

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
: :
ZONING CONSISTENCY MAP : Case No.
AMENDMENT AT SQUARE 1050 AND : 10-19
PORTIONS OF SQUARES 1027 :
1049, AND 4509 AND TEXT :
AMENDMENT :
-----:

Monday,
November 1st, 2010

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

The Public Hearing of Case No. 10-19 by
the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Office of Zoning
Hearing Room at 441 4th Street, N.W., Washington,
D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
GREG M. SELFRIDGE, Commissioner
PETER G. MAY, Commissioner (NPS)

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

ARTHUR JACKSON

The transcript constitutes the minutes
from the Public Hearing held on November 1st,
2010.

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

2 CHAIRMAN HOOD: Good evening, ladies
3 and gentlemen. This is a Public Hearing of the
4 for the District of Columbia for Monday, November
5 the 1st, 2010. My name is Anthony Hood. Joining
6 me are Vice Chairman Schlater, Commissioner
7 Selfridge and Commissioner May.

8 We are also joined by the Office of
9 Zoning staff. To my left Ms. Sharon Schellin, the
10 Office of Planning staff, Mr. Lawson and also Mr.
11 Jackson.

12 This proceeding is being recorded by a
13 Court Reporter. It is also webcast live.
14 Accordingly, we must ask you to refrain from any
15 disruptive noise or actions in the hearing room.

16 The subject of this evening's hearing
17 is Zoning Commission Case No. 10-19. This is a
18 request by the Office of Planning for Map and Text
19 Amendments to the Zoning Regulation to amend the H
20 Street Northeast Neighborhood Commercial Overlay

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1 District.

2 A notice of today's hearing was
3 published in the D.C. Register on September the
4 3rd, 2010, and copies of that announcement are
5 available to my left on the wall near the door.

6 The hearing will be conducted in
7 accordance with provisions of 11 DCMR 3021 as
8 follows: Preliminary matters; presentation by the
9 Office of Planning; report of other government
10 agencies; report of the ANCs. In this case we
11 have two, 6A and 5B; organizations and persons in
12 support; organizationS and persons in opposition.

13
14 The following time constraints will be
15 maintained in this hearing. Organizations five
16 minutes, individuals three minutes.

17 All persons appearing before the
18 Commission are to fill out two witness cards.
19 These cards are located to my left on the table
20 near the door. Upon coming forward to speak to
21 the Commission, please give both cards to the

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1 reporter sitting to my right before taking a seat
2 at the table.

3 When presenting information to the
4 Commission, please turn on and speak into the
5 microphone first stating your name and home
6 address. When you are finished speaking, please
7 turn your microphone off so that your microphone
8 is no longer picking up sound or background noise.

9 To avoid any appearance to the
10 contrary, the Commission requests that persons
11 present not engage the members of the Commission
12 in conversation during any recess or at anytime.

13 The staff will be available throughout
14 the hearing to discuss procedural questions.
15 Please turn off all beepers and cell phones at
16 this time so not to disrupt these proceedings.

17 At this time the Commission will
18 consider any preliminary matters. Does the staff
19 have any preliminary matters?

20 SECRETARY SCHELLIN: No, sir.

21 CHAIRMAN HOOD: Okay. Thank you very

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1 much, Ms. Schellin. Let's go straight to the
2 Office of Planning.

3 Mr. Jackson, good evening.

4 MR. JACKSON: Good evening, Mr.
5 Chairman and Members of the Zoning Commission.

6 I am Arthur Jackson, a Planning Review
7 Specialist with the District of Columbia Office of
8 Planning and I'll give a brief summary of the
9 Office of Planning's Report.

10 During the scheduled public meeting on
11 July 26th, the Zoning Commission set down for
12 public hearing a petition filed by the Office of
13 Planning after discussions with Advisory
14 Neighborhood Commission 6A for proposed Map and
15 Text Amendments that would rezone portions of
16 squares 1027, 1049 and 1050 from --

17 CHAIRMAN HOOD: Excuse me, Mr. Jackson.

18 I'm going to ask you to move your mic a little
19 closer. I'm not sure if everyone can hear you.

20 MR. JACKSON: All right. I'll start
21 over.

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1 Back on July 26th, the down for public
2 hearing a petition filed by the Office of Planning
3 after discussions with Advisory Neighborhood
4 Commission 6A for a proposed map and text
5 amendment that would rezone portions of squares
6 1047, 1049 and 1050 from C-3-A to C-2-A with the H
7 Street Northeast Arts Sub-District Overlay.
8 Rezone a portion of Lot 157 on Square 4509 from C-
9 2-B to R-5-C District and amend Sections 1320 and
10 1324 of the Zoning Regulations so that provisions
11 of the H Street Sub District -- Arts Sub-District
12 Overlay would also apply with referenced portions
13 of Squares 1027, 1049 and 1050.

14 The ANC had expressed concerns that the
15 current zoning of these properties exceed that
16 normally associated with the existing moderate
17 density residential land use designation in the
18 generalized land use map of the 2006 Comprehensive
19 Plan.

20 The existing apartment building on Lot
21 157 of Square 4509 have no ground floor retail and

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1 a maximum defined height of 60 feet. The rezoning
2 of the property from C-2-B to R-5-C would be more
3 consistent with the form and character of the
4 existing development and remove the potential for
5 higher density mixed use development that is
6 currently allowed.

7 Although normally considered medium
8 density, R-5-C is the minimum residential district
9 that allows the height of the existing apartment
10 buildings as a matter of right.

11 Rezoning the 45 properties on Squares
12 1027, 1049 and 1050 as proposed would not be
13 inconsistent with the current generalized future
14 land use plan map or policy map or with the cause
15 and intent of the H Street Corridor Revitalization
16 Plan upon which the H Street Overlay is based.

17 Even though these properties in
18 question are not within the H Street Plan
19 boundaries, they share a low to moderate density
20 mixed use character with H Street now located on
21 or adjacent to Maryland Avenue.

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1 These amendments would help to conserve
2 the existing neighborhood character by limiting
3 development of high density mixed use projects
4 along this portion of Maryland Avenue, 14th Street
5 and 15th Street, Northeast.

6 The proposed text amendments to the H
7 Street Overlay would also add a new purpose
8 statement specifically related to these properties
9 and apply relevant use and building design
10 criteria. Extending standards and design
11 requirements established for commercial overlays
12 in general and the H Street Corridor, in
13 particular, through the H Street Neighborhood
14 Commercial Overlay would further help guide future
15 projects in this concentrated area of mixed use
16 development.

17 Accordingly, the requested changes will
18 not be inconsistent with the intended
19 Comprehensive Plan or the neighborhood character
20 and the Office of Planning recommends that they be
21 approved.

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1 MR. LAWSON: Mr. Chair, Joel Lawson
2 with the District Office of Planning.

3 I would just add to Mr. Jackson's testimony.

4 It's the Department's recommendation the ANC
5 also requested a number of additional zoning
6 changes in the area. These changes would add a
7 number of alley lots in squares north and south of
8 H Street into the H Street Overlay. The
9 additional properties north of H Street pending
10 onto 13th Street, 14th Street and Florida Avenue
11 into the H Street Overlay and down-zoned
12 properties along H Street and Florida Avenue from
13 C-3-A to C-2-A.

14 The Office of Planning does not support
15 any of these additional changes. First, these
16 properties were not part of the public hearing
17 notice so to include them at this point would in
18 OP's opinion require renotification.

19 More importantly, down-zoning
20 properties along H Street would be inconsistent
21 with the intent of the H Street Corridor

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1 Revitalization Plan and, therefore, with the
2 intent to the H Street Overlay.

3 This could also be considered
4 inconsistent with the Comp Plan policy map which
5 designates the properties along H Street as Main
6 Street mixed-use corridor where redevelopment is
7 intended to support transit use in the pedestrian
8 environment.

9 The area OP is proposing to be rezoned
10 on the other hand is designated neighborhood
11 conservation area. Likewise, placing the alley
12 lots within the H Street Overlay would simply not
13 make sense because the standards of the overlay
14 predominately relate to the street scape
15 experience along H Street and with the proposed
16 amendments other public pedestrian streets.

17 There are no guidelines for the
18 development of alley lots. The H Street plan did
19 not intend to include those alley lots.

20 As such, in conclusion, OP remains
21 supportive of the original map and text amendments

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1 but is opposed to the additions proposed by the
2 ANC.

3 And that concludes our testimony and
4 we're available for questions.

5 Thank you.

6 CHAIRMAN HOOD: Okay. Thank you very
7 much, Mr. Lawson and Mr. Jackson.

8 Let me open it up. Colleagues, any
9 questions?

10 Let me just ask one right quick, Mr.
11 Lawson.

12 You mentioned that the ANC -- I noticed
13 from the back of 6A's letter dated September 21st,
14 they also mention Square 2409. So, if I was
15 trying to -- I guess what you have in your report
16 is what you all -- what was advertised pretty
17 much. Am I correct?

18 MR. LAWSON: Our understanding
19 certainly that the public hearing notice included
20 what was in the OP Report -- the additional
21 changes from the ANC were not.

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1 CHAIRMAN HOOD: Okay. Okay.

2 And has the Office of Planning looked
3 at those additional requests?

4 MR. LAWSON: We have looked at them in
5 a cursory manner. We haven't looked at them in-
6 depth as with the rest of it. As Mr. Jackson
7 noted this whole option is the result of
8 discussion with the ANC that date back quite some
9 time. And the ANC did include in their original
10 discussions with OP broader areas to be rezoned.
11 We looked at those areas and told the ANC we
12 couldn't support those other areas being rezoned
13 but we did see the merit or we did see the
14 justification, I guess, for rezoning the areas
15 that obviously we brought forward.

16 So, we haven't looked at them in as
17 much details. Certainly is the Zoning Commission
18 decided to proceed forward with considering some
19 or all of those properties and wished to renotify,
20 we would want to take a closer look at what the
21 implications for the broader H Street Corridor may

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1 be.

2 Our concerns are that H Street really
3 is intended to be a destination area. That's what
4 the small area plan called for and that certainly
5 is what the overlay calls for as well. H Street
6 is going to be the location of the first streetcar
7 line in the District. The tracks are already in
8 place. So, we think it's appropriate that the
9 density exists on H Street if people really wish
10 to go that route with their properties. And we
11 think it will also add to the vibrancy and the
12 sense of liveliness of H Street which was intended
13 to have that kind of a character. That's why, you
14 know, we're opposing them with regards to the
15 alley lots as I said, we just don't know that
16 there's anything in the overlay that would impact
17 those alley lots.

18 Alley lots are subject to regulations
19 under the separate guidelines and requirements
20 under the Zoning Regulations. But there's really
21 nothing in the H Street Overlay that addresses

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1 what to do with an alley lot. As I said, that's
2 because they weren't intended to be included. The
3 H Street Overlay really is focused on the
4 properties that directly front onto H Street.

5 The part of, you know, Maryland Avenue,
6 we're comfortable with including in the overlay.
7 There's a similar kind of a character to what's
8 going on in portions of H Street. We see that the
9 guidelines have relevance there and will help in
10 the revitalization, the kind of effective
11 revitalization of that area. We don't see that
12 for the alley lots or for some of the other lots
13 that are being proposed by the ANC.

14 CHAIRMAN HOOD: Okay. Great. Okay.
15 Thank you.

16 Let's up it up. Vice Chairman
17 Schlater.

18 VICE CHAIRMAN SCHLATER: I guess you
19 mentioned the streetcar line that's being
20 constructed on H Street. And one of my
21 understanding of some of the impetus on streetcar

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1 line is that it's the drive, you know, economic
2 development. And I've heard some people say that
3 you want to have -- they're looking for
4 opportunities to increase density within a block
5 of H Street and it seems like you were being asked
6 within a block of H Street to reduce density.

7 I'm just wondering, you know, as a
8 District government, is this consistent with what
9 your vision is for the impact of the H Street
10 streetcar line?

11 MR. LAWSON: For the areas along
12 Maryland Avenue, we believe so. We believe it's
13 consistent with the intent of the Comprehensive
14 Plan and the land use map, what the land use map
15 shows these properties to be developed as. And we
16 also took a look at the character of the existing
17 area. And it has a fairly defined character.
18 It's not an historic district or anything. But it
19 definitely has the defined character of kind of
20 lower-scale buildings, some residential buildings
21 mixed in with some commercial building. Frankly a

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1 lot of vacant buildings that everybody I think is
2 hoping will be restored and put back to productive
3 use. So, we're reasonably comfortable with the
4 area along Maryland Avenue.

5 You're absolutely right with the intent
6 of the streetcar -- with the intent of the
7 streetcar system. One of the objectives is to
8 spur on development where development is
9 appropriate. That doesn't necessarily mean, you
10 know, medium density development over moderate
11 density or high density over medium density.
12 There will be areas in some proximity to the
13 streetcar when it's finally completed which will
14 probably be low density. We'll kind of have to
15 see where the streetcar ends up exactly going and
16 what the land use patterns end up being along that
17 streetcar line. But we think that the patterns
18 that C-2-A would allow in this area is certainly
19 not inconsistent with that vision. Would C-3-A be
20 inconsistent? Probably not with the streetcar
21 objectives but we need to balance those against

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1 the Comprehensive Plan/land use map which calls
2 for this to be more moderate density. And C-2-A
3 is a more moderate density.

4 VICE CHAIRMAN SCHLATER: Would you say
5 C-3-A and C-2-B are not moderate density zones?

6 MR. LAWSON: C-3-A and C-2-B are
7 normally considered medium density zones.

8 VICE CHAIRMAN SCHLATER: Which is
9 distinguished from moderate?

10 MR. LAWSON: Yes. The Comp Plan
11 designates low, moderate, medium and high density.

12 VICE CHAIRMAN SCHLATER: Okay. So, I
13 actually don't have it. Do you have a copy of the
14 Comprehensive Plan map for the area? It's not in
15 the report that I can see.

16 MR. LAWSON: I believe I do. I don't
17 have copies for distribution but I do have one
18 copy.

19 VICE CHAIRMAN SCHLATER: May I take a
20 look at it?

21 COMMISSIONER SELFRIDGE: Thank you,

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1 Vice Chairman. Why were these parcels included in
2 the original H Street Overlay?

3 MR. LAWSON: Again, the intent of the H
4 Street Overlay was very defined. And the H Street
5 Overlay if you look at the whole kind of length of
6 it because it goes all the way from, you know,
7 from Union Station here. It's a fairly long
8 overlay. It's also a very narrow overlay. And it
9 very specifically just covers the properties that
10 front directly onto H Street. So, properties on
11 the same block don't front on H Street are
12 typically not included in the overlay. Properties
13 behind properties that front H Street typically
14 aren't included.

15 So, to be honest, you know, expanding
16 the boundaries of the overlay into the Maryland
17 Avenue area like this, is a bit of a kind of a
18 turn, you know, on the original H Street study and
19 the H Street Overlay. Which is why we felt it was
20 important to include a new policy statement or a
21 policy statement within the overlay itself to

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1 address -- kind of address why these properties
2 would be included even though unlike anywhere else
3 they don't front on H Street.

4 COMMISSIONER SELFRIDGE: Is this
5 something that happens from time to time with
6 these overlays that they get expanded maybe off
7 their intended areas?

8 MR. LAWSON: It can happen. I wouldn't
9 say it's a usual occurrence. You know, in the
10 case of a neighborhood commercial overlay where
11 they are, you know, very focused on a particular
12 purpose. In this case, you know, improving the
13 kind of integrity, I guess, of the H Street
14 Corridor. We do think that including these areas
15 by -- I guess by subjecting them to the same kind
16 of goal and guidelines that exists for H Street,
17 it will help to kind of spur on appropriate level
18 and kinds of development in this area.

19 But you're absolutely right. It is
20 kind of expanding the original purpose of the
21 original overlay.

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1 COMMISSIONER SELFRIDGE: Thank you.

2 I saw the Office of Planning Report. I
3 guess your second paragraph under Number 3 that OP
4 separately submitted council's kind of a broad
5 patch proposed amendments to the Comprehensive
6 Plan, proposed an amendment to generalized future
7 land use maps to change the designation for this
8 area to be more consistent with the existing
9 zoning.

10 Is that OP's preference that it be
11 addressed in that manner as opposed to rezoning
12 the parcels?

13 MR. LAWSON: The Comp Plan map
14 amendment that we took forward, the zoning
15 amendments that were put forward would be
16 consistent with that amendment. But the main
17 change that we propose as part of that was to note
18 that this area that we're proposing be zoned from
19 C-3-A to C-2-A be mixed right that the commercial
20 character, the mixed use character to be
21 acknowledge on the Comp Plan land use map.

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1 So, whether it's C-3 or C-2-A, you
2 know, the map amendment would be essentially
3 consistent with that. And the other amendment to
4 the Comp Plan land use map that we took forward
5 was for the residential building at the corner of
6 15th and Maryland that we're proposing to go down
7 to R-5-C. And in that case we're again
8 recommending that the designation be upped a
9 little bit to note that it's more of a moderate
10 density residential that also incorporates
11 commercial should that pull kind of development.
12 This is actually part of a bigger development of
13 housing. But if for some reason at some point in
14 the distance future that whole development is
15 redone, then it would be appropriate, not required
16 by the Comp Plan, but it would be appropriate to
17 have some commercial on that corridor.

18 So, there's a long answer to a short
19 question but, in essence, the Comp Plan land use
20 amendments we took forward and the zoning that
21 we're taking forward are not inconsistent with

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1 each other.

2 VICE CHAIRMAN SCHLATER: And then, I
3 guess, my last question. My understanding it's
4 not required but has there been any notification
5 to the property owners who were proposing to
6 rezone the down zone?

7 MR. LAWSON: All the normal
8 notifications happened as part of this process.

9 VICE CHAIRMAN SCHLATER: Can you run
10 through what those are?

11 MR. LAWSON: That would be the mail
12 notification to affected property owners.

13 VICE CHAIRMAN SCHLATER: So, there was a
14 mail notification?

15 MR. LAWSON: No?

16 SECRETARY SCHELLIN: It's a rule-making
17 case.

18 MR. LAWSON: Oh, I'm sorry.

19 Then I would actually turn to the ANC
20 to see if they did any notification to the -- or
21 what notification, if any, they did to the

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1 immediate impacted owners because we did not.

2 VICE CHAIRMAN SCHLATER: Okay. Thank
3 you.

4 MR. LAWSON: My apologies.

5 CHAIRMAN HOOD: That's a very good
6 question. Excellent. Okay.

7 I'm sorry, Commissioner May.

8 COMMISSIONER MAY: I just have one
9 quick question which had to do with the proposed
10 amendments to the Comp Plan.

11 As of July, there had been no action
12 taken by the council. The council since has taken
13 some action on the Comp Plan, have they not?

14 MR. LAWSON: Yes, they have. They've
15 had the hearing on the amendments and to be honest
16 I'm not entirely sure of the process at this
17 point. But I believe the council is scheduled to
18 take these amendments up again within the next
19 couple of weeks.

20 COMMISSIONER MAY: Okay. Thanks.

21 CHAIRMAN HOOD: Any other questions?

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1 Vice Chairman.

2 VICE CHAIRMAN SCHLATER: A couple of
3 questions.

4 Why make changes to the Comprehensive
5 Plan on these parcels if you're saying that this
6 rezoning is already consistent with the map?

7 MR. LAWSON: You know, in essence we
8 have two processes moving along on a parallel
9 track. The Comp Plan map amendment actually went
10 in earlier. It came before the zoning change and
11 the intent was to make sure that the Comp Plan map
12 was, in our opinion, consistent with the character
13 of the area of what we wanted to achieve in the
14 area.

15 So, again, the main change being to
16 note that the area along Maryland Avenue was
17 appropriate for a mixed use form of development.

18 The zoning change, as I said, would be
19 consistent with either the existing Comp Plan map
20 or the Comp Plan map change that we've taken
21 forward to council. So, the Comp Plan map change

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1 came first, then the zoning amendment but we
2 didn't see that consistency between them and over
3 the long term, we felt it was appropriate that
4 these properties have the designation that we're
5 proposing to more clearly reflect the kind of
6 development that is likely to happen.

7 VICE CHAIRMAN SCHLATER: One last
8 question.

9 On the history of sort of the
10 germination of this zoning change, it was proposed
11 by ANC 5A, right? They came to OP about it.

12 MR. LAWSON: 6A.

13 MR. LAWSON: 6A, I'm sorry. I meant
14 6A.

15 What sort of stimulated this action on
16 the part of the ANC? I guess I can ask them
17 directly. Probably going to testify tonight.

18 MR. LAWSON: Sure. I expect that they
19 will. I think certainly that the ANC was very
20 concerned about what form of development may be
21 happening in this area. There was certainly one

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1 for the zoning adjustment case that did bring a
2 lot of these concerns to the board for a property
3 that actually is within the area that would
4 rezoned. That kind of spurred on that maybe there
5 was incongruity between the zoning and the
6 character of the area and the Comp Plan. So,
7 trying to kind of get all of those eventually that
8 are to what extent what spurred that on.

9 VICE CHAIRMAN SCHLATER: What was the
10 BZA case?

11 MR. LAWSON: I don't know the case
12 number but it was for a gasoline station at the
13 corner of -- the one that I'm thinking of the gas
14 station at the corner of 14th and Maryland. There
15 may be other cases that kind of spurred the ANC on
16 or they could have just, you know, be looking at
17 this area and said the Comp Plan and the zoning
18 and the existing development don't quite match.
19 We want to deal with it now.

20 They originally did come in as I said
21 with a much broader kind of a look of their own

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1 incorporating additional properties, kind of north
2 end south of H Street and on H Street that the
3 amendment we brought forward was the product of
4 the discussion with the ANC and where we felt it
5 was most appropriate to be looking at the zoning.

6
7 VICE CHAIRMAN SCHLATER: Mr. Lawson, I
8 don't have a great sense of the character of this
9 neighborhood. I don't live over there and I'm not
10 through there too often. It might be helpful as a
11 follow-up submission to just get some photographs
12 of the blocks that here just so I can get a sense
13 in my head of what we're looking at.

14 Did that gas station ever get built?

15 MR. LAWSON: I knew you were going to
16 ask that question. I know it's not been built.
17 I'm honestly trying to remember whether the
18 application ended up being approved or not and off
19 hand I can't but I'm sure the ANC will remember.

20 VICE CHAIRMAN SCHLATER: Okay. Thank
21 you.

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1 CHAIRMAN HOOD: Okay. Any other
2 questions?

3 Do we have any other reports of any
4 other government agencies?

5 SECRETARY SCHELLIN: No.

6 CHAIRMAN HOOD: Okay. I have a list
7 here and since it's not so crowded I'm just going
8 to ask all those -- let me go to Commissioner
9 Ronneberg first and also Commissioner Hysell, I
10 believe.

11 Do we have any other ANC commissioners
12 present?

13 Okay. Well, let me go to the ANC first
14 and then we'll go back to our list.

15 Actually, that's all I had . Is there
16 anyone else who would like to testify tonight
17 whether a proponent or in opposition? Because
18 that's actually all I have on the sign-in sheet.

19 You can identify yourself first.

20 MR. HYSELL: Sure. My name is Andrew
21 Hysell and I'm currently running for ANC

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1 Commissioner and expect to be elected as I have no
2 opposition tomorrow. But I'm at this moment not
3 an ANC Commissioner.

4 CHAIRMAN HOOD: Oh, okay. Okay. Well,
5 you can come on up front. So, you've already --
6 it says ANC, oh, you're i n ANC 6A. Okay. Got
7 you.

8 MR. HYSELL: Yes. And that would be a
9 couple of blocks from my house and that would be
10 my future District if I win tomorrow.

11 CHAIRMAN HOOD: Should we congratulate you
12 since nobody is running against you or should we
13 wait?

14 MR. HYSELL: I don't know unless
15 there's a write-in from Mickey Mouse or something
16 like that.

17 CHAIRMAN HOOD: Okay. So, Commissioner
18 Ronneberg, do you want to go first?

19 COMMISSIONER RONNEBERG: Sure.

20 Fortunately, I only have one photocopy
21 of what's before you. It does have some pictures

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1 that give the character of the area.

2 So, one of the things I'd like to
3 address first is why we would like to extend the
4 overlay. And I think that's because the overlay
5 have a lot of design guidelines and standards in
6 it that make for superior retail. Fourteen foot
7 ceiling heights, entrances of the street, things
8 like this. That is one of the main reasons why
9 we're very interested in having the overlay
10 extended to this area.

11 I think you can see in some of these
12 current development. There's a picture of a
13 Checkers here with Pierce School in the
14 background. Checkers is a drive-through with a
15 huge probably 50-foot sign that says Checkers on
16 it. And a lot of the 1400 block of Maryland
17 Avenue is two-story rowhouses. So, that's kind of
18 the development which is permitted under a C-3-A
19 zone which would not be permitted by the overlay.

20
21 So, I'll just start with the

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1 presentation. And extending the overlay extends
2 the protections within the overlay. And mainly
3 it's these design that there's also provisions
4 about curb cuts, you know, we would no longer have
5 curb cuts for a drive-through restaurants next to
6 residential areas.

7 The down zone like I said earlier is
8 currently C-3-A. C-2-A still would give a lot of
9 matter of right density above what currently
10 exists. And C-2-A would be more
11 appropriate for the surrounding R-4 zones.

12 We also, as Mr. Lawson mentioned, we
13 also requested a few properties which are the
14 remaining commercial properties at the eastern end
15 of H Street which wouldn't be incorporated by the
16 overlay to be covered by that. And if you look on
17 the, I think, the fourth page I have a map of the
18 zone and the area and the color copy. It's a blue
19 area where OP's proposed rezoning is and then the
20 red where we ask that the overlay be included.

21 The area where we asked the overlay to

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1 be included would not be in anyway a down-zoning.

2 And they are properties that front 13th Street,
3 Florida Avenue, 14th Street and some alley
4 dwellings.

5 So, going on, there's some pictures, I
6 think, which gives a view of what's in this area.

7 The first one is 1348 Maryland Avenue which is
8 currently a church. And you can see it's two
9 stories and in the background you can see two to
10 three story rowhouses on Maryland Avenue.

11 The next page if 1400 Maryland Avenue.

12 This is currently an abandoned service station
13 and this was the BZA case that Mr. Lawson
14 mentioned. They were permitted to put a gas
15 station at this site and so far they have not
16 pulled the lien permits.

17 Moving on to the next page. I think
18 it's striking in color. It's the picture of the
19 Checkers across the street. Has a drive through
20 and then in the background you can see that the
21 Pierce School which was a beautifully remodeled

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1 old school which unfortunately gets a lot of the
2 neon glare at night from the Checkers.

3 So, I think that's probably pictorially
4 the best reason why we want the overlay to extend
5 to this area.

6 The next page, 1437 Maryland Avenue.
7 This is typical rowhouse neighborhood. It's still
8 used by residents in the middle of the south side
9 of the 1400 block.

10 And the last part of the presentation
11 is just what was left out -- what ANC 6A felt was
12 left out at the rezoning request. The first one
13 is properties which front 13th Street. This is
14 District-owned land. Right now it's currently a
15 vacant lot and the real reason why we want this is
16 because if something is built on that site we
17 would like it to front the sidewalk, have
18 entrances from the sidewalk, have retail, have 14-
19 foot ground floor ceiling heights. Just those
20 basic protection in the overlay is the reason why
21 we ask that they be extended to this area.

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1 The next page is really a parking lot.

2 I don't know if anything can be built there. To
3 honest, it's very narrow. it's used by a church.

4 But it's something that's outside the overlay.

5 This is one I think which we just added
6 this for the sake of completeness. But if you
7 look at the next one. The next one is 1393
8 Florida Avenue, right at the corner of 14th and
9 Florida. And this again is typical of two story
10 rowhouses which front the street. So, our feeling
11 was if anything else takes its place, even if it
12 was C-3-A rather than C-2-A, we would like for
13 those basic protections of the overlay to apply to
14 these, you know, rather than -- if it's C-3-A
15 currently these structures could be torn down and
16 could get Checkers too in spot with the drive
17 through and we would prefer that not happen.

18 The next page is view of 14th Street
19 and you can see what someone added to the third
20 floor addition to this but it's fairly low scale.

21 And probably actually right for re-development

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1 and if that happens, again, we would like the
2 protections of the overlay.

3 The last one is -- it's looking at
4 Lenny Court. Is the alley on Square 1027. And
5 it's a big alley. It's more like an interior
6 street than it is an alley. You can see it has
7 the nice two-story modest rowhouse dwelling and it
8 reminds me somewhat of kind of a downscale Catty's
9 Alley in Georgetown.

10 So, if there was any future
11 development, again, we're not asking for any kind
12 of rezoning, just that if these things were torn
13 down and something else was built, that to have
14 those basic common sense things for retail that
15 redevelopment like 14-foot ceiling heights and
16 entrance onto the alley. And then the last
17 picture is looking -- all the arrows show the
18 direction of the camera and it's just looking into
19 the alley.

20 So, anyway, in summary, I think the ANC
21 6A supports the rezoning proposal by the Office of

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1 Planning and we just ask that these few additional
2 properties be incorporated because there would be
3 the only remaining commercial properties at the
4 east end of H Street which was outside the
5 overlay.

6 And would you like to add anything?

7 MR. HYSELL: No, thanks, that was
8 great.

9 CHAIRMAN HOOD: Okay. All right.
10 Let's see if we have any questions of either one
11 of you.

12 Colleagues, any questions?

13 COMMISSIONER SELFRIDGE: Thank you, Mr.
14 Ronneberg. I guess I'd just like to follow up on
15 the question of OP about notification of
16 businesses or property owner who will be impacted,
17 what the ANC did about that?

18 COMMISSIONER RONNEBERG: We didn't
19 individually notify property owner. This case
20 came before our county development and zoning
21 hearing -- excuse me, committee. We noticed that

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1 out on the Listservs and it also came before our
2 ANC and we noticed that out on the Listservs and
3 posted on our website. But, no, there was no
4 individual notification of property owners.

5 CHAIRMAN HOOD: Any other questions?

6 Yes, I'm trying to think and maybe I
7 notice maybe what is our normal policy, I don't
8 want to put Ms. Schellin on the witness stand, but
9 typically what do we do? I know we've had other
10 instances where we did some rezoning and I'm just
11 trying to remember how did all the other property
12 owners know? Do you remember?

13 SECRETARY SCHELLIN: Well, there's a
14 couple of different ways of notification. One is
15 we post it in the D.C. Register. And this, again,
16 is a rule-making case. And the other way is that
17 the properties are posted. If you recall, at
18 the time of setdown because this is a large area
19 and this happens often when there's a rezoning for
20 large areas, Ward 7 and Ward 8, the Commission
21 will waive if requested the posting of the

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1 property. And that is what was granted in this
2 case.

3 CHAIRMAN HOOD: Okay. I'm sorry.
4 Commissioner Selfridge.

5 Any other questions? Mr. Selfridge.

6 COMMISSIONER SELFRIDGE: I just have a
7 question. I'm not sure if I should ask this too
8 but the BZA case with this gas station, what
9 happens to it if it's down-zoned? Is it pre-
10 emptied or how does it -- Mr. Lawson, do you know?

11 Maybe OAG could answer but they're not here but--

12 COMMISSIONER RONNEBERG: I can address
13 that.

14 It's my understanding they have two
15 years to pull permits and if they don't pull
16 permits in those two years which is an imminently
17 reasonable time, they would have to comply with
18 the new zoning regulations.

19 COMMISSIONER SELFRIDGE: But if it
20 happens -- if they pull permits within two years
21 regardless of what we do on this case, they still

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1 have that right?

2 COMMISSIONER RONNEBERG: That's my
3 understanding. BZA orders are good for two years
4 --

5 COMMISSIONER SELFRIDGE: Regardless.

6 COMMISSIONER RONNEBERG: -- and expires
7 if you do nothing with it.

8 COMMISSIONER MAY: We can request an
9 extension of the BZA order though, right? Didn't
10 we just do those extensions?

11 CHAIRMAN HOOD: Yes. I believe so.

12 COMMISSIONER SELFRIDGE: But rezoning
13 would have nothing to do with that even if --

14 COMMISSIONER MAY: Well, you know, an
15 extension is not automatic. It does requires a
16 decision and the decision could be affected by,
17 you know, whatever input the BZA has to take. I
18 don't know. Is it required that they hold a
19 hearing on an extension?

20 SECRETARY SCHELLIN: No.

21 VICE CHAIRMAN SCHLATER: Maybe as a

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1 follow-up item we could get a copy of the order
2 for that particular property and maybe some input
3 from OAG just clarifying that point.

4 CHAIRMAN HOOD: And since we're looking
5 at that I sat on one of the cases some years back,
6 3rd and H I believe -- that was I think a BP or
7 Amoco or whatever it was at the time. And I'm
8 just curious since we're doing H Street, I know
9 that's further down. I'm just curious, what ever
10 happened with that case? I know was we did. We
11 denied it but I'm just trying to figure out what
12 happened, but anyway. Matter of fact, disregard
13 and let's just stick with where we are.

14 Okay. Any other questions?

15 Okay. All right. Let me ask you this
16 though and I know this kind of goes in line with
17 what Mr. Selfridge already asked you.

18 So, you feel like that was fully
19 vetted. The ANC felt like it was fully vetted in
20 their meetings of what you were trying to achieve
21 or what you were trying to do?

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1 I guess the question is, do you think
2 it got back to some of the property owners what
3 actually was going to take place?

4 COMMISSIONER RONNEBERG: Yes, it did or
5 some are here tonight. Yes.

6 CHAIRMAN HOOD: Oh, okay. Good. All
7 right.

8 Any other questions?

9 All right. Thank you both. Appreciate
10 it and good luck tomorrow?

11 MR. HYSELL: Thanks.

12 CHAIRMAN HOOD: I'm sorry, did you--

13 COMMISSIONER SELFRIDGE: I'd like to
14 hear from the property owner. I'm not quite sure
15 how we would do that but if they're here I would
16 be curious to hear from somebody who actually just
17 -- it impacts the ANC in a very broad sense or in
18 a very direct sense as well certainly. But I want
19 to hear from the people who own these properties
20 that are going to be affected.

21 CHAIRMAN HOOD: We actually want to

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1 call because I think that the gentleman said that
2 depending upon what the ANC said, whether they
3 want to come up or not. But I see them make a
4 gesture so if you guys want to come up and
5 testify, one of you or whoever. You want to come
6 up to the mic.

7 Anybody else would like to say a few
8 words?

9 MR. KELTY: My name is --

10 CHAIRMAN HOOD: If you would just hold
11 tight and sit down and turn your microphone on
12 because all of this has to be captured.

13 MR. KELTY: It's my first time doing
14 this.

15 CHAIRMAN HOOD: You see a green light.

16 MR. KELTY: I have a green light.

17 CHAIRMAN HOOD: Then you're good to go.

18 MR. KELTY: My name is Joel Kelty. I
19 live in ANC 6C in the H Street neighborhood. I am
20 an architect and also a real estate investor and
21 developer. We have a company called Century

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1 Associates and we're the recent purchasers of 1365
2 to 1369 H Street Northeast, also known as the H
3 Street Playhouse.

4 I have to say that I think very highly
5 of Drew Ronneberg. I've gotten to know him
6 briefly over the last couple of months and think
7 he's definitely top notch and has the
8 neighborhood's best interest at heart. And I
9 would say a big focus of our development company
10 is to implement the objectives of the strategic
11 development plan. We've read it, we buy into it
12 and we're trying to make it happen.

13 We're not necessarily opposed to
14 extending the H Street Overlay. I can see a lot
15 of merit in that. I think we're a little bit
16 concerned with the proposed down-zoning of the
17 property adjacent to ours and my biggest concern
18 is I don't think that there was adequate notice
19 provided.

20 The ANC meetings are generally attended
21 by residents and we're talking about a commercial

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1 district -- commercial property owners, some of
2 whom live near, some of whom don't. I'm very
3 active. I read, you know, all the -- I read
4 newspapers on line. I look for all these
5 publications. I missed this one. I caught it
6 only by attending an ANC meeting. So, I don't
7 think commercial property owners were properly
8 notified in this case.

9 I know I only have a couple of minutes.

10 I did also want to point out, I don't think down-
11 zoning is the way to encourage economic
12 development that's discussed in the Comprehensive
13 Plan.

14 Lastly, the gas station thing I think
15 is relevant to this discussion. I totally agree
16 with Drew and the rest of his crew on the gas
17 station. And if this is -- is the down-zoning is
18 really the ruminating of a potential gas station
19 there, up-zoning that site would be another
20 strategy to create an economic incentive to do
21 something different on that site.

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1 I think I'll end it up there and if you
2 have any questions.

3 My partner suggests I clarify. Our
4 property is not directly impacted by this
5 proposal, although in our investigation about how
6 to re-develop our property this could have an
7 impact and I can't really get into more detail
8 than that.

9 I do know one other property owner who
10 was not aware of this meeting until this
11 afternoon.

12 CHAIRMAN HOOD: Any other questions?

13 COMMISSIONER SELFRIDGE: How did he
14 become aware?

15 MR. KELTY: A colleague of mine called
16 him.

17 CHAIRMAN HOOD: Okay. Let me ask you.
18 Okay. He was aware of this afternoon. Did he
19 have some concern or --

20 MR. KELTY: I didn't speak with him
21 directly and I really can't speculate on his frame

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1 of mind.

2 CHAIRMAN HOOD: Okay. All right.

3 Any other questions?

4 I would like to thank you for coming in
5 and testifying. Appreciate it.

6 MR. KELTY: And I really am
7 disappointed with myself that I'm in opposition to
8 301 when I first testified.

9 CHAIRMAN HOOD: Drew, you must be a
10 dynamite commissioner over there.

11 Commission Hysell, you're hanging with
12 a good man. Make sure he's out there with you
13 tomorrow. Okay.

14 Is there anyone else who would like to
15 testify in this case whether in support or in
16 opposition?

17 Okay. Ms. Schellin, do we have
18 anything else?

19 Colleagues, I would suggest that we
20 give this some thought. I think Vice Chairman
21 Schlater you asked for some stuff. Right? Okay.

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SECRETARY SCHELLIN: We need some photos.

CHAIRMAN HOOD: Some photos.

SECRETARY SCHELLIN: Some photos of the blocks proposed to be rezoned. And a copy of the BZA order that approved the gas station.

CHAIRMAN HOOD: Okay. Anything else.

SECRETARY SCHELLIN: And you want to get with OAG as far as how this case would affect that.

CHAIRMAN HOOD: Mr. May, do you want to

--

COMMISSIONER MAY: No, I was just going to mention the OAG.

SECRETARY SCHELLIN: Thank you.

VICE CHAIRMAN SCHLATER: I guess one thing I'm left with feeling uneasy about and it's partially self-inflicted since we didn't post on each of the properties. But I'm a little concerned about taking action on the map amendment

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1 benefits three weeks or a month from now and some
2 of the property owners who are impacted by it may
3 not even be aware of the rezoning. That doesn't
4 seem right. You'd want to hear from them first.
5 And I'm not sure how to get from here to there.
6 But that would help form my final decision.

7 CHAIRMAN HOOD: Mr. Selfridge.

8 COMMISSIONER SELFRIDGE: I agree with
9 Vice Chairman Schlater. It makes me uncomfortable
10 and I guess that's it. I don't know how or what
11 mechanism is used, but I would be very
12 uncomfortable taking action on this without
13 feeling that all the property owners had an
14 opportunity to be notified of something that could
15 greatly impact them.

16 VICE CHAIRMAN SCHLATER: One idea. One
17 idea that's possible is we could -- we could post
18 and have another hearing as an alternative.

19 SECRETARY SCHELLIN: I don't know that
20 we -- I mean, it's up to you whether you do that
21 or not. But they could -- did you want to post it

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1 or actually just leave the record open for written
2 comments?

3 VICE CHAIRMAN SCHLATER: I guess the
4 question is, how would they know to provide
5 written comments?

6 SECRETARY SCHELLIN: They could
7 actually post it and in that way or they could
8 send, you know, we could send out a letter, you
9 know.

10 COMMISSIONER SELFRIDGE: I'd like to
11 see us get in touch with these people in some way
12 possible and we do it in other instances. I know
13 in a rule-making it's not what we do.

14 SECRETARY SCHELLIN: No.

15 COMMISSIONER SELFRIDGE: But I think
16 Mr. Kelty's testimony is very illuminating in
17 terms of somebody who is actually involved and
18 seems to be very -- works very closely in the
19 community and it was very difficult for him or
20 maybe just happenstance that he actually found
21 out. And that's what concerns me. Thought out it

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1 out of state and even if he lived in D.C. you
2 don't always attend all the ANC meetings.

3 CHAIRMAN HOOD: You know, I'm sitting
4 here listening to this discussion and I know that
5 we have had a circumstance in the past where this
6 issue has come up. I just can't recall how we
7 resolved it. Because this is not the first time
8 we've had this issue. I just do not remember how
9 this was resolved. While we may not be
10 able to get the other property owners, we still
11 put a mechanism in place, I believe, so that some
12 of those property owners would know and then, you
13 know, and then some people probably got it by word
14 of mouth.

15 I can guarantee this Commission has
16 been faced with that before. I just can't
17 remember what we did before.

18 Commissioner May, do you want to add to
19 that?

20 COMMISSIONER MAY: I'm just curious.
21 Is the Office of Planning going to send a letter

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1 to the affected property owners? I mean, I don't
2 know what that quantity is but there's some
3 expense and trouble associated with that.

4 MR. LAWSON: Certainly if the Zoning
5 Commission instructs staff to send a letter out
6 we'd be happy to do so.

7 SECRETARY SCHELLIN: We don't have the
8 means of obtaining the list. So, our staff
9 doesn't. So, it would be something that OP would
10 be obtaining. We would have to obtain the list.

11 MR. LAWSON: Yes. If the Zoning
12 Commission was comfortable with the Office of
13 Planning contacting the directly impacted owners.

14 Normal notification is all directly impacted
15 owners and everybody within 200 feet which would
16 expand the number of people contacted
17 considerably. I think Mr. Jackson noted in his
18 report that there is something like 45 properties
19 in the area. I would assume that means there's
20 somewhere around 45 letters would be sent out.

21 COMMISSIONER MAY: That's not an

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1 onerous burden.

2 MR. LAWSON: Oh, it's incredible
3 onerous but we're willing to do that. Just this
4 one.

5 You know, speaking a little bit out of
6 turn, but I believe then that the Zoning
7 Commission could either close the hearing or leave
8 the record open for written comments or I think if
9 you wished to, you could continue the hearing to
10 another date to allow people if they wish to
11 testify in person before you granting them that
12 opportunity to do that. If you did that, the
13 Office of Planning would of course be happy to
14 attend that hearing and respond to any questions
15 or concerns the people may bring up in person.
16 But that would be your prerogative.

17 CHAIRMAN HOOD: Why don't we do this.
18 And why don't we leave a lot of it to staff and
19 Office of Planning. I understand what the Vice
20 Chairman is saying about having another hearing.
21 But we give them an opportunity and I guess we

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1 will see how many people would sign up. I mean,
2 you know, can we kind of gauge that whether we
3 need to have another hearing or not or do we need
4 to announce that now?

5 I guess what I'm doing, I'm trying to
6 make it so we don't have a hearing for nothing.
7 You know what I mean. Nobody shows up.

8 COMMISSIONER MAY: Can I make a
9 suggestion. I mean, if a letter were sent and it
10 stated a deadline for written comments and we then
11 received the written comments, depending on the
12 nature of the comments we could decide at the
13 meeting at which we would take this matter up
14 whether or not to actually have a second hearing.

15
16 CHAIRMAN HOOD: Yes. And that's kind
17 of where I was going. We're getting to the same
18 place.

19 COMMISSIONER MAY: Exactly.

20 CHAIRMAN HOOD: I see Commissioner
21 Ronneberg wants to come up and say something. We

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1 want to make sure you're on the mic so we can get
2 it recorded.

3 Anyway you all can help us decide what
4 to do that would be great.

5 COMMISSIONER RONNEBERG: Mr. Kelty and
6 I were discussing that possibly bifurcating the
7 issues and one being about the overlay itself and
8 maybe you can take action on that tonight. And
9 the other being about the down-zoning.

10 MR. KELTY: So, you would extend the H
11 Street Overlay but not take action on the down-
12 zoning of the C-3-A to C-2-A.

13 COMMISSIONER MAY: Both of those have a
14 potential --

15 CHAIRMAN HOOD: You are still affecting
16 people so --

17 COMMISSIONER MAY: So, I would wait.

18 CHAIRMAN HOOD: Yes. Yes.

19 COMMISSIONER MAY: So, I would just
20 wait to.

21 CHAIRMAN HOOD: Yes. I mean --

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1 MR. KELTY: Understood.

2 CHAIRMAN HOOD: -- thanks but we're
3 still not achieving what we're trying to do here.

4
5 COMMISSIONER MAY: I will say there is
6 one advantage to simply scheduling a second
7 hearing and notifying people which is that it
8 would allow us to, I think easily take up the
9 matter of what the ANC would propose to add to
10 those extra areas, the alley lots and so on. We'd
11 just schedule another hearing and re-notice that
12 we included those areas as an alternative, that
13 would take care of everything. Because as it
14 right now, I agree with OP. I don't think that
15 those additional areas have been properly noticed
16 no matter what.

17 CHAIRMAN HOOD: Well, those additional
18 areas we wouldn't be taking action on what the ANC
19 -- those additional areas anyway because it wasn't
20 noticed.

21 COMMISSIONER MAY: Exactly. That's

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1 what I'm saying.

2 CHAIRMAN HOOD: Right. Right. But
3 what you're saying have another hearing, include
4 all that which would mean OP would have to do a
5 supplemental report.

6 COMMISSIONER MAY: Yes.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER MAY: On what the ANC is
9 proposing.

10 CHAIRMAN HOOD: What the ANC is --

11 COMMISSIONER MAY: And it could be done
12 in such a manner that it's an alternative not
13 necessarily that it's -- we're not asking OP to
14 endorse the proposal or saying that they should.
15 We would be advertising the alternative. They
16 could support their original proposal and then
17 still make up their mind about the additional
18 areas. I don't know.

19 COMMISSIONER RONNEBERG: There's
20 nothing -- there's case that's pressing in this so
21 time is not an issue.

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1 CHAIRMAN HOOD: All right . Ms
2 Schellin, can you bring all that together?

3 We're looking at having another
4 hearing. Office of Planning is going to look at
5 the ANC's proposal and give us another report,
6 supplement to the report, whether there's support
7 or not support those additional lots of squares.
8 And also the mechanism of contacting those 45
9 residents which the Office of Planning was --

10 SECRETARY SCHELLIN: Well, if we're
11 going to --

12 CHAIRMAN HOOD: Let me just get this.
13 The Office of Planning is going to do the 45
14 additional contacts.

15 MR. LAWSON: Just two notes. I think,
16 first of all, we would have to do a public hearing
17 notice because there's --

18 SECRETARY SCHELLIN: Exactly.

19 MR. LAWSON: If we're going to include
20 other properties, that doesn't withstand the
21 number of people --

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1 SECRETARY SCHELLIN: Right.

2 MR. LAWSON: -- to contact and it
3 pretty much doubles it.

4 SECRETARY SCHELLIN: Right.

5 CHAIRMAN HOOD: Okay. Here's what
6 we're going to do. Let's do this. Let's deal
7 with what we have in front of us. Let's deal with
8 those 45 and ANC 6A and the Office of Planning can
9 work on that somewhere down the line. But for the
10 immediate future, let's deal with what's here, the
11 proposal in front of us.

12 Now, we'll widen the scope that way we
13 won't widen the scope. Let's close the book on
14 what we have because --

15 COMMISSIONER MAY: Can I opine for a
16 second?

17 CHAIRMAN HOOD: Yes. But let me opine
18 because I know what you're going to say. Why
19 we're going to do this now.

20 We know we have 45 businesses now but
21 we open it we don't know how many we're going to

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1 have. Mr. May will be willing to help do
2 envelopes and everything.

3 COMMISSIONER MAY: Forty five versus
4 you're saying double it. Forty five versus
5 ninety. I mean, you know, we're not talking about
6 a lot more in postage. We're not talking about a
7 lot more in paper. And, you know, if I knew how
8 to make mail merge work, I imagine it wouldn't be
9 that hard to get it all done.

10 So, I mean, I just don't see that it's
11 that much more complicating expanding the
12 boundaries if that's something that the ANC really
13 wants. I mean, I'm sure that they would like to
14 have this whole thing resolved and decided based
15 on what we already have in the record. But if
16 we're not comfortable with this, if we're going to
17 extend this a little bit more, at least let's take
18 up the ANC's issue.

19 I mean, I just think it's the best way
20 to sort of solve everything all at once even
21 though it takes just a little bit longer and

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1 requires a few more stamps.

2 CHAIRMAN HOOD: Let me talk to the
3 people that's going to do the work on this.

4 Mr. Lawson and Ms. Schellin.

5 MR. LAWSON: From our standpoint,
6 Chairman Hood, I think we've made our opinion
7 fairly clear on the validity, I guess, of
8 expanding to include these additional areas. We
9 don't believe it's either appropriate or
10 advantageous to do that.

11 It's not a question of including
12 additional, you know, licking additional envelopes
13 because, you know, Commissioner May is actually
14 right. It does double it. It goes from 45 to
15 around 90. It does make it much more complicated.

16 Because now we're exploring a number of different
17 proposals in either one notification or in a
18 number of different notifications on different
19 issues for different areas, whereas, what we have
20 right now is a fairly tight package that relates
21 to one confined area.

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1 I think it would make it a lot more
2 complicated for people to understand what as even
3 being proposed and as I said, again, OAG is not
4 here. So, I can't say this for sure but I think
5 that a new public hearing notice would have to be
6 published. It's not just a case of sending
7 letters to a number of people.

8 We have had discussions on those
9 properties with the ANCs -- with the ANC already.

10 We're happy to continue those discussions and
11 maybe some of the issues that were raised,
12 particularly in relation, for example, to some of
13 the alley lots, may be more appropriately dealt
14 with through the zoning review process. It may
15 make more sense to looking at what's appropriate
16 on the alley lots rather than trying to impose an
17 overlay that doesn't really relate to alley lots
18 on those properties. It may be a different
19 process altogether is more appropriate.

20 So, having said that, we will
21 obviously, you know, carry out the wishes of the

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1 Chair and the Commission. If you would like to
2 include those other properties, we will send a
3 notification to all those other property owners as
4 well.

5 CHAIRMAN HOOD: Okay. Let me hear from
6 Vice Chairman Schlater and Commissioner Selfridge.

7 I think what we should do is deal with what we
8 have in front of us. I think the major burden
9 issue was to find out -- make sure we notify those
10 45 businesses some kind of way to notify them and
11 then on down the line, ANC 6A and OP and we can
12 get together with OAG and we can do another notice
13 if it gets to that point once they have their
14 discussions on the second piece that the ANC would
15 like to have.

16 I mean, I just think the action of us
17 dealing with this would move a lot faster as
18 opposed to including others and waiting for
19 another hearing notice and wait another 45 days.
20 At least something will get done now. I mean,
21 that's just my -- I can go either way, but that's

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1 the way I think we can move forward.

2 Anybody else? Vice Chairman Schlater.

3 This is going to get longer than the
4 hearing.

5 VICE CHAIRMAN SCHLATER: I think I
6 could go either way on this in terms of it's
7 certainly, I would open to hearing -- to have a
8 hearing on the request from the ANC since we are
9 here overall extending the H Street Overlay, it
10 all stems from a request from the ANC. I'm open
11 to having a hearing on that. My initial
12 inclination is I'm not sure it makes 100 percent
13 sense but I'd be willing to hearing it out. I
14 don't know if it makes it that much more
15 complicated. You're just saying you're extending
16 the H Street Overlay to X, Y and Z lots.

17 So, I could go either way, either
18 append it to this case or in another case. I'm
19 open to have a hearing on it.

20 CHAIRMAN HOOD: Okay. Do you want to
21 add something?

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1 COMMISSIONER SELFRIDGE: I agree with
2 Vice Chairman Schlater. I guess I wasn't quite
3 sure what direction to go but I think having a
4 hearing makes sense and I would support having a
5 hearing but I do think pushing this case forward
6 in its current incarnation makes sense. So, I
7 think I would support moving forward with what we
8 have and making sure we are getting our
9 notification out, leaving the hearing open, I
10 believe, for written comments and addressing it in
11 a meeting form whether we take additional hearing
12 action. But then I would also be happy in a
13 different time to hear these other issues as they
14 come up if they were put into a separate hearing
15 or included in something coming forward.

16 COMMISSIONER RONNEBERG: Could I ask a
17 question?

18 So, that would require another setdown
19 process and all of that and our luck-- I mean, OP
20 is not going to propose those. Our luck would
21 direct -- our -- we're open too. We know it's a

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1 lot of work to put that, so realistically, I mean,
2 realistically, you're killing it. The second
3 part.

4 CHAIRMAN HOOD: Okay. Commissioner
5 May, we'll just do it your way. We'll just do it
6 your way. Since there's no rush, we'll just wait.

7
8 SECRETARY SCHELLIN: So, we not need to
9 set the second part down though?

10 CHAIRMAN HOOD: You know, we're still
11 going to have to set it down. We can't amend it.
12 We're still going to have to have a setdown.
13 We're still going to have a setdown. I was
14 listening to Commissioner --

15 COMMISSIONER MAY: We'd have the public
16 notice but I mean not another -- we can set down
17 anything at any point.

18 SECRETARY SCHELLIN: Right. So, you're
19 having --

20 COMMISSIONER MAY: So, we could
21 effectively set it down right now.

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1 SECRETARY SCHELLIN: Right. You have
2 to set it down.

3 COMMISSIONER MAY: You don't need
4 somebody to do the hearing and all that because --

5 CHAIRMAN HOOD: All right. Well, I'd
6 rather do what we have, but you know what? Nobody
7 is in any rush. I want to make sure the ANC --
8 they say we're going to kill it. We're going to
9 kill it. We're very open down here. We like to
10 look at everything. So, we will go ahead.

11 Commissioner May, go ahead and make a
12 motion since this is your piece.

13 COMMISSIONER MAY: I was just trying to
14 sort out some -- sort out the situation where we
15 were.

16 Anyway, I would recommend that we --
17 that the Zoning Commission set down for additional
18 public hearing the current case with an additional
19 alternative that would include the ANC's proposed
20 expansion of the H Street Overlay and additional
21 zoning map amendments and that we in the process

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1 notify all the affected property owners by letter
2 and then have a hearing once all the notices have
3 been, you know, properly timed.

4 CHAIRMAN HOOD: Okay. It's been moved
5 and we need a second.

6 VICE CHAIRMAN SCHLATER: Second.

7 CHAIRMAN HOOD: Moved and properly
8 seconded. Let me just for the amendment that --
9 who is going to do the notice? Is it going to be
10 the Office of Planning? I'm looking to Mr.
11 Lawson.

12 SECRETARY SCHELLIN: Chairman, if I
13 may. If the Office of Planning would provide us
14 with the mailing labels, we'll send out the
15 hearing notice.

16 CHAIRMAN HOOD: Can that happen, Mr.
17 Lawson?

18 MR. LAWSON: We would certainly
19 coordinate that with the Office of Zoning and
20 we'll work that out.

21 SECRETARY SCHELLIN: Because we have to

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1 print out a new notice anyway. So, we may as well
2 send it out.

3 CHAIRMAN HOOD: So, are we, for
4 clarification. Are we sending it to everybody
5 within 20 feet?

6 SECRETARY SCHELLIN: Well, that's the
7 clarification we need. When you're saying
8 affected, I think to clarify you mean property
9 owners.

10 CHAIRMAN HOOD: Property owners
11 affected.

12 SECRETARY SCHELLIN: Just to clarify.

13 CHAIRMAN HOOD: All right. So --

14 MR. LAWSON: Just ask, what -- would
15 that include all residents of all the properties
16 as well or just the owners?

17 SECRETARY SCHELLIN: Owners.

18 MR. LAWSON: Just the property owners.

19

20 CHAIRMAN HOOD: Just the owners.

21 MR. LAWSON: I just want to be clear.

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1 Okay.

2 SECRETARY SCHELLIN: Owners.

3 CHAIRMAN HOOD: Right. I agree.

4 Okay. It's been moved and properly
5 seconded. Any further discussion?

6 COMMISSIONER MAY: Did you actually
7 second?

8 CHAIRMAN HOOD: I would never second
9 that -- Okay. I'm just --

10 Okay. It's been moved and properly
11 seconded. Any further discussion?

12 All those in favor?

13 (AYES)

14 Not hearing any opposition of those who
15 are present. Ms. Schellin, could you record the
16 vote?

17 SECRETARY SCHELLIN: The staff would
18 record the vote that Commissioner May made the
19 motion to a further setdown in Zoning Commission
20 Case No. 10=19 to have a further hearing to
21 include the alternative language submitted by ANC

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1 6A with Commissioner Schlater seconding,
2 Commissioners Hood and Selfridge in favor.
3 Commissioner Turnbull not present, not voting.

4 CHAIRMAN HOOD: And my next question is
5 are we going to put a time certain or how much
6 time are we looking at?

7 SECRETARY SCHELLIN: We're going to be
8 in January.

9 CHAIRMAN HOOD: Because Commissioner
10 Ronneberg says that he's going forever so we're
11 going to make sure -- let's try some kind of time
12 certain. And I guess sometime in January?

13 SECRETARY SCHELLIN: January 3rd?
14 Everyone available January 3rd?

15 CHAIRMAN HOOD: The hearing is January
16 3rd?

17 SECRETARY SCHELLIN: It's the first
18 thing we have available.

19 CHAIRMAN HOOD: Is that date okay with
20 everybody?

21 SECRETARY SCHELLIN: Since it has to be

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1 fully advertised.

2 CHAIRMAN HOOD: Okay. January 3rd.

3 SECRETARY SCHELLIN: Everyone is
4 finished with their holiday parties.

5 CHAIRMAN HOOD: Will that make your ANC
6 meetings and, you know, will that be enough time
7 for you all to have your meetings and everything?
8

9 COMMISSIONER RONNEBERG: We will have a
10 -- yes.

11 CHAIRMAN HOOD: All right. So, January
12 3rd is it.

13 Ms. Schellin, do we have anything else
14 before us?

15 SECRETARY SCHELLIN: No, sir.

16 CHAIRMAN HOOD: All right. I want to
17 thank everyone for coming to some kind of
18 resolution tonight and with that this hearing is
19 adjourned.

20 (Whereupon, the above matter was
21 concluded at 7:40 p.m.)

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