansion onto their property.

25 Third, we -- excuse me one second, please. I think I -
26 - excuse me, I think I have covered the three things that we committed
27 to do with Mr. Strauss.

1 I just asked him prior to beginning this hearing if the
2 follow-up meeting with the Department of Public Works has taken
3 place, and it hasn't so far. But I'm --

4 CHAIRPERSON BENNETT: It has not.

5 MR. JOHNSON: No. But I'm very encouraged and
6 completely believe in the DPW will work with him in terms of resolving
7 those parking issues.

8 With that being said, I don't think I can think of a
9 better way to say it than that the Office of Planning, after its review
10 and survey of those sites, at this point, we would want to leave the
11 property at C-M-1.

12 CHAIRPERSON BENNETT: Oh, okay. So, what you
13 handed us, which -- what you handed us that has the attached map on
14 it, which says that the area proposed for zoning change is from C-M-1
15 to C-2-A, is now no change.

16 MR. JOHNSON: No change.

17 CHAIRPERSON BENNETT: Okay. Let me ask you
18 this, and I'm jump -- I'm jumping in here a bit. The reason we're going
19 through these exercises is because we want to make sure we are not
20 inconsistent with the Comprehensive Plan.

21 The Comprehensive Plan calls for low-density
22 commercial. The Land Use Map designates the area as low-density
23 commercial. And so our rationale, if we were ever called on the carpet
24 in any way, and if we in fact affirmatively supported this
25 recommendation of yours, would be what?

26 MR. JOHNSON: Excuse me, would you repeat that
27 last part?

1 CHAIRPERSON BENNETT: Well, if anybody were to
2 say, "Your leaving this C-M-1 out of respect for Mr. Strauss and the
3 other uses that are kind of borderline C-M-1 uses can be justified
4 how?" If the, if in fact what the Comprehensive Plan calls for is low-
5 density commercial.

6 It could be said if we drove this into the ground, that
7 we are being inconsistent with the, what the Comprehensive Plan
8 called for.

9 MR. GROSS: Let me chime in on that one, if I may,
10 John. Our zoning consistency methodology, which is attached to our
11 original report on the case, makes clear that we take a number of
12 factors into account, certainly beyond the Generalized Land Use Map,
13 which does represent a reconciled version of the Comprehensive
14 Plan's policies, as if developed on the land. However, it is a policy
15 guide and the Plan itself states that the Generalized Land Use Map is
16 not a zoning map.

17 Secondly, I think you always have to interpret different
18 elements of the Plan in combination with each other. And I think we
19 could, we could cite elements in the economic development element
20 that speak to business vitality and basically on more detailed findings
21 at the Zoning Hearing.

22 The Commission found relatively more remaining
23 industrial uses than the Council may have been aware of at the time of
24 the change in the Generalized Land Use Map.

25 And finally, OP has the option at the next round of
26 Comprehensive Plan amendments, maybe depending on what, how
27 the area evolves in the next three years until that next cycle of going

1 back and saying, "It really should be PTE."

2 Or perhaps defining the area that is evolving in a
3 more retail direction and having that go one way. But --

4 So, I think there are answers, Madam Chair.

5 CHAIRPERSON BENNETT: All right. Thank you.
6 Colleagues, questions of Mr. Moore, or Mr. Gross?

7 COMMISSIONER FRANKLIN: I have no questions,
8 Madame Chair. I'm just delighted with the change in position of the
9 staff. Because I wasn't about to vote for the change, anyway.

10 CHAIRPERSON BENNETT: Oh. Well. All right.
11 Further questions? Any questions?

12 COMMISSIONER KRESS: No, thank you.

13 CHAIRPERSON BENNETT: Thank you for that.
14 Now we can go to the issues that were scheduled for this evening.

15 MR. GROSS: I'll just give a very brief introduction.
16 Don't mean to cut you off, John.

17 Just wanted to indicate to the Commission, we have
18 four areas advertised for tonight. We will proceed in the order that
19 they're in on the Notice of Public Hearing. We have some slides.

20 We also handed to the Commissioners and available
21 to the public a summary sheet on each area and a map, including the
22 key policy points that we'll make in testimony this evening.

23 And with that, I'll turn it over to Mr. Moore and Mr.
24 Johnson.

25 MR. MOORE: The first area for your consideration --
26 The first area handout for your consideration is referred to as
27 Rezoning Site Number Two.

1 It's an area that is between the west property line of
2 Gonzaga High School and New Jersey Avenue between H and I
3 northwest. And it is proposed that that area be changed from C-2-A to
4 -- and from C-2-A and R-4 to C-3-C. The site is generally known as
5 the pre-vocational school site.

6 The first slide that we have shown here shows a view
7 looking west from North Capitol and H at the building that was recently
8 subject of PUD, that is at the corner of North Capitol and H. The area
9 you see in green directly in back of that is part of the subject property.

10 That corner, as you are all aware, is designated in the
11 Comprehensive Plan as meeting the high-density commercial, and so
12 zoned. And what we are asking there is that the adjacent site, the
13 pre-vocational school site, get the same kind of zoning.

14 This is a view looking back over the site towards the
15 east from New Jersey Avenue. And you can clearly see to the far
16 right the Government Printing Office, the PUD site building that we just
17 talked about, and an overview of the area in question.

18 It's a quite large area, to be frank. When you think --

19 CHAIRPERSON BENNETT: Who's parking there
20 now?

21 MR. JOHNSON: I think it's market, isn't it?

22 MR. MOORE: Yes. Market parking. And there is a
23 serious concentration of office use in that area, so the parking area
24 you see is almost taken up now.

25 CHAIRPERSON BENNETT: Yes.

26 MR. MOORE: This is a view again looking towards
27 the east at the back end of the PUD building at the corner of North

1 Capitol and H.

2 These are the tennis courts for Gonzaga High School.
3 And at the end of the tennis courts is where the prevoc properties will
4 begin, going over to where the playing field stops for Gonzaga School,
5 about at the depth of the existing building there would be where the
6 site stops, as indicated on the map that we've provided.

7 And again, you can see the Gonzaga High School on
8 the north side of the site.

9 Next one. This again is a further view from about
10 New Jersey and I, looking again over the site at the building at North
11 Capitol and H. And again the Government Printing Office. And the
12 buildings proposed for this -- well, the site will lend itself to the same
13 scale and height of the buildings.

14 And we've already mentioned that, and you've seen in
15 the slides, that presently, the site is used for some surface parking.
16 And the Comprehensive Plan so designates that the area be meeting
17 high-density commercial.

18 And of course, C-2-A zoned simply will not suffice.
19 Hence, we have recommended that that area be considered for C-3-C
20 zoning.

21 And we'll entertain any questions that you may have.

22 CHAIRPERSON BENNETT: I have none.
23 Colleagues, questions?

24 COMMISSIONER KRESS: I have none.

25 CHAIRPERSON BENNETT: Thank you.

26 MR. MOORE: Okay.

27 CHAIRPERSON BENNETT: This next slide is a site,

1 Rezoning Number Four, which is identified on your maps.

2 It's in the Anacostia neighborhood. The boundaries
3 are Railroad Avenue, V Street, Shannon Place and Chicago Street.
4 Those are the general boundaries.

5 We're proposing that this area be rezoned from C-M-1
6 to C-3-A. This rezoning is based on a Comprehensive Plan
7 designation of this area for medium-density commercial use,
8 moderate-density commercial, excuse me.

9 At the -- this slide is taken at the intersection of Martin
10 Luther King Avenue and W Street. It's looking to the northwest,
11 showing the Lottery Board building.

12 To the left of that -- to the right of that building is a
13 professional office building, which is not part of this rezoning. But it
14 gives you an idea of the kind of development that's occurring in this
15 area.

16 This next slide is taken at Martin Luther King and W
17 Street. It's looking west down W Street, across the large parking lot
18 that's bordered by Martin Luther King Avenue, W Street and Shannon.
19 The building in the background is used for police storage.

20 There's also other one-story building that's used for a furniture
21 service. In the back of that, along Fairview Avenue, there's some
22 buildings that's used for automobile detailing.

23 There's a site also in the area of -- if we take a look at
24 the map that you have, that's in the northwest corner, by Shannon and
25 W Streets. That area has now been demolished, and the site's
26 vacant.

27 The map also shows a relatively large vacant land

1 that's currently used for parking, that's bordered by W Street, Shannon
2 and Chicago Streets. Which is approximately 2.5 acres of vacant
3 land, which represents a very significant development opportunity in
4 this area.

5 So when you consider this vacant lot as well as the
6 previous square that I just mentioned, there appears to be quite a bit
7 of vacant land that offers some substantial development opportunities
8 in this area.

9 I think that the Plan, Comprehensive Plan had this
10 vision in mind, that with the kind of zoning that we're proposing for this
11 area, that there might be some huge development opportunities. So it
12 appears that what the Plan envisioned is beginning to occur, at least
13 in terms of making some of the land available for development.

14 This next slide is taken at --

15 CHAIRPERSON BENNETT: Let me ask you
16 something before you go on.

17 MR. JOHNSON: Yes.

18 CHAIRPERSON BENNETT: Looking at your map,
19 the proposed area that you wanted, go from the bottom of the map, it
20 says C-M-1 to C-2-A. I trust that means C-3-A.

21 MR. JOHNSON: Yes, that's a mistake. It should be
22 C-3-A.

23 CHAIRPERSON BENNETT: Okay. When you get up
24 to V Street, the shading stops.

25 MR. JOHNSON: Yes.

26 CHAIRPERSON BENNETT: And above that is C-M-
27 1.

1 MR. JOHNSON: That's correct.

2 CHAIRPERSON BENNETT: So the professional
3 building is in C-M-1.

4 MR. JOHNSON: Yes.

5 CHAIRPERSON BENNETT: And now there's some
6 construction going on.

7 MR. JOHNSON: Yes.

8 CHAIRPERSON BENNETT: Back, not flush with
9 Martin Luther King. But back beside the professional building on the
10 back side. I don't know what that street is.

11 COMMISSIONER KRESS: I think it's Shannon.

12 CHAIRPERSON BENNETT: Is that Fairland Avenue?

13 MR. JOHNSON: That's -- no, that's not --

14 CHAIRPERSON BENNETT: Was Shannon --

15 MR. JOHNSON: -- Shannon. It's Shannon Street,
16 that's the street that's --

17 CHAIRPERSON BENNETT: So that building is going
18 up in a C-M-1. It looks like it's going to be office.

19 MR. JOHNSON: I believe that's going to be a parking
20 garage.

21 CHAIRPERSON BENNETT: Oh.

22 COMMISSIONER KRESS: Oh.

23 MS. DOBBINS: I think that's an application that came
24 before the Board.

25 CHAIRPERSON BENNETT: Oh.

26 MS. DOBBINS: In addition to the Curtis Properties.

27 COMMISSIONER KRESS: Oh, it did come before us.

1 MS. DOBBINS: It came before the Board.

2 COMMISSIONER KRESS: Yes.

3 CHAIRPERSON BENNETT: Okay.

4 COMMISSIONER KRESS: That's Curtis Properties.

5 CHAIRPERSON BENNETT: Okay. So, that's a
6 parking garage. It's a parking structure, you think.

7 MR. JOHNSON: I believe. I'm not sure. I think that's

8 --

9 CHAIRPERSON BENNETT: And so, was the reason
10 why you didn't ask for C-3-A for that part, or for that square, because
11 the predominant use is there are auto repair uses back there, And I
12 forget what all else, detailing uses and --

13 MR. JOHNSON: There were a number of, of
14 industrial grade uses. And we also considered that area for, for
15 rezoning to C-3-A. But, somehow it was not identified in the
16 Comprehensive Plan as, for this C-3-A zoning.

17 CHAIRPERSON BENNETT: Okay.

18 MR. JOHNSON: So, we considered that in not
19 extending this C-3-A proposal to that site.

20 CHAIRPERSON BENNETT: Okay. Thank you.

21 MR. JOHNSON: Sure. This next slide just shows an
22 extension of the vacant land that's used for parking lot that extends
23 along Martin Luther King Avenue. The Lottery Board building and the
24 professional buildings are in the background.

25 Basically, that concludes this, the discussion for
26 those, for that particular area. Are there any questions?

27 CHAIRPERSON BENNETT: I have no more

1 questions. I sneaked my questions in --

2 COMMISSIONER KRESS: Yes, I think we're going to

3 --

4 CHAIRPERSON BENNETT: That's the prerogative of
5 the Chair. Any other questions on that area?

6 COMMISSIONER KRESS: No. Thank you.

7 CHAIRPERSON BENNETT: Okay.

8 MR. MOORE: The next site -- the next site for
9 consideration in your packet is referred to as Zoning Number Nine,
10 and that's at the Eighth Street corridor, south of the Southwest
11 Freeway.

12 CHAIRPERSON BENNETT: Okay.

13 MR. MOORE: Along, over to M. and it's proposed
14 that that area be rezoned from C-M-1 to C-2-B and R-5-B.

15 The Generalized Land Use Map of the
16 Comprehensive Plan does designate as moderate-density
17 commercial, for the commercial frontage that is along H between M
18 and Virginia Avenue, and medium-density residential for the edges.
19 The edges being along Seventh and principally along Ninth.

20 The proposed zoning generally follows the existing
21 development pattern. OP usually considers either C-2-A, C-2-B or C-
22 3-A as being generally consistent with moderate-density commercial
23 designations. C-3-A was ruled out as a zone because it's generally
24 located in proximity to Metro stations or at major intersections.

25 We are then left with either C-2-A and C-2-B, and our
26 judgment call was C-2-B, although both allows FAR of 1.5. But C-2-B
27 also allows an extra 1.0 for residential incentive. And as we

1 mentioned, both edges have residential structures on them right now.

2 C-2-B has been mapped, this is just an example, at
3 18th and Columbia Road commercial area in Adams Morgan since the
4 early '70s, and significant X-I Company development revitalizations
5 occur in that area.

6 The same is basically true for the area northeast of
7 Union Station, where Victorian row structures now contain lobbyists
8 and other kinds of commercial activities. We see no reason why the
9 same cannot be true here.

10 The subject area this week is similar to accommodate
11 a number of contractors such as, as happened at the two sites we just
12 identified. The existing zone, of course, has little or no utilization,
13 because, as we all know, houses are not permitted new use in a C-M-
14 1 zone.

15 So we are recommending that, actually a pocket,
16 along Seventh about at L be rezoned to R-5-B, zoned to current use.
17 And the area that fronts mostly on Ninth between Virginia Avenue and
18 Potomac Avenue to residential, again zoned to current use.

19 The building -- back on the first slide again. The first
20 slide shows a view looking east along Potomac -- I mean, Virginia
21 Avenue, as well as slightly down Seventh.

22 Here, looking further down Seventh towards the Navy
23 Yard, you can see on the left, or east side of the slide, those
24 residential units. If you refer back to your map, that is the area that
25 we, that shows on Seventh, that's not R-5-B. Those are house --

26 CHAIRPERSON BENNETT: Question, though.
27 Those are, those are row houses.

1 MR. MOORE: Yes.

2 CHAIRPERSON BENNETT: And then there's a little
3 corner store.

4 MR. MOORE: Corner store there, yes.

5 CHAIRPERSON BENNETT: Right there at L.

6 MR. MOORE: Yes, Seventh and L.

7 CHAIRPERSON BENNETT: L and Seventh.

8 MR. MOORE: Yes.

9 CHAIRPERSON BENNETT: And then up Seventh,
10 there are row houses. Why R-5-B, instead of R-4?

11 MR. MOORE: Well, we -- when you look at the
12 residential zone in the surrounding area, we're just trying to be
13 consistent with what's already there. And mostly --

14 CHAIRPERSON BENNETT: Well, but the other
15 residential zones take care of -- I mean, R-5-B works for the Arthur
16 Cappa houses. That's what, that is on the right, right?

17 MR. MOORE: Yes.

18 CHAIRPERSON BENNETT: To the west of Seventh
19 Street. You got Arthur Cappa, and because they are one, two, three,
20 four, five, five or six story, multi-family, fairly dense units, R-5-B makes
21 sense over there.

22 But R-5-B in this little dogleg. I mean, it unifies the
23 zoning, but the uses -- I mean, the -- you know, I mean, the row
24 houses --

25 MR. GROSS: Well, let me --

26 CHAIRPERSON BENNETT: -- don't comport with R-
27 5-B.

1 MR. GROSS: Well, the R-5-B in the city is used in
2 some instances in areas improved with row houses.

3 Ironically, even though it's an apartment house zone
4 and allows a height of 50 feet, as against 40 in R-4, the permitted floor
5 area ratio is 1.8.

6 CHAIRPERSON BENNETT: Yes.

7 MR. GROSS: Which, in practical terms, is the same
8 as R-4, which doesn't have an FAR, but allows 60 percent lot
9 occupancy and a maximum of three stories. So, with three stories, 60
10 percent, you come out with the same 1.8.

11 But on balance -- I see your point, Madam Chair, but
12 on balance, we felt extending the R-5-B under these circumstances
13 was, was a reasonable thing to do.

14 CHAIRPERSON BENNETT: That's interesting.

And you know

15 MR. GROSS: Yes.

16 CHAIRPERSON BENNETT: They came around
17 there. And I used to park on these streets and walk over and catch
18 the bus up, the 90s bus, into downtown. And I don't
19 recall if we look on the right-hand side -- I'm looking on the map now
20 of the proposed C-2-B. The R-5-B that's mapped there. I don't recall -
21 - I guess, along L Street, I don't recall any, any multi-family buildings.
22 Now, on Potomac, I'm not sure.

23 MR. MOORE: Madam Chair, there is a mid-rise. We
24 have a slide of it.

25 CHAIRPERSON BENNETT: Mid-rise? Oh, okay.

26 MR. MOORE: On Ninth and Potomac.

27 MR. GROSS: Bill, could we show that one?

1 MR. JOHNSON: Sure.

2 MR. MOORE: The building that you see on the slide.

3 CHAIRPERSON BENNETT: Yes. Right there. Yes, I
4 got it. Well.

5 MR. GROSS: I'm going to just say further on this
6 point, if you want, we could look at the surrounding R-5-B area and
7 see if some of it is developed with row houses as well as apartments.

8 It, it occasionally comes up as a kind of conundrum
9 issue in the Shaw and Adams Morgan area, where essentially in 1958,
10 some of the larger row house areas, particularly if there's a mixture of
11 apartments, were zoned R-5-B.

12 But sometimes just areas with large row houses, such
13 as you have in DuPont Circle and Adams Morgan. And then areas
14 with more average medium to small size row houses were almost
15 always R-4.

16 CHAIRPERSON BENNETT: Yes.

17 MR. GROSS: And actually in Shaw itself, you have
18 some areas zoned R-5-B and some R-4. And now and then, we'll get
19 a request from citizens, "Well, shouldn't our row houses and the R-5-B
20 really be R-4?" And when you look at the density, the
21 only real issue turns out to be the conversion to apartments potential,
22 which, as you know, in R-4 is limited to basically two units max.

23 CHAIRPERSON BENNETT: That's right.

24 MR. GROSS: But if you have a building big enough
25 in R-5-B, you could do one unit per floor, or whatever. So there's
26 some marginal differences there, but I'm not fully clear on the 1958
27 rationale for certain areas being R-5-B and some R-4.

1 CHAIRPERSON BENNETT: Okay. I just thought I'd,
2 I'd raise that question.

3 COMMISSIONER KRESS: Well, it's also come up in
4 some of the information we've received. I think it's an excellent
5 question.

6 CHAIRPERSON BENNETT: Thank you. I didn't
7 mean to interrupt, but I did mean to interrupt.

8 MR. MOORE: And if there are other questions, we'd
9 be glad to try to address those, also.

10 By the way, Madam Chair, most of the area, of
11 course, north of Virginia Avenue, the residential areas, are zoned
12 either R-3 or R-4.

13 CHAIRPERSON BENNETT: Right. Okay. Further
14 questions, colleagues, of this part of the presentation? Did that wrap
15 up your presentation?

16 MR. MOORE: That wrapped up, yes.

17 CHAIRPERSON BENNETT: The only other thing,
18 and again, I haven't had a chance to read all of the issues raised by
19 Capitol Hill Restoration Society, but I did catch the last paragraph on
20 page two, which was "The best alternative would be to keep the
21 present C-M-1." And they outline some reasons for that.

22 I didn't know if you had had a chance to see that, or if
23 you had had a chance to discuss the proposed zoning with
24 neighborhood groups like Capitol Hill Restoration Society.

25 MR. MOORE: Yes, we have had had an opportunity
26 to review it. And we did host a meeting of the community groups in
27 the Office of Planning, where we discussed not only that area south of

1 Virginia Avenue, but the main corridor itself between Pennsylvania
2 and I.

3 CHAIRPERSON BENNETT: Right.

4 MR. MOORE: And, there was some, I thought, fruitful
5 exchange. And representatives of, Battery Champs, who was
6 represented in that group, said that they would go back to other
7 community groups, including the ANC and Barrack Row, and get back
8 to us with a unified position.

9 CHAIRPERSON BENNETT: Yes.

10 MR. MOORE: Didn't happen yet. I imagine it's their
11 position that you have before you right now.

12 CHAIRPERSON BENNETT: Right. But I, if I'm not
13 mistaken, I thought I saw, I thought I saw something from ANC 6B.

14 MR. MOORE: There was something, yes.

15 CHAIRPERSON BENNETT: Which is support.

16 MR. MOORE: Right.

17 CHAIRPERSON BENNETT: You know, I'm all
18 thumbs, and the minute I try to put my hands on -- here it is.

19 An April 9th letter, saying that they were in support. It
20 was Champs and CHRS that were not. Okay.

21 All right. Further questions, colleagues?

22 COMMISSIONER KRESS: Just a tiny one, and I
23 think we've probably covered it.

24 One of the things that, speaking to that Capitol Hill
25 Restoration Society, is they, they just basically feel if the second
26 choice was C-2-A, and I assume the main reason in reading this is
27 because they do not see and do not feel the area's well suited to

1 residential. Perhaps you covered that somewhat, but anything else
2 you could add would be helpful.

3 MR. GROSS: Let me -- I'll just add one comment that
4 we were discussing in reviewing the slides earlier.

5 There's some vacancy, both in the residential
6 buildings and the commercial buildings in the commercial part of this
7 area. There's some vacant and underutilized land in the commercial
8 area also.

9 CHAIRPERSON BENNETT: Oh, okay.

10 MR. GROSS: So, appears to be a somewhat weak
11 market situation. The C-M-1 zoning with the 3 FAR commercial has
12 not been utilized. There's no 3 FAR building in the area.

13 Now, we're not opposed to the notion of more
14 economic incentive for development, but it may need a more detailed
15 planning study to figure out a strategy on it.

16 As things stand now, with a weak commercial market,
17 we don't see any reason to basically offer the existing dwelling units
18 for conversion to commercial uses, which might just result in
19 disinvestment instead of actual business expansion.

20 It may also be that after the Navy Yard expansion has
21 begun occurring and some of the subcontractors start moving over the
22 Yard, we'll start seeing some movement. Some of which can be
23 accommodated in existing buildings. And then maybe a study could
24 be done of another zone.

25 And the Restoration Society for the last few years has
26 been promoting in the Comprehensive Plan process the notion of a
27 somewhat higher permitted commercial density on Pennsylvania

1 Avenue Southeast as well as Seventh and Eighth Street, or at least
2 one of those two.

3 COMMISSIONER KRESS: Yes.

4 MR. GROSS: This hasn't yet been fleshed out in
5 detailed zoning terms, and our present commercial zone districts don't
6 have a zone that does exactly what they want to do.

7 But I think hopefully they will lay out in somewhat
8 more detail how they would see it working, if it wasn't C-M-1. I realize
9 they're saying C-M-1 as a temporary action. But what, I guess we
10 would still lean, for the reason I mentioned, toward going ahead with
11 this rezoning now, but recognizing that this could be a very interesting
12 small opportunity area in the future.

13 COMMISSIONER FRANKLIN: Well, my question was
14 going to really address what your prognostication is of the effect of the
15 influx of people into the Navy Yard as well as the, the ancillary
16 contractors who apparently, I'm told, flock to, you know, the proximity
17 of the Navy for procurement purposes.

18 MR. GROSS: Yes.

19 COMMISSIONER FRANKLIN: You know, what's your
20 best guess as to, if we did nothing and left everything the way it was,
21 what is your guess as to what would happen along Eighth Street?

22 MR. GROSS: Well, first by way of policy context, the
23 Comprehensive Plan and other planning studies going beyond the
24 Comprehensive Plan basically see the Capitol South area, which is
25 about five blocks further west, as the major new development area for
26 6 FAR 90 foot office buildings. We've rezoned it that way.

27 COMMISSIONER FRANKLIN: Larger scale. Yes,

1 right. So what does that leave for this area?

2 MR. GROSS: Well, I tend to think the analogy with
3 the area over near Union Station, which I'm sure is -- Second and
4 Third Streets, where a number of consultants and lobbyists and even
5 a radio station all, all kind of oriented to doing business on Capitol, on,
6 at the U.S. Capitol, have renovated a number of town houses over
7 there. At C-2-A, and I think even part of that is C-1, although the
8 North Capitol Street rezoning would change that to C-2-A also.

9 So it's small scale, but a fair number of businesses
10 and office uses can be accommodated in buildings at this scale.

11 And I guess, if we start to see that trend over in this
12 area, we would respond -- I guess I would also say, probably the
13 existing C-M-1, if it was removed from the residential buildings,
14 wouldn't be the end of the world.

15 You always have the possibility of somebody opening
16 an adverse use. I don't know if there's a building over there, for
17 example, that can accommodate a recycling facility, or something like
18 that, that people might regret down the road, leaving the door open for
19 that coming in.

20 But on balance, I think we would, for now we would
21 stick with our recommendation. We're interested in hearing the other
22 testimony on it tonight, and happy to work with the Commission to
23 resolve issues.

24 CHAIRPERSON BENNETT: Thank you. Further
25 comments or questions? All right.

26 We have one more.

27 MR. JOHNSON: This last rezoning is shown as

1 Rezoning Number 11. It's located opposite the Rhode Island Avenue
2 Metro Station in northeast Washington.

3 The boundaries are Rhode Island Avenue, Ninth
4 Street, Tenth Street, Evert, and Evert Street. The proposal here is to
5 rezone from C-M-2 to C-2-C and R-2. And there is an area that's
6 currently zoned R-2, but developed with mid-rise apartment buildings,
7 that we propose to rezone that area to R-5-D.

8 In fact, that apartment building, or at least the side of
9 it, is shown in this current slide. The slide also shows some existing
10 commercial uses along Rhode Island Avenue. In fact, this slide is
11 taken at the intersection of Ninth Streets and Rhode Island Avenue.
12 It's looking to the west towards the MetroRail Line.

13 The, we're proposing the, for the apartment buildings,
14 as I said, to rezone that area from R-2 to R-5-D, to remove the non-
15 conforming use there, that these apartments are now in, based on that
16 current zoning.

17 The C-2-C zone, which is a mixed-use zone, allowing
18 both residential and commercial use, we thought would be an
19 appropriate use at this location.

20 By the way, I might mention that the Comprehensive
21 Plan designates this area as a high-density residential area. And as I
22 said, the C-2-C zoning accommodates that use.

23 In fact, there's a total FAR of 6.0, of which 4.0 is
24 allowed for residential uses -- all the total 6.0 is allowed for residential
25 uses.

26 However, there is a 2.0 FAR that would be allowed to
27 accommodate commercial uses, and we think that a commercial use

1 at this location, which is, as I said, in the vicinity of the Rhode Island
2 Avenue Metro Station, is appropriate, is an appropriate use.

3 Over time, if this area is developed with high-density
4 residential, we think that the C, the commercial zone would be again
5 an appropriate for the frontage along Rhode Island Avenue.

6 CHAIRPERSON BENNETT: Well, then that leads me
7 to ask this.

8 Why did you do it this way with that large swath of C-
9 2-C instead of confining with a commercial 2 the Rhode Island Avenue
10 frontage, and then doing a more residential in the back of that, so that
11 backing up against Evarts Street and backing up against the, the
12 apartment buildings and the row houses along Tenth Street, you'd
13 have kind of an interior block residential, area devoted to residential?

14 Why did you decide to do it -- carry the commercial
15 that deeply into the square?

16 MR. JOHNSON: Well, in the C-2-C zoning, as you
17 said, it's a mixture zone. And while the separate zoning category is a
18 potential, the current zoning that we proposed would accommodate
19 again some uses --

20 Well, there's some industrial buildings that currently
21 exist, and with the C-2-C zoning there may be a possibility that these
22 buildings might be reused for some purpose until the residential
23 development would take hold.

24 CHAIRPERSON BENNETT: I see.

25 MR. JOHNSON: So we thought that the C-2-C
26 zoning would be the best way to accommodate that potential use.

27 It might be some time before the residential

1 component is developed, so we felt that with that option, it would
2 probably be the best use for this sight at this particular time.

3 CHAIRPERSON BENNETT: What is back up in
4 there?

5 MR. JOHNSON: Let me show the next slide. This is
6 the interior of that area, which is along Ninth -- along Reed Street, or
7 Tenth Street. The industrial buildings are vacant and unused, and
8 have been that way for some time.

9 This is another view of an industrial building that
10 currently is located in the interior. So, it's these buildings that might
11 have some reuse potential.

12 And in fact, I think that at the previous hearing, there
13 was mention of some other buildings on the west side of Tenth Street
14 that was currently being reused, I think by the church that is located
15 on Rhode Island Avenue.

16 CHAIRPERSON BENNETT: Yes.

17 MR. JOHNSON: So, understanding, you know, that
18 the residential zone for the interior is an option, we felt that the zoning
19 to accommodate that particular use was the probably the best use at
20 this time for that, for this interior area.

21 MR. GROSS: And this is a highly unusual situation,
22 Ms. Bennett. If you look at, just in the area that the Comp Plan and
23 that the zoning proposes to leave industrial, the large building complex
24 on Rhode Island Avenue there just to the left or the west of the
25 rezoning area, is where Merkel Press was.

26 CHAIRPERSON BENNETT: Yes.

27 MR. GROSS: Which was a very major publisher until

1 they left the city maybe ten or 15 years ago.

2 We think that probably an awful lot of these vacant
3 buildings going up Reed Street and Ninth Street, probably were
4 subcontractors to Merkel. And it's really, I was shocked when I went
5 out and drove it. I've never -- it's a regular ghost town of one and two
6 story former industrial buildings.

7 CHAIRPERSON BENNETT: Yes.

8 MR. GROSS: And I guess our thought with the C-2-
9 C, as against dividing it with some pure residential zoning, would be
10 that the residential by itself may not have enough incentive to really
11 get somebody to assemble in, clean it up and build just apartments.
12 But that we might need an interim period where the area is cleaned up
13 somewhat by smaller businesses who are able to convert these
14 buildings.

15 And the 2 FAR commercial part of that zone would
16 allow that to happen. And yet they also have the option of the full Fifth
17 FAR residential if somebody can find the way to make that work. So it
18 is one of the more unusual zone situations that I have seen.

19 MR. MOORE: Madam Chair, if I may interject, you
20 asked the question at our last session regarding where that trolley
21 company was located.

22 CHAIRPERSON BENNETT: Yes.

23 MR. MOORE: It's right at Ninth and Evarts. See
24 where the C-M-2, C-2-M, C-2-M is on your map?

25 CHAIRPERSON BENNETT: Yes.

26 MR. MOORE: Right below it is where that trolley
27 company is located.

1 MR. JOHNSON: In fact this next -- (flipping through
2 slides) Excuse me.

3 This slide, I believe, it shows basically where that
4 area is located. It is to the rear of and to the left of the white
5 automobile that's to the left of the slide.

6 CHAIRPERSON BENNETT: Okay.

7 MR. JOHNSON: This is the last slide in this site. It
8 shows the warehousing on Evarts Street. That area is currently zoned
9 C-1.

10 We are proposing that an R-2 zone would be an
11 appropriate zone to preserve and protect these houses, which is also
12 consistent with the housing component of the Comprehensive Plan.

13 CHAIRPERSON BENNETT: On this slide, it's looking
14 to the west?

15 MR. JOHNSON: This slide is looking west on Evarts
16 Street.

17 CHAIRPERSON BENNETT: Okay.

18 The apartment houses are right now in R-2, right?

19 MR. JOHNSON: That is correct.

20 CHAIRPERSON BENNETT: And you are changing
21 that to R-5-D?

22 MR. JOHNSON: Yes.

23 CHAIRPERSON BENNETT: Okay. Thank you.

24 Questions, colleagues?

25 All right.

26 COMMISSIONER KRESS: I would like to have, go
27 back to another one if we are finished with this and if there isn't any

1 more presentation. I, I am confused on Rezoning Number Two.
2 Whenever it is appropriate, I'd like to ask that of the Office of Planning.

3 CHAIRPERSON BENNETT: Rezoning Number
4 Two? Oh, that is the prevoc sight.

5 COMMISSIONER KRESS: I am confused in reading
6 the map, the original. I know what the words say, but I am confused
7 at looking at the map on rezoning number two.

8 The first map said from R-4 to C-2-A and C-3-C. The
9 second map says from C-2-A to R-4 and C-3-C, but I'm not quite sure
10 now of the boundaries, the way the map is drawn, of the C-3-C.

11 MR. GROSS: Okay, the shaded area shows the
12 proposed C-3-C area. One --

13 COMMISSIONER KRESS: All right. So the shaded
14 area in R-4 is --

15 MR. GROSS: Would go to C-3-C.

16 COMMISSIONER KRESS: So everything shaded
17 goes to C-3-C?

18 MR. GROSS: Right.

19 COMMISSIONER KRESS: Okay.

20 MR. GROSS: Let me mention one thing that is
21 something of an anomaly here, that is that extremely shallow depth of
22 the existing C-2-A zoning. That's only 70 feet deep, as against a more
23 typical 100 or 120 feet, which is really very shallow even for a decent
24 C-2-A building.

25 This, apparently by looking at the old based atlas,
26 was based on an alley that went through. There was an interior street
27 that apparently was closed when Gonzaga expanded into the South

1 end of that block.

2 So the old C-2-A is based upon only a 70 foot depth.
3 And what we are proposing is to pick up the same boundary as the
4 PUD property at the corner of North Capitol and H. Which is pretty
5 much the boundary which was proposed to the Council for the
6 medium-high-density commercial designation, and which they
7 adopted.

8 COMMISSIONER KRESS: Okay, I see.

9 When I was looking at it, I was wondering why we had
10 this funny little piece left as just C-2-A all by itself.

11 CHAIRPERSON BENNETT: She's looking at the
12 triangle.

13 MR. GROSS: Oh! Let me address that. We
14 discussed that also, that's --

15 CHAIRPERSON BENNETT: Now, that's not where
16 the Union Life building is?

17 MR. GROSS: No, no. There has been some surface
18 parking on that very small triangle. The land use designation is
19 actually medium-density residential.

20 We are not proposing residential zoning because, if
21 you could put anything on it, it might be one townhouse. And there it
22 is surrounded by three streets.

23 (Laughter).

24 MR. GROSS: It has --

25 COMMISSIONER KRESS: I mean it is such a biz --

26 MR. GROSS: It's a bizarre situation.

27 And across the street, to the west, you have C-2-C zoning,

1 and you couldn't put a C-2-C building, this is a very small little, virtually
2 a traffic island that there's room for a handful of cars to park on.

3 And it doesn't make sense to make it C-3-C because
4 it's unbuildable for that. So leaving it C-2-A seems like a reasonable
5 option.

6 CHAIRPERSON BENNETT: So below that in the
7 square, where HR/C-3-C is just below that little triangle, is that where
8 the Union Life building is?

9 MR. GROSS: Let's see.

10 COMMISSIONER FRANKLIN: Yes, it says Union
11 Labor and Life in that --

12 COMMISSIONER KRESS: Okay, Yes.

13 COMMISSIONER FRANKLIN: Irregular, that sort of,
14 what is it, parallelogram? I don't know.

15 CHAIRPERSON BENNETT: Yes, Okay.

16 COMMISSIONER FRANKLIN: But were you saying,
17 Mr. Gross, that that small triangle designated C-2-A had been
18 designated on the Comprehensive --

19 CHAIRPERSON BENNETT: Looks like a spot.

20 COMMISSIONER FRANKLIN: Generalized Land Use
21 map as residential?

22 MR. GROSS: Yes.

23 COMMISSIONER FRANKLIN: Just that Triangle?

24 MR. GROSS: No, it comes down from the North. I
25 guess it probably includes the R-4, R-5-B and R-5-D areas that are
26 there.

27 COMMISSIONER FRANKLIN: Oh.

1 MR. GROSS: We may have a Generalized Land Use
2 map in the other room. It is part of a more generalized area, though.
3 It's not just the triangle.

4 COMMISSIONER FRANKLIN: Who prepares the
5 Generalized Land Use map?

6 MR. GROSS: A combination of the Office of Planning
7 and members of the public who propose amendments to it in the
8 biannual Comprehensive Plan amendments process.

9 Our office, of course, prepared the original one, and
10 then it's been -- in 1985. And then it's been subject to more and more
11 refinements and more details, for example a complete street grid in
12 the years since then.

13 COMMISSIONER FRANKLIN: And yet it's not a
14 zoning map.

15 MR. GROSS: Exactly.

16 COMMISSIONER FRANKLIN: Well, it's darn close to
17 one, it seems to me.

18 MR. GROSS: There, well, there are people who want
19 to make it largely that, but --

20 COMMISSIONER FRANKLIN: Oh.

21 CHAIRPERSON BENNETT: Further questions of any
22 of the rezoning proposals? I mean of OP about any of the rezoning
23 proposals?

24 (Laughter)

25 CHAIRPERSON BENNETT: Don't ask the rezoning
26 proposals, they won't be able to answer you.

27 Okay. Hearing none, I gather there are no other

1 reports of other agencies?

2 MR. GROSS: No, Madam Chair.

3 CHAIRPERSON BENNETT: Hearing none, are there
4 any Advisory Neighborhood Commission members in the audience?

5 Okay. Persons in support?

6 None? All right.

7 Persons in opposition? I have a list of three persons.

8 Are either Mr. Frank, William Frank Reed, Esquire or
9 Margot Kelly here?

10 Please come forward.

11 Good Evening.

12 MR. REED: Good Evening, Madam Chairperson, and
13 members of the Commission.

14 I want to thank you for the opportunity for speaking
15 briefly on one of the proposed rezoning matters. Our, the one that
16 concerns --

17 Well, let me first say, my name is William Frank Reed.
18 I'm here representing the Capitol Hill Association of Merchants and
19 Professionals, of which I am the incumbent president.

20 And that, we are here to speak to, I believe it's
21 Number Nine, it's the area south of Southeast Expressway. Eighth
22 Street Southeast. Our organization met, the Champs Board met on
23 March 19th, and considered this proposed rezoning and voted
24 unanimously to oppose it.

25 The reasons are simply that the C-M-1 zone, while
26 not, you know, the best alternative, and having certainly negative
27 aspects to it. We felt, given the height restrictions, which I believe

1 were 40 feet for a C-M-1 --

2 CHAIRPERSON BENNETT: Say that again? I'm
3 sorry.

4 MR. REED: The C-M-1 height restriction is 40 feet.
5 But at the same time, it permits a 3.0 FAR for commercial use.

6 The proposed rezoning of C-2-B allows a height of 65
7 feet, some 25 feet in excess of the current zoning. But reduces the
8 commercial usage to an FAR of 2.0 from the existing 3.0 allowed
9 under C-M-1.

10 The entire four blocks, of which three are involved in
11 this proposed rezoning, one of them 930, I believe, 907 is not
12 involved, although it lies directly south of 906, square 906, because it
13 is 100 percent occupied by a one to one and one-half story building,
14 which I think used to be a part of the old D.C. Capital -- D.C. Transit
15 System, but is now under lease, I think largely to the District
16 Government, frankly.

17 So that leaves the other three squares in this four
18 square area subject to this proposed rezoning. We do not feel that the
19 R-5-B component, which, in effect, slices through square 929 and 930,
20 has anything to do with reality.

21 There is one apartment building that was shown on
22 the slides here by the Office of Planning that is on Potomac Avenue,
23 which is east of some commercial on the corner, owned by Mr.
24 Fedrigault, who is here this evening, and I think plans to speak to you.

25 But the rest of it is commercial with the, including
26 most of the town houses, the small town houses that are on L Street.
27 And those may appear to be residences, but by and large, they are

1 being occupied and used as offices.

2 There may be a few in that, in the block between
3 Eighth Street and Ninth that are still being occupied as residences, but
4 our information is, and our observations are, that by and large, the
5 residential use has been abandoned there.

6 On the west side of Ninth, of Eighth Street, where a
7 small enclave of R-5-B proposed rezoning has been redrawn, there is
8 a cluster of residential houses to the north and east of a corner
9 grocery store. Which likewise appeared to be, if occupied, probably
10 by renters and are in a terrible physical condition, would not pass a
11 housing code inspection.

12 And at least two or three of them are abandoned. So
13 it does not appear --

14 CHAIRPERSON BENNETT: They are abandoned,
15 but they are not all unoccupied, if you know what I mean.

16 (Laughter.)

17 MR. REED: Yes. Right. Yes, I do.

18 So it does not appear to be a viable, at least
19 experience has not demonstrated that this is a viable residential area.
20 No developers, no one has made any effort. Of course, they couldn't
21 in a C-M-1 zone anyway. But it is all the residential which exists, or
22 could exist there is dominated by commercial use.

23 On Virginia Avenue itself, we have two, we have Miles
24 Glass, which is an operation, a business of long standing in this city,
25 and has been there for probably decades.

26 CHAIRPERSON BENNETT: Yes, a long, long time.

27 MR. REED: That's right, that's right. And

1 there are two automobile repair shops or garages, which are
2 everything that you could imagine a repair shop or garage would be,
3 with cars and various pieces and parts of them laying around the front
4 yard of these, these operations.

5 And as you go down Eighth Street on the East side,
6 heading towards the Navy Yard, on both sides we have commercial
7 usage.

8 So we, we feel that the proposed rezoning to C-2-B is
9 undesirable because it would increase the height limitation from 40 to
10 65, and tower over, frankly, the entrance to, the ceremonial entrance
11 of the Navy Yard. Which itself is about three to three and one-half
12 stories. 65 feet would give us easily four to four and one-half, maybe
13 five stories. Allowing 12 feet to 13 feet per floor.

14 So, we don't, we think it is inappropriate, we think it
15 would, from a scenic standpoint, from a planning standpoint would be
16 inappropriate, especially where it runs, where Eighth Street runs
17 directly into this entrance to the Navy Yard.

18 So we think a lowered height is warranted. The C-M-
19 1 gives you, or provides the protection against anything higher than 40
20 feet. It also supplies the FAR, commercial FAR, which we feel is more
21 appropriate to this three or four block area.

22 Although, even that alternative, even the existing
23 zoning is less than desirable. Frankly, the C-2-A zoning, which is,
24 which exists off of the freeway, expressway, would be more
25 appropriate.

26 But like all C-2 zoning, zones until you get up to, I
27 guess it's five or six, they are all mixed use. And we have found in our

1 experience on Capitol Hill that mixed use zoning in a low to moderate
2 density neighborhood, where you are going to put this kid of mixed
3 use on small row house lots of 18 to 20 feet in width, it just does not
4 work.

5 In fact, our neighborhood organizations have for the
6 last three to five years invariably supported area variances when
7 applied for by owners of row houses in the C-2-A zones so that they
8 could use them 100 percent for office and retail use.

9 You cannot comply easily with the building code and
10 stack an apartment on top of a retail use. And frankly, it's not the kind
11 of housing that most people are interested in occupying. I think the
12 next witness can address that perhaps more specifically than I.

13 So, what's lacking here, and what we as a community
14 need, is the opportunity is to sit down as was suggested with the
15 Office of Planning and engage in a more detailed study of all of these
16 C-2-A zones so that we can come up with a zoning, a new zoning
17 category and classification that will permit commercial or office use in
18 a low density row house-type commercial neighborhood such as
19 Capitol Hill.

20 And all of, virtually all or our commercial
21 zones, C-2-A, with the exception for a smattering of C-M-1 zoning
22 here and there, of which this particular area happened to be one.

23 That will allow 100 percent commercial use, limit the
24 height to 40 to 50 feet, and obviate the necessity of having to apply
25 for, our developers and the people who want to improve the
26 neighborhoods having to go to the DCA every time they want to put an
27 office or use one of these row houses 100 percent for office or retail
use.

1 That is basically our position. To summarize it, we
2 don't, we feel that in the absence of any more appropriate zoning
3 category, none of which exists, we would rather go with the existing,
4 reluctantly, with the C-M-1, take the, even with the risks that it
5 presents. Because it does restrict the height and it does permit 100
6 percent commercial use.

7 I'd be happy to answer any questions that anyone
8 might have.

9 CHAIRPERSON BENNETT: So the, the areas that
10 are proposed for R-5-B, you would keep in C-M-1?

11 MR. REED: Yes. We don't think that the area is a
12 viable residential area. Especially as, you know, as the Navy Yard
13 increases its daytime office population and as more demand for
14 commercial use, no doubt will follow in the adjacent areas.

15 CHAIRPERSON BENNETT: So --

16 COMMISSIONER KRESS: Both R-5-B's, I just want
17 to understand. Both R-5-Bs as proposed, you propose to keep the
18 same, which you would prefer to be C-M-1.

19 MR. REED: Yes.

20 COMMISSIONER KRESS: Is there one R-5-B or the
21 other that you feel more strongly about? Or do you feel equally on
22 both of those?

23 MR. REED: I think we feel equally, on, with respect to
24 both of them.

25 COMMISSIONER KRESS: Certainly.

26 MR. REED: The only real use that is residential is
27 this apartment building, and I don't know that that, I don't know that

1 that's 100 percent rented. There is a parking lot adjacent to it, which
2 never seems to have any cars in it, that are parked there anymore.
3 Maybe Mr. Fedrigault can speak to that, I think, because he does own
4 property in that, on that, in that Potomac area.

5 COMMISSIONER KRESS: So, ideally you'd like a
6 zone classification that does what? You gave us a summary --

7 MR. REED: That would allow 100 percent
8 commercial use with an FAR of 2.5-3 --

9 COMMISSIONER KRESS: Wait a minute. Now,
10 that's 100 percent commercial use with an FAR of what?

11 MR. REED: Well, 2.5 or 3.0.

12 COMMISSIONER KRESS: 2.5 to 3.

13 MR. REED: Three probably makes more sense
14 because you can put three complete floors -

15 COMMISSIONER KRESS: Three floors.

16 MR. REED: Have three complete floors rather than
17 two and a half.

18 COMMISSIONER KRESS: Okay.

19 MR. REED: And with a height limitation of 40 or 50
20 feet. We are not, we don't feel strongly about that. The Capitol
21 overlay district limits the C-2-A to 40 feet, whereas, other than -- Yes.
22 The Capitol has --

23 COMMISSIONER KRESS: Well, you have it with C-
24 M-1, it's just that the uses aren't correct. I mean, basically --

25 MR. REED: That's right.

26 COMMISSIONER KRESS: That's why you are
27 staying with C-M-1. It gives you what you are looking for with your

1 FAR, with your density essentially and your height. But it doesn't give
2 you the uses that you feel are appropriate.

3 MR. REED: It doesn't protect us against undesirable
4 uses.

5 COMMISSIONER KRESS: Protect against -- Yes, I
6 was trying to say it positively.

7 MR. REED: That's right.

8 COMMISSIONER KRESS: Okay.

9 MR. REED: Otherwise it would be fine.

10 COMMISSIONER FRANKLIN: Well, what
11 undesirable uses are there now under this zoning?

12 MR. REED: Well, when I say undesirable, I suppose
13 that's all --

14 COMMISSIONER FRANKLIN: Less desirable, less
15 desirable.

16 MR. REED: Less desirable. We have these auto
17 repair shops, well I should say they are body shops by and large.

18 I mean the Universal Cab Company seems to either
19 own or use one of them almost exclusively for its cab repair work. The
20 other one probably is a genuine auto repair shop. But they are
21 unsightly, they are right on Virginia Avenue, they --

22 CHAIRPERSON BENNETT: What is the one which
23 used to be Wrench Woman?

24 MR. REED: Still there.

25 CHAIRPERSON BENNETT: Really?

26 MR. REED: Yes.

27 CHAIRPERSON BENNETT: And is it, is it operating?

1 MR. REED: Yes, yes it is, and --

2 CHAIRPERSON BENNETT: Yes! I tell you, I know
3 this neighborhood.

4 COMMISSIONER KRESS: You want to go work
5 there?

6 (Laughter.)

7 CHAIRPERSON BENNETT: I'd never --

8 MR. REED: Sure, I was listening to you talk with the
9 Office of Planning about the neighborhood, and I could tell that you
10 knew the neighborhood. Absolutely. Very well.

11 CHAIRPERSON BENNETT: So, but they are
12 operating, they are an auto body place?

13 MR. REED: Yes they are. Yes. And they are still
14 working at it. Absolutely.

15 CHAIRPERSON BENNETT: Okay.

16 COMMISSIONER FRANKLIN: Well, Mr. Reed, with
17 the influx of all the employment in the Navy Yard, if we left the zoning
18 the way it is, what is your sense of what the market forces would do, in
19 particular regard to the less desirable uses?

20 Do you think that basically they would sell out to more
21 uses that are more desirable?

22 MR. REED: I would think that that would happen, that
23 it would be a natural evolution, yes. There is a demand for
24 office space generated by the expanded, or the move of certain
25 portion portions of the Department of Navy's operations to the Navy
26 Yard.

27 Bringing with it, as is discussed and believed, those

1 contractors and vendors that serve and support the Navy. We would
2 expect the need and demand for commercial space to increase in this
3 area.

4 It's going to increase all the way down M Street,
5 although it's going to have to be clustered, larger buildings, as it was
6 said, are going to be clustered closer to South Capitol Street because
7 there, in between you have a lot of public housing.

8 There is a significant amount of public housing. As a
9 matter of fact, most of the area one block north of M Street is public
10 housing from Seventh Street to --

11 COMMISSIONER FRANKLIN: Virginia Avenue?

12 MR. REED: New Jersey Avenue, or something close
13 to that.

14 So, but there is even, there is public housing on M
15 Street between, west of Seventh Street probably to Fifth or Sixth, or
16 something like that. And then there is, there are a couple of
17 commercial lots that are available as you go west.

18 So, what I would see happening is that you would
19 have high rise commercial development or higher in a block or two
20 east of South Capitol Street. And then you would have, that would be,
21 in between would be some public housing.

22 And then, as you reach Seventh Street and Eighth
23 Street, we would have probably lower density office space,
24 commercial space, that would be available for smaller users.

25 And I think there would be a significant demand,
26 which would increase the value of the property and no doubt,
27 eventually some of these less desirable uses would be induced to sell

1 and move on somewhere else.

2 COMMISSIONER FRANKLIN: What's the height limit
3 in C-M-1?

4 CHAIRPERSON BENNETT: About Forty feet

5 MR. REED: Forty Feet.

6 COMMISSIONER FRANKLIN: Forty feet. So that's
7 consistent with what you recommend generally anyway.

8 MR. REED: Yes.

9 CHAIRPERSON BENNETT: Yes, everything is
10 consistent with the exception of the usage --

11 MR. REED: Except for the mixed use.

12 COMMISSIONER KRESS: And it is what it is right
13 now. That's what it is right now.

14 MR. REED: The mixed use. I don't know how it's,
15 how it is working in other parts of the city. But these, the C-2-A and
16 the C-2-B just is not viable from a mixed use standpoint.

17 I mean, those of you who are architects on this
18 Commission no doubt probably appreciate that more than I do. But
19 it's been our experience in Capitol Hill that it's not a viable combination
20 in a small area. You need a much larger lot to be able to support and
21 meet the code requirements for housing and commercial use.

22 COMMISSIONER FRANKLIN: So your testimony is
23 really very consistent with the Capitol Historical --

24 MR. REED: Apparently. I wasn't aware of the, what
25 their, we haven't seen their letter. But it sounds as though it is.

26 COMMISSIONER KRESS: It's because of the fire
27 ratings and the difference between residential and commercial. You

1 essentially have to build two buildings in one building.

2 MR. REED: That's right. It's just not economically
3 viable.

4 COMMISSIONER KRESS: And for rehab, if you are
5 building something new, it's a little easier, but when you are trying to
6 do rehab --

7 MR. REED: Absolutely. Absolutely.

8 COMMISSIONER KRESS: It is very costly.

9 MR. REED: It's not cost effective. It's, you can't do it.
10 That's, I'd be happy to answer any further questions
11 that anyone might have.

12 Thank you, Madam Chairman.

13 CHAIRPERSON BENNETT: Thank you.

14 MR. REED: Thank you to rest of the Commission.

15 CHAIRPERSON BENNETT: Okay. Ms. Kelly?

16 MS. KELLY: Good evening.

17 CHAIRPERSON BENNETT: Didn't you come down
18 for another hearing?

19 MS. KELLY: Yes, yes, yes. But it was the wrong
20 one.

21 CHAIRPERSON BENNETT: Only to find out that that
22 was the wrong hearing. I'm glad you made it back and got the correct
23 information and the correct evening.

24 MS. KELLY: I am, too. Thank you very much.

25 I tonight represent the Baxlo Business Alliance, which
26 is a small business association, especially concentrated on Eighth
27 Street and the immediately surrounding area of Eighth Street. And it's

1 an organization that's been growing, fortunately. And is obviously
2 very much interested in the development and further development of
3 the adjacent area, which is the last block on Eighth Street going on to
4 the Navy Yard.

5 And on March 19, the membership took a vote and
6 voted unanimously to oppose your, the proposed zoning changes in
7 Square 906, 929 and 930. And I hate to be repetitious and tell you the
8 same story we just heard from Mr. Reed, who I think pretty much
9 covered our objections to the zoning changes.

10 I think perhaps there are one or two things I would like
11 to stress even more so. Is the fact that, since we have this beautiful,
12 historic building here, which is the entrance to the Navy Yard, and
13 Eighth Street leads straight to it, if we had zoning opportunities there
14 of buildings going up 60 or 65 feet, it would be an utter disaster for this
15 handsome historic structure that we have here. Because it would be
16 dwarfed by anything that would be on either side of it. And, I think,
17 from a historic and architectural point of view, it would be a terrible
18 thing to happen, or to have the opportunity to have it happen.

19 And, perhaps, in addition, I would like to say that
20 these C-M-1 squares we are speaking and, speaking about, to have
21 them rezoned, are really a very small, compact area. When you look
22 at them in true life, they're not large areas. They're very compact, and
23 going sort of right around this old building, hugging it on both sides
24 with Eighth Street going down the middle.

25 And I think if you have zoning changes in there, first
26 of all, they should be consistent. And they should stay commercial,
27 because if you have different types of zoning in that small an area, I

1 think things sort of become muddled and get out of hand.

2 And with the long-awaited and expected possibility
3 that the Navy Yard would come back to life again, which now
4 apparently is close to becoming a reality, I think it's the worst of all
5 times to start rezoning this, this area, which now has a chance to
6 come to life and to live again. To rezone it and give it a lesser chance
7 of its best and greatest potential.

8 And I think if it ever had the potential to be what it was
9 supposed to be, it is now, with people coming in to the Navy Yard.
10 And I think if we don't attract these people with good commercial
11 possibilities to come out from behind their walls, they won't. They will
12 work there, stay there for eight hours, and either take their cars or
13 their subways and go home again to wherever they live.

14 But I think if we make a very serious effort to give this
15 particular block a chance to come to life, it will be a beacon for the
16 whole commercial area, Eighth Street, Pennsylvania Avenue, farther
17 down. And I think that's terribly important.

18 CHAIRPERSON BENNETT: Thank you. Questions,
19 colleagues?

20 COMMISSIONER FRANKLIN: Just one, Madam
21 Chair. If some of these smaller structures are converted to office
22 uses, rather than retail. I mean, there's a lot of talk in the
23 correspondence, and to some degree the testimony about a vision of
24 the street coming back with restaurants and other lively street
25 frontage. But what appears also to be a likely scenario is that these
26 structures will be devoted to offices, which don't necessarily produce
27 much vitality on the street. What's your view of that?

1 MS. KELLY: I quite agree with you. Offices go dark
2 at six o'clock at night, which is not the best of all worlds. But I would
3 think this particular area, it may have offices on second and third
4 floors, but the first floors, I see definitely as boutiques, restaurants,
5 shops, a variety of establishments.

6 And you actually see this trend, fortunately, already in
7 the other three blocks of Eighth Street. Now, we have three blocks,
8 the seven, five and four hundred block, between the Freeway and
9 Pennsylvania Avenue, And we have now four or five restaurants in
10 those three blocks, particularly the five hundred block, and they're all
11 doing extremely well and attracting people at night. Which also has
12 improved the appearance of Eighth Street.

13 I think Captain McManus, who is in charge of the 1-D-
14 1 Precinct, there has done a wonderful job, but the police alone can't
15 do it. It helps to have people in the street. And we have people eating
16 in these restaurants in the evenings. It's not a lunch business. It's an
17 evening business, too, and a very strong one.

18 So, the beginning is there. As a matter of fact, one of
19 the restaurants, on the corner of Eighth and E, has applied to have
20 tables outside to serve in the summer, which hopefully will be granted.
21 The District Restoration Society apparently gave their approval. Now
22 he's waiting for the District to give him whatever he needs to open up.
23 Which is a wonderful idea, and I think when and hopefully that it will
24 happen, it will bring even more people onto the street during the
25 evening hours.

26 There is a young gentleman who's going to open not
27 a "Payless" type of shoe store, but a high quality shoe store in the four

1 hundred block of Eighth Eighth Street. I have seen the -- oh, what do
2 you call these things? The wax and things that you need to be in the
3 shoe business, very high quality items that he has decorated the store
4 with. He hasn't quite opened yet.

5 We have a new carry-out type of store, which is
6 usually not of the highest quality, but these people sell soups that are
7 only made from natural ingredients. And they're not inexpensive, but
8 in spite of the fact, they seem to be doing extremely well.

9 So, there is more and more activity coming into those
10 three blocks. And I think people coming into the Navy Yard will just
11 electrify the whole area. And people who are in the business of
12 building or renovating structures will certainly become terribly aware of
13 this one square little block area now, and will jump into it, and do
14 things that will be to the benefit of the city and to the benefit of the
15 neighborhood, too.

16 It will give employment to people in the area. We
17 have so many people living right around the area who need
18 employment, skilled and unskilled, who will provide some of this.

19 I think all around, it can only be a positive. It's
20 something like a dream come true.

21 CHAIRPERSON BENNETT: All right. Thank you.
22 Questions?

23 COMMISSIONER KRESS: Just a second. Yes. I
24 would just -- I'm a little concerned, because in all of these things that
25 have been put before us, the one ANC that comes out strongly in
26 support is 6-B, voting ten to zero for this particular one. I, I'm just a
27 little astonished. Did you --

1 MS. KELLY: I am, too, I did not attend any of their
2 meetings, but probably should have done it. And I think very often, if
3 people are not in the architectural end of things, or rebuilding of
4 things, I don't think FARs and height limitations and zoning limitations
5 are really clear to them. And I'm afraid they probably did not realize
6 that the zoning change -- you said they, they went along with the
7 proposals?

8 COMMISSIONER KRESS: Yes. They voted, they
9 voted ten to nothing to support replacing the current zoning with the
10 mixed uses we've put forth. Unanimously.

11 MS. KELLY: Well, it's amazing to have something
12 unanimous out of ANC, but in addition to that --

13 COMMISSIONER KRESS: And the only letter that
14 I've seen, and from -- well, there's some other from neighborhood
15 coalitions --

16 MS. KELLY: Yes.

17 COMMISSIONER KRESS: But of all these things
18 we're considering, the only ANC that comes forward is this ANC in this
19 area.

20 MS. KELLY: I can't answer your question, except that
21 I think perhaps they did not completely understand the technical
22 issues involved in it.

23 MR. GROSS: I would just mention that in all the
24 excitement about the concept of a, of a low-height, medium-density
25 commercial zone, which I think is well worth looking into, the example
26 of what can be done in existing buildings in Adams Morgan and near
27 Union Station is still, is still there. Although admittedly, the permitted

1 commercial density is probably a little lower than we would want for
2 this area.

3 But I would, I guess I'm just saying I don't think it's
4 completely off the wall for the ANC to vote in favor of C-2.

5 COMMISSIONER KRESS: Oh, I didn't think it was off
6 the wall.

7 MR. GROSS: Oh, okay.

8 COMMISSIONER KRESS: I was just surprised.

9 CHAIRPERSON BENNETT: She was surprised --

10 COMMISSIONER KRESS: To hear such -- the
11 business community is basically, totally one place and the citizens are
12 another, and both at very clear opposite extremes was my only point.

13 MR. GROSS: Yes. Sure.

14 COMMISSIONER KRESS: I didn't mean to judge
15 who was right or who was wrong.

16 MR. GROSS: Well, George Tannelist --

17 COMMISSIONER KRESS: George Tannelist was on
18 a very --

19 MS. KELLY: Perhaps we should have spoken with
20 them in detail, which I think has not been the case. A lack of
21 communication.

22 COMMISSIONER FRANKLIN: I would find that
23 anything would seem to us much more persuasive if it were
24 accompanied by reasons rather than simply a vote total.

25 CHAIRPERSON BENNETT: I agree. I agree. Thank
26 you very much.

27 MS. KELLY: Thank you very much.

1 CHAIRPERSON BENNETT: Mr. Yves Fedrigault?

2 MR. FEDRIGAULT: Good evening.

3 CHAIRPERSON BENNETT: Good evening.

4 MR. FEDRIGAULT: I also support the height
5 limitation like Mr. Frank Reed.

6 COMMISSIONER KRESS: Are you testifying on
7 Number Two as well?

8 MR. FEDRIGAULT: Well, yes. I have some --

9 COMMISSIONER KRESS: Rezoning Number Two?

10 MR. FEDRIGAULT: Yes. I have --

11 CHAIRPERSON BENNETT: Did he give his name
12 and address? Number Two?

13 COMMISSIONER KRESS: I mean number Nine,
14 excuse me.

15 CHAIRPERSON BENNETT: Number Nine.

16 COMMISSIONER KRESS: I'm sorry. Forgive me. I
17 meant the same one we were talking about.

18 CHAIRPERSON BENNETT: You should pull it closer.

19 COMMISSIONER KRESS: What was his, I didn't
20 catch his name.

21 CHAIRPERSON BENNETT: Yves Fedrigault.

22 COMMISSIONER KRESS: Yves Fedrigault?

23 CHAIRPERSON BENNETT: Yes.

24 We have a letter from him.

25 Sir, please begin with your name and address.

26 MR. FEDRIGAULT: Okay, My name is Yves
27 Fedrigault, and I live at 118 North Patrick Street in Alexandria.

1 I also am the owner of numerous properties on Block
2 930, which now has been split into two different zonings. One is
3 suggested as C-2-B, and one R-5-B.

4 And my biggest concern and my biggest issue I have,
5 my bigger issue I have in here is that I do have a parking lot that
6 supplies the corner building, office building that I have on the corner of
7 Eighth and Potomac Avenue. And I was granted a permit by the DCA
8 back in 1985.

9 I have there 33 parking spaces, which at that point, I
10 will not be able to use it for my building, to supply my office with
11 parking. And I also own the other three house which are now vacant
12 and have been boarded up for quite some time because of course of
13 the economy and because of the commercials not doing very well right
14 now.

15 So we're talking about those lots that I have on the
16 corner there, is 814, I believe, That's lot 814, 816 and 817, which also
17 I had intended to convert that into parking, or future offices if needs
18 require.

19 Now that, of course, the Navy is planning to make a
20 big move in that area, I feel we are right at the front door and front
21 gate, and changing this to residential would certainly be negative, at
22 least for that particular block. And I also don't think that it is very
23 conducive to live there.

24 I don't think -- I do know there is an apartment
25 complex between my parking building and the office building. I know
26 who owns it, I think is the Calamars, and it's in an estate, and it's
27 being rented to apartment, and I think some people have, I think,

1 offices in there.

2 But it is, I don't know if they are convincing, I think it's
3 kind of maybe 70 percent vacant, or occupied I should say. Because
4 there is always a sign there saying, you know, apartment for rent. So it
5 doesn't seem like they are fully leased.

6 However, I had spoken to them when the old man,
7 George, was still alive. And he had expected to turn that into an
8 office, but that was back then. Anyways, my biggest
9 concern here is to change this area into R-5-B, which of course will
10 now put me into a predicament with my parking area. And what would
11 I do with the DCA approval that I had in 1985?

12 And that's one of the reasons I think I support
13 basically what Mr. Frank Reed mentioned. That the height is very
14 important, and the commercial area. I wish to keep that commercial
15 for that area.

16 I think the spin-off we will get from the Navy when
17 they move in the next couple years will certainly have that corner, and
18 make that corner what it used to be back then in the 1930's and 40's,
19 where there used to be a lot of traffic in that area.

20 And that's about it.

21 CHAIRPERSON BENNETT: Mr. Fedrigault, where is
22 your -- your office building is at the corner of Eighth and Potomac
23 Avenue?

24 MR. FEDRIGAUULT: Yes. It is lot 17, square 92.
25 Eighth and Potomac.

26 CHAIRPERSON BENNETT: Okay, so. And you got
27 DCA approval to have a parking lot to provide required parking, and it

1 is located where?

2 MR. FEDRIGAULT: It is located at the corner of Ninth
3 and Potomac, and it consists of the lot 101.

4 CHAIRPERSON BENNETT: Oh, that's your parking
5 lot. So it's not contiguous with the office building?

6 MR. FEDRIGAULT: No, because we didn't have any
7 adjacent parking.

8 CHAIRPERSON BENNETT: But it is with the block.

9 MR. FEDRIGAULT: Right, we didn't have any
10 adjacent parkings, but we owned the property next store, so we
11 needed to have a variance, which was granted on November 19,
12 1985. And it is used for us only. It's not, it is a private parking lot.

13 We also lease from the City the front area, which is
14 public space. We use some of that space as well for parking. Now
15 the other three lots that I have, or the three houses, one that used to
16 be an apartment building --

17 CHAIRPERSON BENNETT: What were those lot
18 numbers?

19 MR. FEDRIGAULT: The one for parking, ma'am?

20 CHAIRPERSON BENNETT: No, no. The other three
21 houses that are vacant.

22 MR. FEDRIGAULT: It is lot 814, 816 and 817.

23 CHAIRPERSON BENNETT: And where are they
24 located on the map?

25 MR. FEDRIGAULT: They are right at the corner of
26 Ninth and L Street. They are just adjacent to the parking lot.

27 CHAIRPERSON BENNETT: Ninth and L. Oh, so

1 they are -- Okay, okay.

2 MR. FEDRIGAULT: I do have a map here.

3 It's highlighted. This is the parking lot, that's the corner
4 building. I don't know if you can see it, that's the corner building. This
5 is the parking lot, and these are the three houses that we hope and we
6 want to eventually make it all into parking.

7 Also give us the choice that if we ever had need for
8 more office space or commercial space, we would of course put
9 underground parking and put whatever is necessary, whatever the
10 area will demand. Now splitting the block into two
11 types of zoning, especially one residential, it seems to me that it will
12 not work for that block. And especially for the need that's going to be
13 required in the next couple years.

14 COMMISSIONER KRESS: Madam Chair, could I
15 ask, would it be, or is it appropriate to leave the record open, to ask
16 perhaps Mr. Reed, Ms. Kelly and perhaps this witness if he so desires
17 to communicate with the community?

18 CHAIRPERSON BENNETT: Okay, we were shooting
19 for a June decision date, which is what we have for, what have
20 included in our closing statement. I would imagine, as most ANCs do,
21 they have a monthly meeting, I'm just not certain when that is.

22 (Audience): There's a representative here of Gottlieb
23 Simon.

24 CHAIRPERSON BENNETT: I see Mr. Simon in the
25 back.

26 COMMISSIONER KRESS: Oh, great, then we can
27 chat. Okay. Never mind.

1 CHAIRPERSON BENNETT: Well, let's find out what
2 happens. Let us finish with this witness first, and then, Mr. Simon,
3 we'll ask you up.

4 You mentioned, Mr. Fedrigault, that in the thirties, this
5 place was hopping.

6 MR. FEDRIGAULT: Yes.

7 CHAIRPERSON BENNETT: What was happening,
8 was this a place for the Navy fellows to cavort?

9 (laughter).

10 MR. FEDRIGAULT: Well, let me say this. When I
11 bought this building back in 1978, I bought this from a fellow, who, his
12 father had built that corner building. And I think they were Greek
13 immigrant at that time. And I think they had a restaurant and a carry
14 out shop, who was creating, back then, was making over 1500 dollars
15 a day selling --

16 CHAIRPERSON BENNETT: Ooh! Get out of here!

17 MR. FEDRIGAULT: So that was hot.

18 CHAIRPERSON BENNETT: So it was a restaurant, a
19 very good restaurant.

20 MR. FEDRIGAULT: He had a restaurant, yes. And it
21 was bought up and after that, I don't know, but we bought it in '78 and
22 it was kind of down, and we were in the 70's, or late 70's Capital Hill
23 was really moving well, and then, of course it kind of stopped, but it
24 stopped everywhere because of the economy.

25 But that was an area that was moving, and we had
26 put a big building, and invested quite a few dollars in that corner and
27 we had it leased for a long term. And of course now we are not in the

1 market, so we are readjusting.

2 But I think the Navy Yard will, of course, help us out.
3 And I think we're going to see a revival in that block. Certainly, it's a
4 beautiful building across the street, and it would surely be pitiful, I
5 think, to have maybe a mixed use, I feel. And I think that commercial
6 is suitable for that corner.

7 CHAIRPERSON BENNETT: Okay. Thank you.
8 Colleagues?

9 MR. FEDRIGAUT: Thank you Madam Chairperson,
10 thank you very much.

11 CHAIRPERSON BENNETT: Further questions? No?
12 Thank you, Mr. Fedrigault.

13 All right. Mr. Simon -- Well, hold on. Is Mr. Strauss
14 here?

15 MR. STRAUSS: Yes.

16 CHAIRPERSON BENNETT: All right. Let us deal
17 with Mr. Simon, and then we will come to you.

18 Were you not here when we called for ANCs?

19 MR. SIMON: I was present, Madam Chairperson --

20 CHAIRPERSON BENNETT: You just wanted to be
21 quite as a mouse!

22 MR. SIMON: But I did stand on a technicality. You
23 asked if there were any ANC commissioners present.

24 CHAIRPERSON BENNETT: That's true. Okay, and
25 you are a member of staff, right?

26 MR. SIMON: I am a member of staff, correct.

27 And I had not really come intending to testify, but I

1 wanted to be present in case some questions came up, as in fact have
2 come up. And will try to provide some amplification or clarification of
3 the ANCs' terse communication with you this evening.

4 My name is Gottlieb Simon, I am the executive director of
5 Advisory Neighborhood Commission 6-B. And I would say that the
6 Commission's position in the case has two factors that would be of
7 importance to you tonight.

8 The first one is that the Commission was driven in a
9 large measure by its desire to pay homage to the Home Rule
10 Charter's consistency requirement. And therefore the
11 Commission did not have a great deal of discussion about alternative
12 kinds of zoning or with regard to maintaining the current zoning,
13 because the rules were thus, that we wanted to have, wanted to honor
14 the requirement that the zoning should not be inconsistent. And given
15 the zoning that was presented, that the proposal was closer to the
16 Comprehensive Plan.

17 Now I will say, the second point that I wanted to
18 mention is that in the Commission's letter, the Commission indicates
19 an acceptance of a mixed use zone, and does not specify which
20 mixed use zone.

21 CHAIRPERSON BENNETT: Okay. Further
22 questions?

23 COMMISSIONER KRESS: Yes. You've heard the
24 other testimony here regarding height and what the views are. And
25 you've said you didn't really discuss it in a lot of depth.

26 How do you think some of the testimony you've heard
27 here tonight might be received by some of the Commissioners?

1 MR. SIMON: Well, that's difficult to say, but I can tell
2 you that in adopting the position that it did, the Commission was
3 attempting to reconcile the position, as it understood, of the Barracks
4 Row Association and with the consistency requirement.

5 COMMISSIONER KRESS: Yes.

6 CHAIRPERSON BENNETT: So, it's not that they
7 were oblivious to the concerns by Champs and Barracks Row.

8 MR. SIMON: No. We were --

9 CHAIRPERSON BENNETT: They, they took that into
10 account.

11 COMMISSIONER KRESS: No, I don't think he's
12 saying that.

13 COMMISSIONER FRANKLIN: No, I am not hearing
14 that, actually.

15 MR. SIMON: No. The Commission was aware that
16 there were concerns of the Barrack Row Association, and wanted to
17 be responsive to those. But to the extent that that was to say
18 that we should endorse C-M-1, the Commission didn't feel that it could
19 endorse C-M-1, because that would have been endorsing a, the status
20 quo.

21 COMMISSIONER FRANKLIN: Well, no --

22 CHAIRPERSON BENNETT: Well, that's something
23 that's --

24 COMMISSIONER FRANKLIN: It wasn't against the
25 status quo, either.

26 CHAIRPERSON BENNETT: Inconsistent with the
27 Comprehensive Plan.

1 MR. SIMON: But it, but the Commission has over the
2 years endorsed the Comprehensive Plan process.

3 COMMISSIONER KRESS: Would it be worth us
4 leaving the record open, do you think, for the Commission to perhaps
5 have some more discussions, particularly relating to FAR and height,
6 of what they'd like to see happen there?

7 MR. SIMON: If one of the options is for the
8 Commission to not be concerned with consistency, then there would
9 be value in that.

10 COMMISSIONER FRANKLIN: Well, I don't think we
11 would ever want to take the position --

12 COMMISSIONER KRESS: Say that! I could never
13 say that, yes exactly!

14 COMMISSIONER FRANKLIN: But we are being told
15 the generalized land use map designates the area as moderate-
16 density commercial for commercial fringes, and medium-density
17 residential for the edges adjacent to surrounding residential areas
18 zoned R-5-B.

19 And I don't know, maybe Mr. Gross can clarify what
20 that language means, "for the edges adjacent to surrounding
21 residential areas zoned R-5-B." When you say 'edges', do you mean -
22 -?

23 MR. GROSS: The generalized land use map actually
24 shows the, kind of light brown for, I guess it's medium density
25 residential, shows the brown residential color on portions of the four
26 squares.

27 On the eastern edge and the western edge of four

1 squares. We didn't follow the exact boundaries because they are not
2 intended to be zoning boundaries, but instead followed to be what
3 appeared to be, from exterior survey, to be existing residential
4 buildings.

5 COMMISSIONER FRANKLIN: So you can tell your
6 members, Mr. Simon, that the Office of Planning was not following the
7 Generalized Land Use Map in its exactitude in terms of where those
8 lines were being drawn, in any event.

9 COMMISSIONER KRESS: Well, they are not
10 supposed to.

11 COMMISSIONER FRANKLIN: Of course they are
12 not!

13 MR. SIMON: The Comprehensive Plan map is
14 unusually particular, if not exact, in this four block area, because you
15 will find pink and orange.

16 I'm not sure what the other color was, but it does split
17 blocks. And that would seem to be unusual for a Comprehensive Plan
18 map to be doing. But it does, and this proposal attempts to follow that,
19 although it may miss by a millimeter here and there on the map.

20 COMMISSIONER FRANKLIN: Well, being somewhat
21 uneducated in these matters, I'm beginning to think that maybe a good
22 deal of planning goes on in this Commission, when we take testimony
23 from people who are actually living in the neighborhoods that are the
24 subject of these hearings.

25 And I am not sure that the same degree of information
26 is necessarily presented when these Generalized Land Use maps
27 and the Comprehensive Plan decision-making process goes on.

1 So, what I'm trying to say is to give the ANC some
2 comfort that I don't think there is a process underway here that is
3 going to fly in the face of what is the genuinely valid planning
4 considerations that should underlie decision-making.

5 COMMISSIONER KRESS: Moderate-density
6 commercial can mean a lot of things. And that's why I was asking you
7 to not necessarily address the comprehensive plan, but address the
8 issues on FAR, on height, you know, how much commercial do you
9 want to see there, how high do you think it should be.

10 Just as you were hearing this testimony, uses that
11 you think are appropriate. Do you think it should be upstairs
12 residential, downstairs, or not? I don't know that you thought about it
13 in those kind of details, that's all.

14 CHAIRPERSON BENNETT: Is it, do you think it's
15 worth our holding this open to allow for further discussion to take place
16 at a --

17 COMMISSIONER KRESS: Well, we can ask when
18 his next meeting is, which would be helpful --

19 CHAIRPERSON BENNETT: Well, when is your next
20 meeting?

21 MR. SIMON: The next meeting is May 13.

22 CHAIRPERSON BENNETT: Okay, so you could
23 conceivably, if at that meeting, Ms. Kelly, or Mr, Reed, or both were
24 able to make that meeting, and bring their concerns, with particular
25 emphasis on FAR, their height concerns, the use concerns and the
26 like, is it possible that you could then come back to us with a letter
27 with some particulars about those issues?

1 MR. SIMON: If that's the pleasure of the
2 Commission, we certainly could do that. I would just underscore my
3 initial remarks, which were that the Commission's position was
4 influenced by the consistency issue --

5 COMMISSIONER KRESS: And we do appreciate
6 that.

7 MR. SIMON: And therefor, the Commission was not,
8 the ANC was not looking at the area as a blank slate.

9 CHAIRPERSON BENNETT: Okay, thank you.
10 Further questions?

11 COMMISSIONER KRESS: Glad you came tonight, it
12 was very helpful.

13 MR. SIMON: The Commission is meeting on May
14 13th, is it not?

15 COMMISSIONER KRESS: We are? Well, we will
16 keep it --

17 MR. SIMON: I mean that's, there is a case of interest
18 to us which I read about today and was having some problem with.

19 So, if you are not meeting the 13th, that would be
20 good news. Was that announcement --

21 MS. DOBBINS: Hearing. Yes, there is a hearing on
22 the 13th.

23 MR. SIMON: Oh, I'm sorry. And your hearing is in
24 the evening, correct?

25 MS. DOBBINS: Yes, 7:00.

26 MR. SIMON: The same time that our meeting is.

27 CHAIRPERSON KRESS: Oh, your meeting is at --

1 MR. SIMON: Yes, and we are parties in that case.

2 CHAIRPERSON BENNETT: Oh oh.

3 What hearing is that?

4 MR. SIMON: Florida Rock.

5 MS. DOBBINS: Florida Rock. The Tuesday.

6 COMMISSIONER FRANKLIN: You are, you're
7 executive director of another ANC?

8 MR. SIMON: Correct.

9 COMMISSIONER FRANKLIN: Oh, I see, Two, Two
10 C?

11 COMMISSIONER KRESS: You can't have a
12 hologram one place?

13 MR. SIMON: Ambidextrous was the word I was
14 looking for.

15 (Laughter).

16 COMMISSIONER FRANKLIN: We may have to
17 change the time of your meeting.

18 COMMISSIONER KRESS: Well, tentatively we were
19 looking to keep the record open for like another week and a half past
20 that.

21 We were just trying to ascertain what your, if we were
22 to keep it open, roughly what your dates were for meetings. But I
23 would think that you would try to make both, and so something would
24 go one way or the other.

25 MR. SIMON: Yes.

26 CHAIRPERSON BENNETT: Well, what is your
27 pleasure, colleagues? Is it worth, in your judgement, postponing this

1 so that we, we do not shoot for a June hearing but we shoot for later in
2 the year?

3 COMMISSIONER KRESS: Oh, no. See, I think I don't
4 see why we can't still make June, if we can get some information mid-
5 way, mid-May, why can't we still make our June --

6 CHAIRPERSON BENNETT: Well, their regularly
7 scheduled meeting is on the same night --

8 COMMISSIONER FRANKLIN: Well, I think Mr.
9 Simon has clarified, at least to my satisfaction, the basis for the ANC's
10 letter. And I think he was very helpful in that regard. And I don't
11 myself feel that we have to put people through unnecessary meetings.

12 CHAIRPERSON BENNETT: All right.

13 COMMISSIONER KRESS: Well, I kind of disagree in
14 the sense that we are supposed to give great weight to our citizens
15 and I'm not sure that our citizens, and, meaning the ANC, and I'm not
16 sure the ANC has talked about this to the depth, and in fact I think
17 quite to the contrary, they haven't.

18 And I'm not quite sure what to do with the letter from
19 the ANC, to whom I want to give great weight, that says --

20 COMMISSIONER FRANKLIN: Well, I'm giving great
21 weight to what Mr. Simon tells us was the motivating rationale for their
22 decision. And I think that I'm comfortable at least with where I am on
23 this to proceed.

24 CHAIRPERSON BENNETT: Let me just say that this
25 is a sophisticated ANC, and where the, where the, there is a history of
26 being able to weigh a number of fairly complex issues.

27 And they have refined, I would imagine over time, a

1 stance vis-a-vis the comprehensive plan and probably a few other
2 things. They get a host of BZA things come before them and the like.
3 And if they wanted to be more specific, I guess they would have been
4 able to do that.

5 Is that fair?

6 MR. SIMON: That's fair.

7 CHAIRPERSON BENNETT: And in fact, if they feel
8 as though -- you will be communicating what has happened here, I'm
9 sure. And if they feel as though it is important to be able to get
10 something in by the time this record closes in late May, they will do so.
11 Is that fair?

12 MR. SIMON: That's fair.

13 CHAIRPERSON BENNETT: There you go.

14 COMMISSIONER KRESS: Okay.

15 CHAIRPERSON BENNETT: Thank you.

16 COMMISSIONER FRANKLIN: Very good.

17 CHAIRPERSON BENNETT: Thank you very much.

18 And finally, Mr. Strauss. Who ought to be smiling all the way up to the
19 front.

20 MR. STRAUSS: I'm the last speaker, so this is going
21 to be welfare. I --

22 CHAIRPERSON BENNETT: Identify yourself for the
23 record.

24 MR. STRAUSS: My name is Martin Strauss. And I
25 am the owner of the Photographic Technical Service in Northeast
26 Washington, D.C. I've been in the District for 50 years, and this is the
27 first hearing I ever went to.

1 And I really want to express my appreciation to both
2 the Planning Commission and the Zoning Commission for their
3 compassion listening to the citizen.

4 I am very pleased. Of course I am very happy with
5 your resolution but I want to applaud and thank you for your diligence
6 and compassion that you brought to this hearing.

7 That's all I have to say. Thank you very much.

8 CHAIRPERSON BENNETT: Thank you.

9 COMMISSIONER KRESS: Thank you.

10 COMMISSIONER FRANKLIN: Thank you, we don't
11 hear that very often.

12 COMMISSIONER KRESS: We don't ever hear that!

13 CHAIRPERSON BENNETT: We don't ever hear that,
14 actually.

15 (Laughter).

16 COMMISSIONER KRESS: Was there anyone else,
17 maybe we should ask.

18 COMMISSIONER FRANKLIN: You also, sir, should
19 be feeling good about what you have done, because I think you
20 provided some very useful information in a very articulate and helpful
21 way.

22 MR. STRAUSS: Thank you very much.

23 CHAIRPERSON BENNETT: Okay, was there anyone
24 else here who wished to testify?

25 All right, going once. Going twice. Ladies and
26 Gentlemen, the other members of the Commission and I thank you for
27 your testimony and assistance in this case.

1 The record in this case will be kept open until May 26,
2 1997, for the submission of any additional information. Any
3 information or reports specifically requested by the commission should
4 be filed during the period ending May 26, 1997 in the Office of Zoning
5 at 441 Fourth Street, Northwest, Suite 210, Washington, D.C., 20001.

6 The Commission will make a decision on this case at
7 one of its regular monthly meetings following the closing of the record.
8 These meetings are held at 1:30 p.m. on the second Monday of each
9 month, with some exceptions, and are open to the public.

10 If you are interested in following this case further,
11 contact the staff to see if it is on the agenda of an upcoming meeting.

12 You should also be aware that if the commission
13 proposes affirmative action, the proposed action must be referred to
14 the National Capital Planning Commission for federal impact review.

15 The zoning commission will take final action at a
16 public meeting following receipt of the NCPC review, after which a
17 written order will be published.

18 I now declare this hearing closed. Thank you very
19 much.

20 (Whereupon, the above-entitled matter went off the
21 record at 9:09 p.m.)