

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DISTRICT OF COLUMBIA ZONING COMMISSION
PUBLIC HEARING

CASE NO. 97-7 (TEXT AND MAP AMENDMENTS,
UPDATING THE SPECIAL PURPOSE ZONES,
PART 2, MAP AMENDMENTS)

Monday,
January 5, 1998
Washington, DC

The public hearing was convened in the Zoning Hearing Room, 441 Fourth Street, Northwest, Suite 220, commencing at 7:00 p.m., Maybelle Taylor Bennett, Chairperson, presiding.

COMMISSION MEMBERS PRESENT:

Maybelle Taylor Bennett, Chairperson
Herbert M. Franklin, Commissioner
John G. Parsons, Commission

OFFICE OF ZONING STAFF PRESENT:

Madeliene H. Dobbins, Director
Kenneth Karkeet

OFFICE OF PLANNING STAFF PRESENT:

Jill Dennis, Director
David Colby
John Fondersmith
William Johnson

ALSO PRESENT:

Douglas Patton

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3 CHAIRPERSON BENNETT: Good evening, ladies and
4 gentlemen. My name is Maybelle Taylor Bennett. I am
5 chairperson of the Zoning Commission for the District of
6 Columbia. Joining me this evening are Commissions Franklin
7 and Parsons. I declare this hearing open.

8 The case that is the subject of this hearing is
9 case number 97-7, Part 2, Map Amendments. Case 97-7 is a
10 petition from the District of Columbia, Office of Planning,
11 requesting the Commission to amend the District of Columbia
12 municipal regulations, DCMR Title XI zoning.

13 The petition proposes to re-zone a number of
14 sites and areas, and to amend the text of the zoning
15 regulations relative to the central employment area, and its
16 surrounding neighborhoods.

17 Part 2 of this case has been re-scheduled from
18 October 6th and 9th, 1997. The purpose of the initiative is
19 to protect the housing supply and residential character at the
20 periphery of the CEA by means of various map amendments, and
21 to allow general office use within a number of SP zoned areas
22 within the CEA.

23 This would generate future economic development
24 and quality of life benefits for both residential and office
25 uses. It would also eliminate inconsistencies between
26 existing zoning and the Comprehensive Plan.

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1 The Zoning Commission had determined that the
2 text amendments portion of the case would be heard first, as
3 Part 1. Accordingly, that public hearing took place on July
4 21st, 1997. The current map amendments portion is currently
5 being heard in subsequent hearings, as Part 2. Originally
6 scheduled for October 6th and 9th, 1997, this portion of the
7 case was re-scheduled for January 5th and 8th, 1997.

8 The Zoning Commission will consider the request of the
9 Office of Planning, any modifications or alternative proposals
10 that are presented and reasonably related to the scope of the
11 proposed amendments.

12 The specific proposals to amend the zoning map
13 are contained in the notice of the public hearing for this
14 case. Copies of that notice are available to the public.
15 Notice of the re-scheduled hearings was published in the D.C.
16 Register on November 28th, 1997, and in The Washington Times
17 on November 21st, 1997.

18 These hearings will be conducted in accordance
19 with the provisions of 3021 of the District of Columbia
20 Regulations, Title XI Zoning.

21 The order of procedure will be as follows:
22 first, preliminary matters. Second, the presentation of the
23 petitioner, which in this case is the District of Columbia
24 Office of Planning. Third, the report of other agencies.
25 Fourth, the reports of advisory neighborhood commissions. And
26 fifth, persons in support or opposition, in the order they

1 requested to testify.

2 The Commission will adhere to this schedule as
3 strictly as possible. Those presenting testimony should be
4 brief and non-repetitive. If you have a prepared statement,
5 please give copies to staff, and orally summarize the
6 highlights.

7 Please give us your statement before
8 summarizing. Each individual appearing before the Commission
9 must complete two identification slips, and give them to the
10 reporter before making a statement. If these guidelines are
11 followed, an adequate record can be developed in a reasonable
12 length of time.

13 And I will ask first whether or not there are
14 any preliminary matters from staff.

15 DIRECTOR DOBBINS: Madam Chairperson, members of
16 the Commission, the only preliminary matters staff has relates
17 to the information that's in front of you that was not
18 contained in your package. You have some additional
19 documents. I won't go through all of them.

20 UNIDENTIFIED: We can't hear you very well.

21 DIRECTOR DOBBINS: I'll speak a little louder.
22 There are documents that you have in front of you that were
23 not included in your package. They came in after the package
24 was sent to you. The staff has no additional preliminary
25 matters.

26 CHAIRPERSON BENNETT: All right. And thank you.

1 I do have one. And that is that it is the
2 Commission's intention to hear from the Office of Planning
3 tonight only. Our second hearing date, January the 8th, which
4 is this Thursday, we will hear from the reports of other
5 agencies, if there are any, the reports of advisory
6 neighborhood commissions, and persons in support or
7 opposition, in the order they requested to testify.

8 I wanted to let you know that from the outset,
9 so that if you decided that you wanted to sit through the
10 balance of this evening's session, you would know that what
11 you will hear comes from the Office of Planning only. And
12 that those of you who would like to testify in this case will
13 have an opportunity to do so on Thursday, January 8th, at 7:00
14 o'clock.

15 Having said that, I'm going to turn now to the
16 petitioner, and some questions in the audience. Come forward,
17 please.

18 MR. PATTON: I'll be brief. Thank you, Madame
19 Chair, Members.

20 DIRECTOR DOBBINS: Mr. Patton, please make sure
21 that microphone is on. Just push the green button until the
22 light stays. Thank you.

23 MR. PATTON: Madame Chair, members of the
24 Commission, in light of previous comments by the Chair, I will
25 be unable to attend the January 8th meeting. I respectfully
26 request that Mr. Lindsley Williams and Mr. Richard Harps can

1 address any questions that you may have at that time, and
2 prepare -- we already submitted our prepared testimony to you
3 in the package.

4 If you can indulge that, I'll just -- I'm going
5 to be out of town for about ten days. So, if you could extend
6 that favor, it would be greatly appreciated.

7 CHAIRPERSON BENNETT: We would be most happy to
8 accept the testimony of Mr. Williams and Mr. Harps.

9 MR. PATTON: Thank you.

10 CHAIRPERSON BENNETT: All right. Sorry, we
11 won't be able to hear from you tonight. Any other questions?

12 (No response.)

13 CHAIRPERSON BENNETT: All right. Let's proceed,
14 then, with the petitioner's case.

15 MR. JOHNSON: Thank you, Madam Chair. I'm going
16 to be very brief, as our presentation this evening is fairly
17 extensive. I am joined this evening by Mr. David Colby, who
18 will be our principle presenter, and Mr. Bill Johnson, another
19 principle presenter, on our recommendations and our findings
20 in the SP re-zoning case, Part 2.

21 I'm going to turn it over to Mr. Colby at this
22 time, so he can proceed.

23 CHAIRPERSON BENNETT: Thank you.

24 MR. COLBY: Good evening. I would also like to
25 add, just as a preface, that Bill Johnson, and N. Gross did a
26 lot of field work, and know the area quite well. And we're

1 obliged to reinforce that. But any questions, specific
2 questions about the area are probably addressed to Bill. And
3 I'll do what I can to -- also to field them. Questions on the
4 zoning, of course, can come to me.

5 Let me start by speaking generally to the case.
6 The Comprehensive Plan, generalized land use map, has
7 designated for years a large part of the core area of the city
8 as high density commercial.

9 That area, which goes up to Massachusetts
10 Avenue, on the north, and encompasses a lot of SP zoning, was
11 put in place in 1958, to serve as a transition zone, stepping
12 down height, bulk, and intensity of use, between the central
13 employment core, and the surrounding residential
14 neighborhoods.

15 Following the District's first Comprehensive
16 Plan in 1984 or 85, a zoning consistency program was
17 instituted to ensure that the District's zoning is not
18 inconsistent with the Comprehensive Plan.

19 During that time, or since that time, at least
20 70 zoning initiatives have been undertaken within that
21 program. And now we're finally initiating the SP re-zoning
22 case in 1997, the planning for which actually began in 1996.
23 And of course, here it is, 1998.

24 The reason the SP zoning called for by the
25 Comprehensive Plan was not begun earlier is, I think,
26 generally for the following three reasons: first, over those

1 years, many other initiatives were perceived to have a higher
2 priority for one reason or another, often because of
3 development pressures or opportunities. The -- I think we
4 think of the SP area as a more stable part of the city,
5 although you could argue that point.

6 Second, because the areas zoned SP are so
7 diverse, and thus so difficult to apply new zoning to. That's
8 very true. And third, because of the potential threat perhaps
9 that re-zoning, in response to the high density commercial
10 designation for much of the area opposed to the stability to
11 the areas zoned SP.

12 But here we are. The text portion of the case
13 has already been heard in July. And tonight's hearing begins
14 the map portion, along with a possible addition to the SP
15 text.

16 Most of the re-zoning is very simple,
17 conceptually. The intent is to find a compromise between the
18 Comprehensive Plan map, which clearly calls for high density
19 commercial uses, again in a large portion of the area that
20 we're concerned with, and the many policies of the Plan, which
21 call for protection of residential neighborhoods from impacts
22 flowing from commercial uses, calls for stabilization of
23 residential neighborhoods, encourages residential uses,
24 encouraging mixed-use, preservation of buildings of historic
25 merit.

26 The solution is to keep SP zoning, where

1 appropriate, but make it not inconsistent with the high
2 density commercial designation, but permitting general office
3 use, instead of limited SP offices uses.

4 At the same time, to limit the potential
5 pressure for re-development of SP zoned residential buildings
6 to office use, because of the increased economic value created
7 by general office use. Areas developed largely with
8 residential use buildings have been recommended for
9 residential zoning.

10 The complexities in the case result from
11 crafting specific zoning solutions to specific situations in
12 very diverse areas. And the issues get more complex away from
13 the area designed high density commercial.

14 So let's -- I think we probably -- I have some
15 questions as to how to proceed. I -- my recommendation would
16 be to start with the left-over text, just to get it on the
17 record, whatever we may do with it tonight. Introduce it in
18 any case.

19 To -- then, the question is whether the
20 Commission wants to -- us to field questions, or if you have
21 any questions on each of these sub-areas, as we go through
22 them.

23 Or, whether you want to go all through this
24 whole part of the city, with all of the peculiarities and
25 differences, with the slides, before you ask any questions, or
26 get at each of the areas. We're prepared to do it either way.

1 And we can start, and then see what you think as we move
2 along.

3 I know that the audience will be -- I don't
4 think can work -- it can't work that way for the whole
5 hearing, but it could work that way for our presentation, if
6 that is easier for you to focus on these, one area at a time.

7 CHAIRPERSON BENNETT: All right. Thank you, Mr.
8 Colby. It is my preference to have you do the SP text
9 amendments. That's what's left over in the old brain from
10 July.

11 MR. COLBY: (Laughs.) Right.

12 CHAIRPERSON BENNETT: And then, as we move
13 through each segment, Dupont Circle, Logan Circle, and the
14 like, to pause where we need to, ask our questions, and then
15 move on.

16 MR. COLBY: Right. Right.

17 CHAIRPERSON BENNETT: It just makes more sense
18 that way.

19 MR. COLBY: I think so. I think so.

20 CHAIRPERSON BENNETT: You know, sometimes we
21 have, I, let me speak about myself, have this retention
22 problem. And so, when we're talking about an issue, to
23 actually be able to field the questions right then is most
24 helpful to me.

25 COMMISSIONER PARSONS: Fine. Fine. Okay. The
26 --

1 CHAIRPERSON BENNETT: Hold on. Colleague's
2 questions? Is that all right? Okay.

3 MR. COLBY: As noted in the public hearing
4 notice, at the conclusion of the public hearing on the text
5 portion of the case, the Commission determined there should be
6 additional text that would emphasize the public policy
7 preference for existing apartment buildings and hotels, to
8 continue in use, rather than to be converted to office
9 building, again, as a preference, as a policy preference.

10 Also, the Commission announced its intent to
11 consider whether general office use should be allowed in all
12 SP districts, SP-1 and SP-2. The proposed addition to the SP
13 regulation, which would implement the policy preference for
14 existing apartment buildings and hotels to continue, is found
15 on page five of the hearing notice, at Section 508.4.

16 I'll just read that to you. The rest of that
17 section remains as it has, as it has always read, as part of
18 the -- or, it has for a long time, read as part of the part of
19 the SP zoning regulations.

20 (Reads.) If the application proposed to convert
21 a residential building or a hotel to office use, the
22 residential or hotel use shall be considered the preferred use
23 of the property, unless the applicant can demonstrate a
24 superior public interest in conversion to office use, rather
25 than retention of residential or hotel use.

26 And this is a test which is part of the special

1 exception process where -- which would be required to convert
2 a -- to get office use in an SP zone. So, this is something
3 the Board would look at very carefully. And the purpose for
4 the existing would be a preference which would have to be
5 overcome by testimony.

6 Now, I don't know -- I don't have a lot more to
7 say about that. I'd be happy to answer any questions. I do
8 know that, with that -- with some applicants, I do know that
9 there are different views as to this.

10 I know, for instance, that if this -- if these
11 regulations are adopted, it would be easier to tear down a
12 building. I mean, where it would be difficult under this
13 proviso to re-use an existing office -- hotel or residential
14 building for office use, difficult, not impossible, it would
15 be much easier without this hurdle to overcome, to start
16 either with a vacant site, or to tear down a residential
17 building or hotel, and then start over.

18 I've heard that argument. And I can't -- while
19 I don't know if it makes economic sense, it certainly, it is a
20 valid argument. And so, I know that there are different
21 points of view, and there are issues in regard to this.

22 I also know there's concern about the SP
23 district running, of course, through SP-1, further into
24 residential neighborhoods. I don't -- to the extent that SP
25 office users have the same impacts as to general office users,
26 you could argue that there's no additional impact for one use,

1 or the other.

2 But, on the other hand, I think it's clear that
3 we believe that, and others do, too, that the -- that general
4 office use will be more viable market-wise. And that that, in
5 itself, will probably mean more activity in the SP zones where
6 general office use is permitted.

7 And with that, I think I'll stop, and see if I
8 can answer any questions that the Commission might have.

9 CHAIRPERSON BENNETT: Thank you. Questions, Mr.
10 Franklin? Do you have questions?

11 COMMISSIONER FRANKLIN: Yes. Mr. Colby, what is
12 your explanation of the word superior public interest in this
13 proposed language? How does one demonstrate a superior public
14 interest?

15 MR. COLBY: I can't answer that directly. I
16 don't -- I haven't tried to answer that question specifically.
17 I know that the -- that there a number of policies in the
18 Comprehensive Plan that suggest that -- that residential uses,
19 and I know, before this Commission, that residential uses have
20 been accorded, typically accorded greater weight, or there has
21 been a preference for that use over office uses.

22 Now, I don't know what it would take to
23 demonstrate that. I don't know whether you would argue that
24 as an applicant on the basis of fiscal benefits to the city,
25 which clearly you could, or whether on the basis of
26 neighborhood stability, or quality of life in the community,

1 or maintaining the middle class and taxpayers in the city, you
2 know, it cuts both ways.

3 I don't know, it's words like that that --

4 COMMISSIONER FRANKLIN: That make businessmen
5 lawyers, right.

6 MR. COLBY: (Laughs.) Right. I don't have a
7 good answer.

8 COMMISSIONER FRANKLIN: I don't, either. And
9 that's what concerns me. I think that if we're going to
10 develop a standard, it ought to be one that people can
11 understand. And certainly that the Board of Zoning Adjustment
12 can understand.

13 And I don't understand what a superior public
14 interest really means in this context.

15 MR. COLBY: I think -- I don't disagree that
16 that's a problem. I think that one way to resolve it,
17 although I don't know -- I can only promise that we would --
18 we can try to do that, and-or listen, of course, to testimony,
19 as well, on the issue, would be to do as many, test, do before
20 the Board, to spell them out in greater detail, with five or
21 six for-instances, such-as, such-as.

22 COMMISSIONER FRANKLIN: Yeah. That's what I was
23 hoping you might suggest.

24 MR. COLBY: Yeah. Okay.

25 COMMISSIONER FRANKLIN: That's all I have.

26 CHAIRPERSON BENNETT: Mr. Parsons? Questions?

1 COMMISSIONER PARSONS: Well, I have the same
2 question. And it's -- the only thing we have to go to as an
3 example are PUD regulations, I guess, that would cite housing
4 linkage, and other kinds of, certainly not good urban design,
5 or historic preservation.

6 But if you're removing housing, don't you think
7 it would go in that direction? Some housing component
8 elsewhere, or something? Or certainly -- certainly we can't
9 leave it like this, would you agree?

10 MR. COLBY: Yes. I do. I do agree.

11 COMMISSIONER PARSONS: As a criteria.

12 MR. COLBY: Yeah. Yeah. It's a problem for all
13 sides on the issue, and certainly for the Board. It -- yes.
14 I think -- I think that we need to, and again, I'm hoping that
15 we'll get some assistance in the -- in testimony, but that we
16 do need to make an effort to spell it out. And I'll -- I will
17 bring that back to the Commission.

18 I don't know that I can finalize it by Thursday.
19 But I -- I will bring it back, certainly before the record
20 closes, assuming the record is open, which I suspect it will
21 be, past Thursday.

22 COMMISSIONER FRANKLIN: Well, let's just for the
23 moment try to give you a little guidance, at least on my
24 thinking. 508.3 would establish criteria that the use,
25 height, bulk, and design shall be in harmony with existing
26 uses and structures on neighboring property.

1 Now, that's -- that's a standard, of some sort.
2 The use shall not create dangerous or other objectionable
3 traffic conditions. And then, there's special treatment, in
4 terms of design.

5 MR. COLBY: Those -- those would almost be --
6 I'm going to take the other -- a difficult side, for the
7 moment, and say, those are almost thresholds for any use.

8 COMMISSIONER FRANKLIN: Yes. The garden variety
9 conditions, right.

10 MR. COLBY: And not just -- and if, in fact,
11 replacing residential, if we believe that there's a cost to
12 that to the city which is almost unbearable, then I think that
13 the test should be more than making sure there are no direct
14 adverse impacts. And I don't what those tests would be.

15 COMMISSIONER FRANKLIN: If 508.4 were not in
16 this text at all, what would the policy end up to be? That
17 there could not be a conversion of a residential building or
18 hotel to office use at all?

19 MR. COLBY: No. 508.8 permits that.

20 CHAIRPERSON BENNETT: Would permit it.

21 COMMISSIONER FRANKLIN: Would permit it, right.

22 CHAIRPERSON BENNETT: 508 -- point -- under (b),
23 is that not correct?

24 MR. COLBY: Yeah.

25 COMMISSIONER FRANKLIN: Under (b). Okay.

26 CHAIRPERSON BENNETT: 503.1(b) permits. And then,

1 508.1 --

2 MR. COLBY: Yeah.

3 COMMISSIONER FRANKLIN: Okay. So --

4 CHAIRPERSON BENNETT: -- would permit the
5 conversion of an existing residential or hotel use to office
6 use, if approved by DCO.

7 COMMISSIONER FRANKLIN: So, the intent of 508.4
8 is to somehow --

9 CHAIRPERSON BENNETT: It modifies that second
10 clause --

11 MR. COLBY: It sets a higher hurdle.

12 CHAIRPERSON BENNETT: -- and 508.1. And says,
13 you can do this. But BZA is alerted to look for some superior
14 public interest that is demonstrated by an applicant who wants
15 to do this.

16 COMMISSIONER FRANKLIN: Well, okay. I think
17 we've got to think much more about this. Because it's clear
18 that -- well, I was going to say it's clear, but it's vague.
19 (Laughter.)

20 CHAIRPERSON BENNETT: It's clearly vague.
21 (Laughter.)

22 COMMISSIONER PARSONS: It seems to me that if
23 we're going to remove residential housing stock from Dupont
24 Circle or Logan Circle, then we ought to get one for one
25 somewhere else. If you want, where I'm coming from.

26 I mean, I cannot imagine any superior public

1 interest, unless it involved a replacement of housing. And,
2 maybe it's outrageous, but that's where I'm coming from. I
3 don't see any reason to allow this creeping of commercial into
4 these areas on good urban design, or historic preservation, or
5 \$1,000,000 to a local park.

6 I just don't -- which is the way we generally
7 go, you know? We go to other -- to other presumed public
8 amenities to the community. But it seems to me it ought to be
9 housing stock there, or somewhere else.

10 MR. COLBY: Right now, with SP office use, there
11 is -- there are, I won't say simple, but fairly direct tests
12 before the Board. And you can -- you can change residential
13 if you meet the test, to office.

14 The difference is that that's with SP office
15 use.

16 COMMISSIONER PARSONS: Um hm?

17 MR. COLBY: We're saying, and I'm just, I guess
18 saying this to hear myself talk -- or for the record, that if
19 we have general office use, and all that that brings to the
20 property owner, or developer, that is positive, that there
21 needs to be a trade-off.

22 Or, there is -- because that use brings with it
23 a greater potential for change for -- in use, from residential
24 to office. And a trade-off is a tougher test. Because,
25 otherwise, where we are right now, which is -- which is, I
26 mean, if we don't have general office use.

1 And I'm not suggesting that that's really an
2 option, but if we did not have general office use instead of
3 SP use, we would -- this would not -- we would not be putting
4 this extra hurdle out in front of the owner of this property.
5 It's tied, essentially tied to the SP -- to the general office
6 use.

7 COMMISSIONER FRANKLIN: Really, you're saying
8 that because of this change regarding general office use, you
9 feel that we need to have 508.4? Hmm.

10 MR. COLBY: I'm saying that's -- I'm saying that
11 --

12 CHAIRPERSON BENNETT: I thought that where we
13 were going was that there really isn't that much difference
14 between --

15 COMMISSIONER FRANKLIN: There isn't --

16 CHAIRPERSON BENNETT: -- the impacts of general
17 office use and non-profit office use --

18 COMMISSIONER FRANKLIN: That's right. Right.

19 CHAIRPERSON BENNETT: And so, therefore, it
20 doesn't create necessarily any bigger impact, or -- for which
21 there ought to be another hurdle. Is that where you're going?

22 COMMISSIONER PARSONS: If you're converting SP
23 office use to general office use, I think we're agreed, it's
24 not a problem. We're talking about converting residential
25 here.

26 COMMISSIONER FRANKLIN: Yeah. And then, that's

1 --

2 COMMISSIONER PARSONS: That's --

3 COMMISSIONER FRANKLIN: -- that's a different
4 story.

5 COMMISSIONER PARSONS: -- that's where I step
6 over the edge, and say, wait a minute.

7 MR. COLBY: Which is more likely to occur, we
8 believe, or one could say, with general office use, than with
9 SP office use --

10 CHAIRPERSON BENNETT: Where general office use
11 exists.

12 MR. COLBY: -- and that's where the connection
13 comes.

14 CHAIRPERSON BENNETT: I see.

15 COMMISSIONER FRANKLIN: Well, I think that may
16 be somewhat over-stated. On the other hand, I'm not sitting
17 here to promote the conversion of residential uses.

18 COMMISSIONER PARSONS: No. I want to discourage
19 it.

20 COMMISSIONER FRANKLIN: Yeah. So --

21 CHAIRPERSON BENNETT: Well, which is why --
22 which is why OP gave us the language we have, and is willing
23 to go back, and give us some greater clarity, either with some
24 examples, or some other such formulas, as Mr. Parsons has
25 shared with us.

26 COMMISSIONER FRANKLIN: Yes. I know what Mr.

1 Parsons has suggested. And I don't if I'd be any happier with
2 it, because it wouldn't please me to know that there is, you
3 know, residential use somewhere else, while disappearing
4 around, you know, the areas that we are trying to protect
5 right now.

6 So, even that escape hatch, I don't know, you
7 know --

8 COMMISSIONER PARSONS: Okay. Well, I'd like to
9 get rid of the word conversion of residential, then. I mean,
10 that's where I really come from.

11 COMMISSIONER FRANKLIN: Yeah. Well, I think I'm
12 -- I'm edging in that direction.

13 COMMISSIONER PARSONS: Okay. That would make it
14 easier. (Laughter.) Easier to understand, wouldn't it?
15 (Laughter.)

16 CHAIRPERSON BENNETT: So, Mr. Parsons, you would
17 be -- and this is not a -- this is not a meeting session, this
18 is a hearing session.

19 COMMISSIONER PARSONS: No. I'm sorry.

20 CHAIRPERSON BENNETT: But what you are saying,
21 then, would be, it would -- it would make you more comfortable
22 to excise the phrase, or conversion of an existing residential
23 or hotel use to office use, out of 503.1 and 508.1?

24 COMMISSIONER PARSONS: Correct.

25 CHAIRPERSON BENNETT: Therefore, you would not
26 need 508.4?

1 COMMISSIONER PARSON: Um hm. (Yes.)

2 CHAIRPERSON BENNETT: Ah-hah. Thank you.

3 COMMISSIONER FRANKLIN: Yes. I think that's --

4 CHAIRPERSON BENNETT: So, we'll put that in.

5 COMMISSIONER FRANKLIN: -- that's one possible

6 way of dealing with it.

7 MR. COLBY: Okay.

8 CHAIRPERSON BENNETT: So, that's -- does that

9 kind of wrap up -- did you have any thoughts after -- before

10 we move onto the next, the map part of our case?

11 MR. COLBY: No. I think that -- that's a much

12 stronger -- and I think we have to come back to you with some

13 evaluation of that, or some test, meaning that we can assign

14 to superior public interest.

15 CHAIRPERSON BENNETT: Okay. And I'm sure that

16 our -- the members of our audience are hearing all of this,

17 and will have an opportunity to give us some feed-back.

18 MR. COLBY: Okay. Let's move on. The map

19 amendments we approached in the same way that our report did,

20 and I guess, I hope in the same way that the public notice

21 did.

22 Starting with Logan Circle, I am going to

23 summarize our report, add, make some comments as we go. Try

24 and clarify what's in the report. And as I go, Bill Johnson

25 will be, if all this works as it should, will have slides up

26 there, as appropriate, to match some of the material we're

1 covering.

2 And starting, again, with Logan Circle. The
3 Logan Circle, the Thomas Circle vicinity, immediately north of
4 downtown, includes several distinct land use patterns. Our
5 report says, please refer to the maps.

6 There are a number of maps that -- that our
7 report has. I found, in going over them, that the physical --
8 that the most useful map, or maps, really, were two. Which
9 were the proposed zoning map, and the existing zoning map.
10 Because the existing zoning map shows the land use on it, once
11 you learn what the codes are. You've got a two-er on that
12 map.

13 And I've colored one up. And I'm -- if anybody
14 gets confused about it, I'm happy to share it. And if I had
15 thought about it, I would have made color Xeroxes. And we can
16 do that in the future.

17 But let me start with Number 1 in our report.
18 Number 1, and I think on the maps -- and I think also, again,
19 also on the public notice, predominantly row-houses, which we
20 -- which we indicate as Number 1.

21 A substantial area surrounding Logan Circle is
22 developed predominantly with row-houses, including buildings
23 that have been converted to flats or apartments. This area,
24 to be re-zoned, is irregular in shape, and extends from north
25 of Logan Circle -- in fact, I don't know if I can see -- turn
26 off some lights.

1 CHAIRPERSON BENNETT: Will you be able to see?
2 Is there any other light we can dim? (Pause.) Well, the
3 other thing, Mr. Colby, is that you could sit up here, or
4 someplace. When they dim the lights, there is a light, or set
5 of lights, that comes on. I don't think anyone will confuse
6 you, or your role.

7 (Multiple voices.)

8 COMMISSIONER FRANKLIN: I thought you had this
9 memorized, anyway.

10 CHAIRPERSON BENNETT: (Laughter.) I don't think
11 so. (Pause.) Can you see now?

12 MR. COLBY: From where I left off, as I --
13 should I move to flats? To flats or apartment? Can you hear
14 me now? It's not working. I mean, it's working for
15 recording, but it's not working -- (Pause.) Can you hear me
16 any better? (Pause.)

17 CHAIRPERSON BENNETT: Thank you, Ms. Miller.

18 MR. COLBY: Can you hear me now? (Pause.) Can
19 you hear me?

20 UNIDENTIFIED: We can't hear you.

21 MR. COLBY: Okay? I'm happy to stand up, if
22 that might help a little. (Pause.)

23 The area to be re-zoned is irregular in shape,
24 and extends from north of Logan Circle to M Street, Northwest
25 on the south, and from near 12th Street on the east to mid-way
26 between Vermont Avenue and 14th Street on the west.

1 Part of this area is included within the
2 recently expanded greater 14th Street historic district, a
3 designation that makes clear that the public policy should be
4 conservation of existing, predominantly town-house scale
5 buildings in the housing stock.

6 Encouraging the conservation of sound
7 residential neighborhoods, including the housing supply and
8 residential population, is justified, based on a number of
9 Comprehensive Plan policies, as well as the city's current
10 need to maintain population during an extended of out-
11 migration.

12 The land-use designation on the generalized
13 land-use map is moderate -- moderate density residential. And
14 I might add that this area includes the Iowa Apartments at
15 17th and P, also, and you'll see this on a land-use map as a
16 sort of a large open area, I mean, a large organized area.

17 And also --

18 UNIDENTIFIED: We still can't hear you.

19 MR. COLBY: Just north of that, sorry. Just
20 north of that, a car wash and auto repair outfit on 14th
21 Street.

22 The area extending north of Logan Circle, not
23 included on the map that is in our report, both the immediate
24 frontages of Logan Circle on the south side, I think that's a
25 slide. That maybe not be. Are zoned R-5-B.

26 For this reason, R-5-B zoning is also

1 recommended for that part of the predominantly row-house area
2 further to the south of Logan Circle.

3 The recommended re-zonings, as indicated on a
4 map, are from R-5-D to R-5-B, primarily. And SP-2 to R-5-B,
5 which is consistent with moderate density residential
6 designation.

7 CHAIRPERSON BENNETT: SP-2 to R-5?

8 MR. COLBY: B as in boy.

9 CHAIRPERSON BENNETT: B?

10 MR. COLBY: Both SP-2 and R-5-D permit 90-foot
11 apartment buildings, and a density of 6-FAR in the case of SP-
12 2, and 3-1/2-FAR in the case of R-5-D.

13 Existing 90-foot apartment house zoning, which
14 was the R-5-D tends to encourage re-development to a height
15 and bulk that are out of scale with the existing buildings,
16 generally existing buildings.

17 Potential or implied demolition of existing row-
18 house structures to make way for more dense development would
19 also be in conflict with the historic preservation objectives
20 and rules indicated by historic district designation.

21 Also, the existing development pattern in the
22 proposed R-5-B zone district are considered generally
23 consistent with a moderate density residential designation on
24 the Comprehensive Plan.

25 Accordingly, the R-5-B zone is recommended as
26 presented on the proposed zoning map. And that's the area

1 south of Logan Circle, a fairly extensive area south of and
2 all around the southern edge of Logan Circle, which is
3 primarily row-houses now.

4 Location number six, let me jump to that because
5 that's the way the report was organized, on the proposed
6 zoning map consists of non-conforming commercial property at
7 the corner on 13th and N, an Amoco gas station. The use is
8 non-conforming under either SP or R-5 zoning.

9 The recommended R-5-B zoning provides for all
10 Square 280 to be re-zoned R-5-B, rather than having a small
11 corner area in a different zone classification. So, we're
12 saying it's non-conforming to begin with, and it's still non-
13 conforming after R's change in zoning.

14 Then, moving to Area 2, predominantly high-rise
15 apartments. Approximately 40 percent of the land area shown
16 on the map, and indicated by the Number 2, is developed
17 predominantly with high-rise apartment buildings, typically 90
18 feet in height.

19 This area also includes some mid-rise apartment
20 buildings, and few row-houses, small commercial buildings,
21 hotels, and several surface parking lots, and vacant sites.
22 I'm not sure where. (Pause.)

23 Most of the area zoned S -- well, let me skip
24 that part. Most of the area zoned SP or SP-2 since 1958, in a
25 broad band north of Mass Avenue -- (Pause.) -- has been re-
26 zoned in a broad band north of Massachusetts Avenue.

1 SP-2 allows a maximum height of 90 feet, a
2 maximum bulk of 6-FAR for residential, and 3 1/2 limitation
3 for office, and other non-residential uses. The R-5-
4 E, high density apartments zone, is mapped in a portion of the
5 applicable area. The Rhode Island Avenue corridor to the
6 southwest of 14th Street. This zoning is proposed to
7 continue, and an extensive area now zoned SP-2 is proposed to
8 be re-zoned to R-5-E.

9 This zone permits residential development to a
10 maximum height of 90 feet, and a maximum bulk of 6-FAR. It
11 would encompass all or nearly all of the area predominantly
12 improved now with apartment buildings.

13 The primary purpose of re-zoning from SP-2 to R-
14 5-E is to protect these apartment buildings from conversion to
15 office uses, or from further office uses, to the extent that
16 any of these buildings include office suites at present.

17 These 90-foot high density buildings provide
18 substantial housing resources, consistent with retention of
19 population in the city. The proposed R-5-E zone will conform
20 to the scale of existing high-rise buildings -- the buildings
21 were constructed at 6-FAR 90-feet, as permitted in SP-2.

22 R-5-E permits the same maximum development
23 envelope, but does not allow office use, as does the existing
24 SP-2 zoning. A generalized land use map designates the
25 affected areas to the west of 14th Street as high density
26 residential. This designation is clearly supportive of the

1 proposed re-zoning from SP-2 to R-5-B.

2 And I'll just move on to Area Number 3 on the
3 proposed zoning map. It's a single property, an apartment
4 house on the south frontage of N Street, as Square 281, that
5 is zoned R-5-D, as in day, in a square that is otherwise zoned
6 SP-2, and recommended to re-zoned R-5-E, as discussed above.

7 The individual lot is also recommended to be re-
8 zoned consistent with that pattern, from R-5-D, to R-5-E. The
9 resultant zone or boundary along N Street is better justified
10 than the existing unusual dog-leg that extends into this
11 square. OP does not know why this unusual boundary was
12 adopted in 1958.

13 And back to Area Number 2, to the east of 14th,
14 the land use designation is moderate density residential,
15 which applies to the high density apartment areas in question
16 here, as well as the row-house areas.

17 OP considers a moderate density residential
18 designation inappropriate for areas developed primarily with
19 high density apartments, and accordingly has recommended an
20 amendment to the generalized land use map that would change
21 the designation for the relevant part of this area to high
22 density residential.

23 This proposed change will be considered by the
24 D.C. Council later this month, or soon thereafter, when the
25 Council acts on the Comprehensive Plan amendments before then.
26 A copy of that is attached as Appendix B in our report.

1 In the meantime, it's OP's opinion, R-5-E is
2 more appropriate zoning than a moderate density residential
3 zone, such as R-5-B, which would create large numbers of non-
4 conforming buildings.

5 The Washington Plaza Hotel, which is indicated -
6 - on the circle, which is indicated -- the large property at
7 the corner of M Street and Vermont Avenue facing Thomas Circle
8 -- business hotel, or Washington Plaza, was built in 1962, and
9 has operated as a hotel since then under different names and
10 management.

11 The property was developed to SP-2 standards, 90
12 feet, medium to high density, and has a parking area to the
13 north of the existing building that could serve as an
14 expansion site.

15 OP recommends that SP-2 zoning continue in this
16 location. Hotel is a permitted use in the SP zone, subject to
17 a special exception process that provides for public review,
18 and approval of expansion.

19 Re-zoning to R-5-E is not recommended, because
20 this apartment house zone does not permit hotel development.

21 Number 4, we entitle historic churches. Two
22 historic churches are located on 14th Street at Thomas Circle,
23 National City Christian Church faces Thomas Circle at Mass
24 Avenue and 14th Street. Luther Place Memorial Church occupies
25 a block bounded by 14th and N, and Vermont Avenue.

26 These historic places of worship are an

1 important part of the design setting of Thomas Circle, are
2 major institutions in the neighborhood, and are well know in
3 the city. Existing zoning is SP-2, which is significantly
4 more dense than the mixed-use moderate density residential and
5 moderate density commercial designation on the generalized
6 land use map, moderate density.

7 A church or other place of worship is permitted
8 as a matter of right in any zone district. And the density of
9 a church is usually quite low, one to two FAR, given that the
10 sanctuary of a church normally has very high ceilings, but
11 only counts as 1-FAR in zoning terms.

12 The recommended zoning is SP-1, which is a
13 medium density mixed-use zone, nearing identical in scale to
14 the C-3-A Arts zoning further to the north, along 14th Street.
15 SP-1 zone allows a maximum height of 65 feet, as against 90 in
16 SP-2, and a maximum density of 4-FAR for residential or mixed
17 uses, including a church.

18 Within which office use is limited to 2 1/2 FAR.
19 The density of existing SP-2 zone is 6-FAR for residential or
20 mixed uses, and 3 1/2 for office. The SP-1 zone is more
21 consistent with a generalized land use -- designation, and the
22 proposed scale of buildings along 14th Street setting to the
23 north, at 65 feet in height, and 4-FAR in the C-3-A Arts area.

24 Number 5. Large parking lot/development site.
25 The large parking lot in Square 212, bounded by Massachusetts
26 Avenue, 15th, 14th, and N Streets, with a long frontage on

1 Massachusetts Avenue, and extending north along 15th to N, is
2 recommended to remain SP-2, and I'll elaborate on that in a
3 while.

4 Although currently used for all-day commuter
5 parking, this property has received several approvals for
6 mixed-use, apartments and offices -- approvals for apartments
7 and offices, and hotel development, from the Board of Zoning
8 Adjustment, over the past ten or more years, with substantial
9 community support for those uses.

10 Actual development has not occurred because of
11 changes in market conditions, and other factors. In this
12 location, hotel development, after BZA and public review, or a
13 combination of apartments and offices, the latter, again, with
14 BZA approval, is more likely to secure development of this
15 quite large parcel, over 50,000 square feet, than residential
16 zoning.

17 The series of apartment buildings on the
18 property can probably not be supported by the market as
19 readily as mixed-use development plan. The site fronts on
20 Massachusetts Avenue, the boundary of the central area, with
21 C-4 zoning directly south.

22 The owner has on-going negotiations for hotel,
23 or extended stay hotel development, which would be precluded
24 by R-5-E zoning, and would be allowed as a special exception
25 under the existing SP-2.

26 The property owner's individual application for

1 re-zoning from SP-2 to HR-SP-2, was included as an alternative
2 zone to be considered in the context of this general re-zoning
3 of the Logan Circle area.

4 The two principle applications of the HR over-
5 lay would be a greater permitted building height and bulk, and
6 hotel use, as a matter of right, rather than a special
7 exception. OP is aware that there is some community
8 opposition to the advertised change to HR-SP-2, as of the date
9 of this report.

10 There are also on-going negotiations regarding a
11 potential covenant that would restrict the maximum building
12 height on the site, or so the owner tells us. OP will make a
13 specific recommendation after benefitting from the testimony
14 at the public hearing.

15 Let me move on to the 14th Street commercial C-
16 3-A Arts district. And remember that some of these areas
17 we're suggesting for re-zoning, and some not. But it's
18 basically an analysis of all the SP zoning and adjacent zoning
19 in the area, as part of the study that we have done.

20 Existing development in the C-3-A Arts zoned
21 district on both frontages of 14th Street consists of one to
22 four story commercial buildings in a traditional commercial
23 strip pattern. Automobile service uses, theater uses,
24 restaurants.

25 The zoning itself was enacted in 1989 - 1990 in
26 response to a petition by the Logan Circle Community

1 Association, and further study by OP. No further zone change
2 is proposed at this time.

3 The commercial strip along 11th Street is zoned
4 C-2-A, which allows a maximum height of 50 feet, a maximum
5 residential or mixed-use FAR of 2 1/2, of which 1 1/2 may be
6 commercial.

7 11th Street is primarily a commercial strip. It
8 also has a number of row-houses. This low density mixed-use
9 zone will accommodate the existing development pattern, and is
10 recommended to continue.

11 Downtown, just to complete this study, in the
12 area of downtown zoning, DD/R-5-E and C-4, in the corner of
13 the map before you, the DD/R-5-E zone is mapped to the south
14 of M Street, in the eastern portion of the study area. The
15 intent of this high density apartment zoning, adopted in 1991,
16 was and is to encourage retention of the existing high-rise
17 apartment buildings in the area, pursuant to the adopted
18 downtown element of the Comprehensive Plan.

19 Existing DD/R-5-E zoning is proposed to continue
20 without change, having been recently adopted, and being not
21 inconsistent with the generalized land use map, which
22 indicates high density residential and high density mixed-use.

23 This zoning -- the general zone pattern to the
24 south and west of the study area, south of Massachusetts
25 Avenue and Thomas Circle, is C-4. This is the principle
26 commercial area zoned for the high density heart of downtown

1 office precinct.

2 This zone allows commercial or residential
3 buildings, and hotels, to a scale of either 110-feet and 8 1/2
4 FAR, up to 130-feet and 10-FAR, depending on the width of the
5 street.

6 The latter density is allowed only on sites
7 fronting on a street of at least 110-feet wide. This -- zone
8 is generally consistent with a high density commercial
9 designation on the generalized land use map, with other
10 policies encouraging that kind of development in the heart of
11 downtown. Accordingly, the C-4 zone is recommended to
12 continue in this location.

13 That's the -- I come to the end of the Logan
14 Circle area, in terms of our proposed re-zoning, and welcome
15 any questions the Commission might have.

16 CHAIRPERSON BENNETT: All right. Colleagues?
17 Questions of Mr. Colby on the Logan Circle area proposed re-
18 zoning.

19 COMMISSIONER FRANKLIN: (Pause.) No questions.

20 CHAIRPERSON BENNETT: No questions? (Pause.)
21 When you started talking about the gas station?

22 MR. COLBY: Yes?

23 CHAIRPERSON BENNETT: Car wash, what we have in
24 the proposed zoning is R-5-B?

25 MR. COLBY: Yes.

26 CHAIRPERSON BENNETT: And the existing zoning

1 was?

2 MR. COLBY: R-5-D, I believe.

3 CHAIRPERSON BENNETT: R-5-D? Well, actually, in
4 that little corner, it looks like some of that was SP-2?

5 MR. COLBY: The -- I'm sorry. That gas station
6 --

7 CHAIRPERSON BENNETT: Was SP-2?

8 MR. COLBY: Well, Number 6, yeah, was SP-2.
9 Correct.

10 CHAIRPERSON BENNETT: Okay. You're looking at
11 the other.

12 MR. COLBY: Yes. Number 6 was the re-zoning
13 from SP-2 --

14 CHAIRPERSON BENNETT: And what you're saying is,
15 it was non-conforming then, it would be non-conforming under
16 your --

17 MR. COLBY: That is correct. It makes for --
18 makes for consistent zoning to change the square as one zone.
19 I do know, there are abolitions in that square that will come
20 out as part of the hearing. And in fact, probably, as regards
21 all of these squares, there's a lot of fine tuning that --
22 that will inform a decision on this case.

23 And -- but, just taking it for -- just in terms
24 of what we've said, there's very little difference, I think,
25 between R-5-D and R-5-B, in terms of the consistency of those
26 commercial areas.

1 CHAIRPERSON BENNETT: Okay.

2 MR. COLBY: And the R-5-D clearly plays a role
3 in preserving a great deal of row-housing south of Logan
4 Circle.

5 CHAIRPERSON BENNETT: Okay. I'd like to
6 disclose something, colleagues, and I will not vote on it if
7 it is deemed that I can't do so objectively. I do believe I
8 can.

9 I have had an opportunity to volunteer my
10 services at Bethany House, Harriet Tubbsman Treatment Center,
11 and Sarah House, all of which are located in the facility that
12 is run by -- it's called N Street Village.

13 And I believe we did get something in the record
14 from them which pointed out the variety of kinds of services
15 that were offered there. And therefore requested that we
16 retain SP zoning there, because they were concerned that R-5-E
17 zoning would render those uses a problem.

18 I think they would not be conforming uses at
19 that point in time. So, I wanted folks to know that I have
20 had some experience as a volunteer in those social service
21 programs. And that's -- that is my disclosure. I do believe
22 that I can render a decision based on that, and I don't have
23 any financial -- (Laughs.) For sure, don't have any financial
24 interest in that.

25 MR. COLBY: Okay. Let me move on. The next,
26 lower 16th Street. (Pause.) Oh, the lights, yeah. Oh, we

1 don't have any slides for this one. Thanks.

2 CHAIRPERSON BENNETT: No slides for.

3 MR. COLBY: This one. Okay. The lower 16th
4 Street area, not only does it not have any slides, I don't
5 believe that we recommended any changes. But I may be wrong.

6 MR. JOHNSON: That's right.

7 MR. COLBY: That is correct.

8 MR. JOHNSON: The easiest one to understand.

9 (Laughter.)

10 COMMISSIONER PARSONS: The easiest one to
11 understand. (Laughs.)

12 MR. COLBY: The area is between 16th Street --
13 16th Street, between Scott Circle and Lafayette Park. I think
14 the maps we have indicate the area fairly clearly.

15 The southeast quadrant of Square 196 is zoned C-
16 4, and approved, an office building, a planned unit, as part
17 of a PUD. Let me skip over some of that, which just really
18 speaks to a general existing pattern, and go on.

19 The existing pattern of development of the 16th
20 Street corridor generally -- it does include buildings of
21 traditional and modern design, older and new buildings. The
22 scale is in the medium to medium-high density range, 2-FAR to
23 6-FAR, 40 to 90 feet, a wide variety of everything.

24 The ranges of uses and building types includes
25 large office buildings of modern design, four hotels, and a
26 fifth approved to proceed in the former NRA office building.

1 Institutional buildings, such as National Geographic and the
2 Third Christian Science building, at moderate density, row-
3 house scale, mid-rise office buildings of traditional design,
4 and two high-rise apartment buildings.

5 In OP's judgment, the hotels and the apartment
6 buildings should be encouraged to continue in use. The Hay
7 Adams, the Capital Hilton, the Sheraton Carlton, and
8 Jefferson, are significant Washington landmarks, and important
9 elements in the city's hospitality and tourism industry.

10 And the NRA office building at 16th and Scott
11 Circle has recently been approved by the Board of Zoning
12 Adjustment for conversion to hotel. The apartments are an
13 important difficult to obtain element of livability within the
14 heart of downtown.

15 The District is quite fully developed. The only
16 vacant parcel is the site of an approved mixed-use PUD, at
17 1616 Rhode Island Avenue, which is being used for surface
18 parking, until a development is built.

19 At lower 16th Street, between Scott Circle and
20 Lafayette Park, H Street, has a number of important planning,
21 urban design, and historic designations. I won't read all of
22 these, but it's a symbolic street. It has a lot of history
23 associated with it. It's a special street in the
24 Comprehensive Plan. It has a number of landmarks along it.
25 It's a very special part of the city.

26 It's also a special treatment area, as I said,

1 in the Comprehensive Plan. And a number of policies go with
2 that. Including one amendment which we have proposed in the
3 Comprehensive Plan, which would, in some fashion, and I think
4 we speak to that in this report, require review of in-flow
5 development. Review what essentially would be either HPRB or
6 BZA review.

7 All things considered, this symbolic location,
8 the White House vista, the historic designations, and so on,
9 all contribute to a special street, as Washington character.

10 In recognition of the above-cited policies and
11 other planning considerations, the Office of Planning has
12 recommended another -- amendment, which -- which would change
13 the density on the Comprehensive Plan, I think this is very
14 significant, from high density commercial, which is what it is
15 now, as is that whole center of the city so designated, to
16 mixed- use, medium high density commercial, and high density
17 residential.

18 The intent of this change is to encourage
19 retention of the existing development pattern, and existing
20 SP-2 zoning, and to insure that any in-fill re-development
21 that occurs is compatible with the character of the immediate
22 locale, and 16th is a special street.

23 The current designation of 16th Street for high
24 density commercial development applies a policy of re-zoning
25 to a significantly more dense commercial zoned classification,
26 either a C-4 or a C-3-C, which would most likely be followed

1 by demolition, and re-development with high density office
2 buildings, where that could occur.

3 A C-4 zone which is mapped to the east and west
4 will allow buildings of up to 10-FAR, and 130 feet, as a
5 matter of height. So -- (Pause.) Let me skip over that,
6 because there are no changes here.

7 It should be noted, the proposed allowance for
8 general office use in SP-2 zones should help the economic
9 viability of the existing office buildings along 16th Street,
10 without changing the zoning. We get closer to high density
11 commercial without general office use.

12 And so, the recommendation that -- that's out
13 there is that the existing SP-2 zoning should be retained on
14 the lower 16th Street -- for the lower 16th Street area.

15 CHAIRPERSON BENNETT: Okay. Questions,
16 colleagues? (Pause.) Questions?

17 MR. COLBY: That was easy.

18 CHAIRPERSON BENNETT: That was easy.

19 COMMISSIONER PARSONS: Well, I guess I do. Did
20 you think that your proposal here would require report back to
21 the City Council that we suggest the Comprehensive Plan be
22 amended from its high density designation, or -- ?

23 MR. COLBY: We have suggested that. That is
24 before the Council now.

25 COMMISSIONER PARSONS: Oh, okay.

26 CHAIRPERSON BENNETT: From the Office of

1 Planning.

2 MR. COLBY: From the office, from the Mayor --
3 yes. So, hopefully, that will -- I mean, the timing is, may
4 or may not work well. I don't know how that will work.

5 COMMISSIONER PARSONS: Okay.

6 MR. COLBY: But it is before them now.

7 Dupont Circle, proposed map amendments. The
8 Dupont Circle neighborhood is an urban neighborhood on the
9 edge of downtown, with a diversity of uses and zone districts
10 over the strong residential base, and town-houses, mid-rise
11 apartments, and high-rise apartments.

12 The Dupont Circle area includes four DC/SP-1 and
13 DC/SP-2 districts, which are reviewed below. And I might note
14 that on the map, I was a little confused until I finally
15 sorted it out. Let me see. (Pause.) Yeah. That only Number
16 4 on page 24 is recommended for re-zoning.

17 That one, two, and three are not on the maps.
18 And that they're just speaking generally to parts of the area.

19 CHAIRPERSON BENNETT: Well, now, wait a minute -
20 -

21 MR. COLBY: And I will describe those areas as
22 we -- as we go. But the first one is not on the maps at all,
23 the first area which I'm about to describe. It doesn't --
24 because the map doesn't go out far enough, what I'm talking
25 about.

26 There is a map, a general map of SP, which I'm

1 happy -- which I've got extra copies of, if you don't have it
2 in the package. And in fact, let me get that. (Pause.)
3 That'll take you further.

4 CHAIRPERSON BENNETT: But you're saying that
5 there is no -- you're not recommending any changes in what
6 you're getting ready to describe to us? Is it possible for
7 staff to make sure that the audience has copies of what you've
8 just passed out?

9 MR. COLBY: I think it's in the set-down report.
10 I don't know that it was in the hearing report, because I
11 couldn't find it in mine. And -- but -- yeah, Madeliene will
12 do the -- (Pause.)

13 I can -- I will go ahead, and start. Dupont,
14 the -- starting with Number 1 in our report, the SP-1 district
15 that extends along Massachusetts Avenue from 20th to 22nd
16 Streets, is mapped continuously along the northern frontage of
17 Massachusetts Avenue. But only between 20th and 21st on the
18 south.

19 Existing uses include the Embassy Row Hotel, the
20 Cosmos Club, chanceries, embassies, the Phillips Art Gallery,
21 a church, a few row dwellings, and several small office
22 buildings.

23 The scale of development ranges from moderate
24 density row structures to mid-rise chanceries, office
25 structures, and the Cosmos Club, to the high-rise Embassy Row
26 Hotel.

1 CHAIRPERSON BENNETT: Where is that on here?

2 MR. COLBY: 20 -- well, this is --

3 CHAIRPERSON BENNETT: Is this Mass?

4 MR. COLBY: This is 16th.

5 CHAIRPERSON BENNETT: This is 16th.

6 MR. COLBY: And here is 20 -- here is 19th. So,
7 we're over here on Mass, right in this area. This is SP.

8 CHAIRPERSON BENNETT: SP. DC/SP-1?

9 MR. COLBY: Yeah. Yes.

10 CHAIRPERSON BENNETT: And this is Number 1?

11 MR. COLBY: Number 1.

12 CHAIRPERSON BENNETT: And you're saying there's
13 no change?

14 MR. COLBY: That is correct.

15 COMMISSIONER FRANKLIN: Good.

16 MR. COLBY: The existing medium density zoning,
17 with its lower density allowance for institutional and office
18 uses, and greater density, allowing for residential and hotel,
19 appears to strike a suitable middle ground in regulating the
20 wide range of building scales and uses in the SP-1 district.

21 It appears suitable as a transition between the
22 general more intensive uses south of Mass Avenue, apartments
23 and hotels along the commercial corridor on P.

24 Another important factor of the SP-1 is entirely
25 within the boundaries of the Dupont Circle historic district,
26 so that conservation of the existing scale -- a critically

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1 important public policy appears well suited, the SP-1 does,
2 appears well suited to accomplish the multiple objectives
3 cited above, and is recommended to continue.

4 Number 2. The other much larger SP-1 district
5 represents the great majority of SP-1 zoning -- (Pause.)

6 CHAIRPERSON BENNETT: Now, is this one on the
7 map that we have in our packet? (Pause.) What you're calling
8 Number 2?

9 MR. COLBY: Yes. Most of it. I think so. Just
10 a second. (Pause.) Mostly, on the physical context map.
11 It's right -- (Pause.) Excuse me, it's right here. No, wait
12 a minute. (Pause.) Well, let me read you the -- let me read
13 that first. Consists of a --

14 CHAIRPERSON BENNETT: But this, this piece, is
15 it recommended for change?

16 MR. COLBY: No.

17 CHAIRPERSON BENNETT: Okay.

18 MR. COLBY: It consists of a U-shaped area that
19 include both frontage on 16th Street and the three blocks
20 north of Scott Circle. The zone continues to the southwest,
21 then, to a large triangular area between Rhode Island Avenue
22 and Massachusetts Avenues, and 17th Street, and extends
23 northward, again, in a broad band, along 18th and New
24 Hampshire Avenue.

25 The 16th Street and New Hampshire Avenue and
26 18th Street corridors extend north of Mass Avenue into the

1 predominantly residential parts of the Dupont Circle
2 neighborhood. That's perhaps the more sensitive or most
3 sensitive SP-1 zoned area.

4 In the middle triangular part of the U-shaped
5 area, existing development exhibits a wide range of densities
6 and uses, a significant number of town house structures exist,
7 primarily occupied by office uses. A number of mid-rise and
8 high-rise buildings are also present.

9 Also uses include hotels and inns, Holiday Inn,
10 Canterbury Inn, various embassies, chanceries, Saint Matthews
11 Cathedral, Johns Hopkins, and so on. Most of this is within
12 the Dupont Circle historic district. Also within the central
13 employment area. The DC/SP-1 zoning appears well suited,
14 again, to maintain the stability, attractive historic
15 character of the area, recommended to continue.

16 CHAIRPERSON BENNETT: Okay.

17 MR. COLBY: And the extensions of SP-1 along
18 zoning north of Mass Avenue for a few blocks along 16th Street
19 and along 18th Street exhibit a similar pattern as I described
20 above. And again, no zone change is recommended.

21 Again, this is -- these areas are encompassed
22 either in the 16th Street historic district, or the Dupont
23 Circle historic district. Which I think is where you'll find
24 most of the SP-1 zoning.

25 CHAIRPERSON BENNETT: Okay.

26 MR. COLBY: Number -- I want to add that in --

1 for the area above, generally, the Comp Plan calls out
2 generally mixed-use, medium residential, and medium density
3 commercial.

4 Number 3. The DC/SP-2 district that encompasses
5 the north frontage of Massachusetts Avenue from west of 16th
6 Street to 18th Street is fully developed. But approximately
7 an equal number of apartment buildings and office buildings,
8 primarily 90 feet or thereabouts in height.

9 The apartment buildings appear to have been
10 built at approximately 6-FAR -- by SP-2. The office buildings
11 appear to have been built at 5.5-FAR, the density allowed to
12 office uses under the pre-1979 zoning rules in SP-2.

13 In the 1700 -- or, in SP. In the 1700 block of
14 Mass Avenue, the Brookings Institution's PUD is under
15 construction, and may have been completed, consisting of in-
16 fill office space on the avenue, and extending to the block to
17 P Street, together with a major apartment building on P.

18 In this two block long SP-2 district, the
19 apartment and office buildings are interspersed. The area is
20 fully developed. I should note that the Comp Plan designates
21 it for high density residential and moderate density
22 residential, both, side-by-side.

23 The existing SP-2 zoning appears to be the best
24 available zoning to reflect existing uses and densities, and
25 continue the balanced mixed-use pattern of development, and is
26 recommended to continue.

1 Number 4. The last SP-2 -- the last SP
2 district, this is where there are some changes recommended --
3 pardon?

4 MR. JOHNSON: Do you want the slides?

5 MR. COLBY: Yes. Thanks. (Pause.) The last SP
6 district to be review in the Dupont Circle area is the DC/SP-2
7 district that exists to the southwest of Dupont Circle. It
8 extends from the corner of 20th and P Streets, to the south,
9 along the west frontage of 20th, and the west frontage of New
10 Hampshire Avenue, to approximately N Street on the south.

11 The DC/SP-2 zoning then projects eastward along
12 Sunderland Place and N Street, or just south of N in place, to
13 19th Street. With the exception of the commercial building at
14 the corner of 20th and P, which is indicated as Number 4 on
15 the proposed zoning map in our report, the street frontages
16 along 20th Street and New Hampshire constitute a corridor
17 developed primarily with apartment buildings, plus the Embassy
18 Suites Hotel.

19 More specifically, this corridor includes four
20 high density apartment buildings, a medium density apartment
21 building, a small office building, and a small building used
22 as a chancery.

23 This major grouping of apartments at the
24 immediate periphery of the central employment area should be
25 encouraged to continue in use.

26 Let me see, skip down here. The corridor of

1 apartment buildings in this location provides a buffer zone,
2 or a transition zone, between high density office development
3 in the CEA to the east of New Hampshire, and the moderate and
4 medium density residential neighborhoods to the west of New
5 Hampshire Avenue.

6 The current land use designation of this area as
7 high density commercial constitutes a land use policy
8 encouraging re-zoning, potential demolition of the apartments,
9 and the construction of high density office buildings in their
10 stead.

11 Loss of this critical mass of residents and
12 apartments is not justified on that basis. The District has
13 ample areas and parcels of vacant and otherwise developable
14 land in the central employment area that are zoned currently
15 for high density office development, and where such
16 development is encouraged by the Comprehensive Plan, and other
17 public policies.

18 Part of this apartment house corridor is also
19 included in the moderate density residential designation that
20 is the predominant designation west of New Hampshire Avenue.
21 The latter designation is intended in the Plan to encompass
22 primarily the neighborhood of row dwellings located west of
23 New Hampshire, extending to 22nd Street.

24 The latter designation does not accurately reflect
25 the policy of retaining high density apartments along 20th
26 Street and New Hampshire Avenue. The Office of

1 Planning has submitted a proposed amendment to the
2 Comprehensive Plan that would amend the land use designation
3 in this corridor to high density residential, for the reasons
4 cited above, and earlier in the report. A copy of that is in
5 the report.

6 These policies and land use analysis support the
7 recommended re-zoning from DC/SP-2 to DC/R-5-E for most of the
8 area, and should override conflicting land use designations in
9 part of the area. The Comprehensive Plan
10 specifically states that the generalized land use map is not a
11 zoning map, and must be used as a guide in combination with
12 other elements and policies of the Plan.

13 On balance, adopted policies in the
14 Comprehensive Plan support continuation of the existing
15 residential buildings, rather than a policy of re-development
16 with office buildings, under C-3-C, in the high density
17 commercial areas, or a policy of extensive of non-conformity
18 of R-5-B zoning proposed in the moderate density residential
19 areas.

20 For all these reasons, OP recommends, again, re-
21 zoning from DC/SP-2 to DC/R-5-E. Other minor adjustments, I
22 should add, in zoned boundaries along N Street are also
23 indicated. They are indicated as Numbers 2 and 3, I believe,
24 on the proposed zoning map. Have I got that right? (Pause.)
25 Yeah.

26 It's Numbers 2 and 3, which would be re-zoned

1 from DC/SP-2 to DC/C-3-C. And I think -- I think the second
2 one should also say DC/C-3-C. I meant -- I'm sorry, I meant
3 to check that. I don't know why I dropped the Dupont Circle
4 over-lay designation.

5 I don't -- I'm not aware that it's outside of
6 the -- it's either in or out, and it should be -- you should
7 recognize that one way or the other.

8 CHAIRPERSON BENNETT: Okay. So, that's
9 something you will check for us?

10 MR. COLBY: I will. Yes. The one apartment
11 condominium on Square 115, is proposed to continue in a DC/SP-
12 2 zone. This -- and that's -- I've got that as Number 1.
13 (Pause.) Well, wait a minute. I'm sorry. That's just north
14 of -- south of Sunderland Place, and north of N Street. And
15 fronts on 20th Street.

16 This building has already been partially
17 converted to office uses, primarily doctor's offices, with BZA
18 approval. And additional conversion of residential units to
19 doctor's offices has recently been denied by the Board.
20 Fairly recently.

21 In the SP zones project, OP's policy is
22 generally to leave mixed-use buildings, apartment buildings,
23 including apartment buildings with substantial existing office
24 components, zoned SP, rather than convert that zoning to
25 residential, in order to reflect and regulate the existing
26 mixture of uses.

1 The commercial building at the corner of 20th
2 and P, Number 4, I believe, is recommended to be re-zoned from
3 DC/SP-2 to DC/C-2-B. This zoning would represent an extension
4 by one property of the existing C-2-B strip along the south
5 side of P Street in this vicinity. This building should be
6 commercially zoned, because of existing major retail use, a
7 CVS drug store.

8 And that's the sum of re-zonings that we have
9 proposed, map amendments, in the Dupont Circle area.

10 CHAIRPERSON BENNETT: Question, Mr. Colby.
11 Number 2, where the proposed re-zoning is from DC/SP-2 to --

12 MR. COLBY: To C-3-C.

13 CHAIRPERSON BENNETT: -- to DC/C-3-C. (Pause.)

14 MR. COLBY: The Commission recently heard a case
15 for the property in the -- inbetween those two properties, and
16 re-zoned it C-3-C, if I'm not mistaken.

17 CHAIRPERSON BENNETT: With no DC over-lay?
18 DC/C-3-C?

19 MR. COLBY: I can't -- I think it was
20 appropriate. I can't answer that. I wish I knew precisely
21 where the DC over-lay --

22 CHAIRPERSON BENNETT: Okay.

23 MR. COLBY: -- runs. And again, we're not
24 suggesting any changes in the over-lay.

25 CHAIRPERSON BENNETT: Somehow I thought it was
26 C-3-C.

1 MR. COLBY: That's right. But the re-zoning of
2 the pieces on either side are basically cleaning up little
3 patches of SP-2 zoning --

4 CHAIRPERSON BENNETT: That had been there.

5 MR. COLBY: -- that had, well, that are now
6 there. Yes. Were there, and are now more isolated, with C-3-
7 C next door to them.

8 CHAIRPERSON BENNETT: Okay. So, Number 2, these
9 Numbers 2 refer to these little pieces. I was getting
10 confused.

11 MR. COLBY: Yes. Yeah. No, that is --

12 CHAIRPERSON BENNETT: And then, the building in
13 the middle was the subject of our case that we heard. And
14 you're going to check to see if that's DC/C-3-C, or C-3-C.

15 MR. COLBY: Yes. Yeah. All those numbers on
16 that proposed zoning map are all under Number 4 in the text.
17 These are all sub-sets of Number 4. Unlike the other maps,
18 where the number in the text referred to a map -- to a number
19 on a map, in this case, these all fall under Number 4. And
20 so, these numbers don't -- run on a different system. It is
21 confusing. I apologize.

22 (Pause.)

23 CHAIRPERSON BENNETT: Okay. Colleagues,
24 questions of Mr. Colby?

25 (No response.)

26 CHAIRPERSON BENNETT: The Lauren Condominiums

1 are?

2 MR. COLBY: Is right here.

3 CHAIRPERSON BENNETT: All right. That's what I
4 thought. Okay.

5 MR. COLBY: Okay. Foggy Bottom, GWU area,
6 proposed map amendments. To the west and southwest of the
7 White House and Executive Office Building is a mixed-use area
8 primarily between -- a long, thin area, between -- runs
9 between E and F Streets.

10 The E to F Street corridor includes residential
11 uses, apartment, town houses, that are part of the Foggy
12 Bottom neighborhood situated south of the GWU campus. The
13 university campus is governed by a separate campus planning
14 review process of the BZA.

15 For the most part, the university's plans are
16 not affected by this zoning review, for the most part.
17 Although a few university properties immediately outside the
18 campus boundaries are proposed for zoning map amendments,
19 primarily to current use and density, and -- the university
20 will be testifying on some properties outside of the campus
21 boundaries.

22 Between the GWU campus and the Executive Office
23 Building is a fairly extensive area, dominated by major
24 institutions and cultural facilities. To the west, between E
25 and F Streets, is a mixed-use corridor several blocks long.
26 It includes dormitories, apartment buildings, town-houses,

1 fraternities, sororities, hotels, office building, the U.S.
2 Department of State, the Pan American Health Organization, or
3 PAHO, and a limited amount of retail uses.

4 South of E Street are federal office buildings,
5 which are un-zoned. The historic Red Cross building, which
6 faces E Street between 20th and 21st Streets, is also federal,
7 and un-zoned.

8 In the block immediately east of the Red Cross,
9 the property facing E Street between 19th and 20th is owned by
10 the Associate General Contractors. And the property is
11 subject to an approved but as-yet unbuilt PUD.

12 From 23rd Street, the residential mixed-use area
13 extends to the northwest, along Virginia Avenue, for two block
14 to New Hampshire Avenue. Two zoning map amendments are
15 recommended in this area.

16 SP-2 zoning is also mapped in a large area to
17 the south and west, including the Columbia Plaza apartments,
18 and offices, subject to zoning. The Watergate complex,
19 regulated separately by PUD. The Kennedy Center, un-zoned.
20 And the Chancery of Saudi Arabia, subject to zoning.

21 Further to the west, beyond New Hampshire Avenue
22 is the heart of the Foggy Bottom neighborhood, which was re-
23 zoned several years ago, in keeping with its status as an
24 historic district.

25 The -- and let jump right to Number 1. (Pause.)

26 CHAIRPERSON BENNETT: Okay. Yeah. It does come

1 under the Dupont Circle over-lay district.

2 MR. COLBY: Starting with Number 1, SP-2 to R-5-
3 E. This zone change is proposed for the eastern portion of
4 Square 31, bounded by GWH and 24th Street, and Virginia and
5 New Hampshire Avenues, particular the frontage along 24th
6 Street.

7 The affected properties along the 24th Street
8 frontage are a high-rise apartment house, and a church. The
9 apartment house will be conforming in the R-5-E zone, and will
10 not be subject to partial conversion to office space, as is
11 permitted by the existing SP-2 zoning.

12 The church, Christian Presbyterian Church has a
13 matter of right use in all zones, so that the use will be
14 unaffected by the zone change.

15 The generalized land use map of the
16 Comprehensive Plan indicates high density residential as the
17 adopted future development and use pattern. High density
18 residential. R-5-E will effectuate this policy, being a high
19 density apartment house zone. Whereas SP-2 is a mixed-use
20 zone, that allows more than enough of the maximum permitted
21 density to be an office use.

22 Number 2. R-5-D to R-5-C. Square 43, bounded
23 by 23rd, 24th, and G Streets, and Virginia Avenue, the
24 existing development pattern consists of predominantly row
25 dwellings, approximately 20, a high-rise apartment house on
26 24th Street, and a vacant area at the corner of 23rd and G

1 that has been cleared for development and re-use.

2 The land use designation on the generalized land
3 use map of the Comp Plan is moderate density residential. The
4 existing R-5-D zone permits high-rise apartments up to 90
5 feet, and a medium high density of 3 1/2 FAR. This zone is
6 considered more intensive than the adopted land use
7 designation.

8 The recommended R-5-C zone permits a maximum
9 height of 60, which would establish a moderate high profile
10 between the existing apartment house and town houses. The
11 permitted maximum density would be 3-FAR, which could be built
12 as apartments or town houses.

13 This proposed zoning, if adopted, will create a
14 degree of structural non-conformity for the apartment house.
15 But to a significantly less degree than the alternative
16 moderate density residential zone, R-5-B, which is only 50
17 feet in height, and 1.8-FAR. OP does not recommend R-5-B, but
18 does recommend re-zoning to R-5-C.

19 Number 3. R-5-E to R-5-C. Again, a down-
20 zoning. Square 58 is bounded by 22nd and 23rd, F, and
21 Virginia Avenue. The existing zoning is R-5-E, and the
22 existing development pattern and land use issues are quite
23 similar to the those in the square we just discussed.

24 The square is primarily developed with row
25 houses, plus one high-rise apartment house. The land use
26 designation in the generalized land use map is medium density

1 residential. As -- whereas the other previous square was
2 moderate density.

3 As with Square 43, the existing R-5-E zoning is
4 high density apartment house zone, which is generally more
5 dense than the adopted land use designation of the future.
6 The recommended R-5-C zone may be considered not inconsistent
7 with the medium land use designation, which is defined --
8 well, which you know is multiple unit housing, mid-rise
9 apartment buildings, as predominant uses.

10 Number 4. We're nearing the end of these.
11 Number 4. R-5-D to SP-2. Square 59. It's occupied by the
12 Pan American Health Organization. Reportedly, the building
13 was constructed by the federal government in 1965, and
14 assigned to PAHO after it was built.

15 It is apparently subject to zoning, being owned
16 and occupied by an international organization. And the zoning
17 map has consistently shown this square in the R-5-D zone
18 district, previously R-5-C.

19 The existing R-5-D zone is clearly inconsistent
20 with the Comprehensive Plan. R-5-D makes the property a non-
21 conforming use, a status that encourages a long-term phasing
22 out of the use, and penalizes the building as to structural
23 alterations and re-building rights after a fire.

24 Existing viable use of property as a major
25 office building is considered to be in furtherance of a number
26 of economic policies in the Plan. The existing residential

1 zoning runs contrary to these policies in the Plan.

2 The Plan also designates that square for
3 institution use, interestingly, and development on the
4 generalized land use map. The recommended SP-2 zone is
5 generally consistent with the adopted land use designation.
6 The existing zoning is not. The current occupancy of the
7 building is also institutional.

8 SP-2 zoning will make the property a conforming
9 use, as stated above. The building's height, at 90 feet,
10 would also be conforming, given the SP-2 zone's maximum height
11 of 90. The density probably exceeds the permitted maximum for
12 office use of 3.5. But the penalties for structural non-
13 conforming use are relatively minor.

14 So, it is desirable, we believe, to place the
15 property into a zone that makes the existing use conforming in
16 a zone that is not inconsistent with the Comprehensive Plan.

17 Number 5, SP-2 to R-5-E. The southeast corner
18 of Square 81. This is on -- you're referring this on the
19 existing zoning, yes?

20 CHAIRPERSON BENNETT: Yeah. We've got them on
21 the existing zoning, but there's no reference to five or six
22 on the proposed zoning.

23 MR. COLBY: That is correct. (Pause.)

24 CHAIRPERSON BENNETT: So, right now it's R-5 --
25 no, it's SP-2?

26 MR. COLBY: Here. Here they are. Here.

1 (Pause.)

2 CHAIRPERSON BENNETT: Okay. We've got to make
3 sure that our citizenry also gets this.

4 MR. COLBY: Well, they're on --

5 CHAIRPERSON BENNETT: Do they already have it?

6 MR. COLBY: They're on -- that's true. They're
7 on the existing map. They're designated, as shown on the
8 existing map, but they're not indicated for re-zoning on that
9 map. I mean, it's not clear that they are.

10 But let me give you the boundaries, and see if I
11 can define them clear -- clearly enough.

12 CHAIRPERSON BENNETT: So, we're talking about
13 re-zoning from -- ?

14 MR. COLBY: From SP-2 to R-5-E, for Number 5,
15 which is -- which is the piece facing on 21st Street, or
16 generally facing on 21st Street, and on E.

17 The northern half approximately of this large
18 city block is zoned R-5-E currently, high density apartments,
19 and the southern half is zoned SP-2, special purpose mixed-
20 use.

21 This is generally in accord with the land use
22 designations on the generalized land use map. High density
23 residential for the northern half of the block, and mixed-use
24 high density residential, institutional, and medium commercial
25 for the southern half.

26 The SP-2 zone accords quite well with this

1 particular mixed-use designation, as it permits high density
2 apartments, maximum 90 feet, 6-FAR, as a matter of right,
3 while also permitting office uses at medium density FAR, as
4 well as institutional uses.

5 The proposed re-zoning applies to properties to
6 the east of the north-south alley, and along 21st Street,
7 between the existing R-5-E zone, and E Street. The purpose is
8 to include two large apartment buildings within the R-5-E
9 zone, rather than in the existing SP-2 zone. Which would
10 allow up to 3 1/2 FAR buildings to be converted to office use.
11 One of the buildings is now partially zoned R-5-E, apparently.

12 The American Foreign Service Club, at the corner
13 of 21st and E, is also included in the re-zoning, as is a
14 vacant building. Our report states a vacant building,
15 apparently a public utilities building, previously. I think
16 there's a letter in the record which points out as an error on
17 our part.

18 But OP's understanding is that the Club would
19 continue to be permitted use in the R-5-E zone. The vacant
20 building is currently owned by the Government of Saudi Arabia,
21 or so our report notes. If the vacant E Street building
22 is proposed to be devoted to chancery or embassy use, the
23 applicable zoning rules are the same in the existing SP-2
24 zone, and in the proposed R-5-E zone. So, again, that was a
25 change in zoning from SP-2 to R-5-E for that corner of the
26 square.

1 CHAIRPERSON BENNETT: To help the public, I'm
2 just noticing that that re-zoning is labelled Number 1. And
3 it's labelled Number 1, because it is the same re-zoning
4 proposal from SP-2 to R-5-E, as was Number 1.

5 MR. COLBY: That is correct.

6 CHAIRPERSON BENNETT: So that you've got re-
7 zoning from SP-2 to R-5-E at the corner of 24th and G. You
8 also have it here, at the corner of 21st and E. And you also
9 have it again at the corner of 20th and F.

10 MR. COLBY: That is correct.

11 CHAIRPERSON BENNETT: Is that right?

12 MR. COLBY: That is correct.

13 CHAIRPERSON BENNETT: So, they're all the same
14 change --

15 MR. COLBY: Going from the same zone --

16 CHAIRPERSON BENNETT: -- from SP-2 to R-5-E.
17 And that's why you see them on your proposed zoning, you see
18 it numbered one three different times. That's why there's no
19 five and six, I guess on this one.

20 MR. COLBY: That is correct.

21 CHAIRPERSON BENNETT: Okay. I've got it now.

22 (Laughter.)

23 MR. COLBY: It's a test.

24 CHAIRPERSON BENNETT: It's a test?

25 MR. COLBY: Yeah.

26 CHAIRPERSON BENNETT: I hope I passed it.

1 MR. COLBY: Number 6, which is one of the
2 numbers one you just mentioned, the far eastern Number 1,
3 which is Square 122, the northern portion. This square,
4 bounded by 19th, 20th, E and F, is currently zoned SP-2 in its
5 entirety.

6 The Comp Plan, generalized land use map, shows
7 that it is high density residential for the northern two
8 thirds, and mixed-use residential, institutional, commercial,
9 for the southern part.

10 The southern part of the block, that part
11 designated for mixed-use, is developed for the mid-rise
12 parking garage on 20th Street, immediately south of the east-
13 west alley. (Pause.) It's on the screen. Plus a large,
14 rectangular site along the entire E Street frontage, that has
15 been approved for a development as a planned unit development,
16 which is the AGC property.

17 These two properties are proposed to remain
18 zoned SP-2, given their commercial and mixed-use nature. The
19 two dormitories, located along 19th Street, between the PUD
20 site, and F Street, are proposed to be re-zoned R-5-E from SP-
21 2, consistent with the goal of maintaining residential use and
22 occupancy.

23 CHAIRPERSON BENNETT: Where is that? I'm sorry.

24 MR. COLBY: -- that's the dormitory, that's the
25 -- (Pause.)

26 CHAIRPERSON BENNETT: Is that a separate re-

1 zoning, or is that the same?

2 MR. COLBY: It's -- here. (Pause.) It's this.

3 CHAIRPERSON BENNETT: Okay.

4 MR. COLBY: It's the whole northern --

5 CHAIRPERSON BENNETT: I see.

6 MR. COLBY: -- two thirds, really, of the
7 square.

8 CHAIRPERSON BENNETT: Okay. Which is -- what's
9 confusing me is, I didn't realize it was that extensive.
10 Okay.

11 MR. COLBY: A third large building at 20th and F
12 Streets, 1922 F, is zoned and occupied by the National
13 Association of Life Underwriters, a non-profit association,
14 and permitted SP office use.

15 This property was advertised for re-zoning from
16 SP-2 to R-5-E, based on a high density residential land use
17 designation in the Plan, and the general pattern of
18 residential uses to the east and west.

19 If it is re-zoned to R-5-E, the association use
20 will be able to continue indefinitely, with non-conforming
21 status. However, given the significant size of the building,
22 and its apparently good physical condition, the problems
23 associated with non-conforming use status appear to be
24 unnecessary and undesirable.

25 So, we swing the other way. Say, accordingly,
26 consideration should be given to leaving the existing SP-2

1 zoning on this large corner of property.

2 CHAIRPERSON BENNETT: Now, that's the dark

3 brown?

4 MR. COLBY: Yes.

5 CHAIRPERSON BENNETT: And that's located here?

6 MR. COLBY: It's over -- (Pause.)

7 CHAIRPERSON BENNETT: Is that the southwest

8 corner of 19th and F?

9 MR. COLBY: It is -- all the way to the corner?

10 MR. JOHNSON: That's the -- that is correct.

11 Southwest corner.

12 CHAIRPERSON BENNETT: Southwest corner of 19th

13 and F?

14 MR. JOHNSON: 20th and F.

15 CHAIRPERSON BENNETT: 20th?

16 MR. JOHNSON: That's at 20th and F, yes.

17 MR. COLBY: The address is 1922 F.

18 MR. JOHNSON: That would be on the opposite

19 corner.

20 CHAIRPERSON BENNETT: Southeast corner. 19th

21 and F.

22 UNIDENTIFIED: Which square is that?

23 MR. COLBY: 122.

24 CHAIRPERSON BENNETT: 122.

25 MR. COLBY: Yeah. I think it is the northwest

26 corner.

1 MR. JOHNSON: Northwest corner. I guess if you
2 look -- if you consider the square, it would be the northwest
3 corner.

4 CHAIRPERSON BENNETT: Of the square.

5 MR. COLBY: Yes.

6 CHAIRPERSON BENNETT: Not of the intersection.

7 MR. COLBY: No. Of the square.

8 CHAIRPERSON BENNETT: Of the intersection, it's
9 the southeast.

10 MR. JOHNSON: That is correct.

11 CHAIRPERSON BENNETT: It's the southeast corner
12 of the intersection.

13 MR. JOHNSON: Yes.

14 MR. COLBY: Where you're standing. (Laughter.)

15 CHAIRPERSON BENNETT: Okay. And the name of
16 that is?

17 MR. COLBY: The National Association of Life
18 Underwriters. NALU.

19 CHAIRPERSON BENNETT: Right. So, what you're
20 saying is, you would retain -- your new recommendation is to
21 retain the SP-2 designation for that?

22 MR. COLBY: Right. It's -- I think it's saying
23 that it's nice to be able to follow the Comprehensive Plan,
24 and follow it cleanly. But there are times when the
25 circumstances suggest that you have to be more thoughtful.
26 And that this building has been there, and presumably will be

1 there for a long time.

2 And what is served by changing an office
3 building to a residential zoned district, if it's going to be
4 an office building, it's not -- it's not preserving a
5 residential building. It's really creating some distress for
6 an office building.

7 So, that's the end of our -- those -- (Pause.)
8 After that, there's just a list of places where there are no
9 changes, which I don't really have to go into. But you can
10 read on page 33 of our report. And may have questions on the
11 Foggy Bottom area.

12 CHAIRPERSON BENNETT: Okay. Colleagues?
13 Questions of the Office of Planning?

14 COMMISSIONER PARSONS: No questions.

15 CHAIRPERSON BENNETT: Okay. Staff has provided
16 me with a -- now, I don't see it. With a -- here it is.
17 Order Number 827, which is the -- is case number, from Case
18 Number 96-11, the map -- which was the map amendment for 1300
19 19th Street.

20 In the Dupont Circle area portion of your
21 discussion, I was asking whether or not -- we were wondering
22 whether there was a DC - Dupont Circle over-lay involved
23 there.

24 MR. COLBY: Right. Where it came down to. And
25 did it cover all three of those properties, or one of them, or
26 none of them.

1 CHAIRPERSON BENNETT: Yes. What we have here is
2 at Square 115. And I'm looking for -- (Pause.) Okay. That's
3 here?

4 MR. COLBY: Okay. Yeah.

5 CHAIRPERSON BENNETT: That's this.

6 MR. COLBY: Right. We've done, actually both.
7 I think we did the southern block, and the northern block.
8 Right? Re-zoned? There have been two re-zonings in the area?
9 One here, and more recently this one.

10 CHAIRPERSON BENNETT: I think so. But you know,
11 I was getting confused here. For what you are proposing here
12 -- (Pause.) -- is to retain that as DC/SP-2, when it is --
13 when we have changed it to DC/C-3-C.

14 MR. COLBY: No. It's this little piece here.
15 We're not recommending any changes up there. Just this little
16 piece, and this little piece.

17 CHAIRPERSON BENNETT: Okay. But this is my --
18 this is what is confusing to me. You said you're not
19 recommending any changes here. But we have changed it, right?
20 In other words --

21 MR. COLBY: No. No, I don't think so.

22 CHAIRPERSON BENNETT: -- existing zoning today
23 in Square 115, this piece here, this was the subject, Lot 84,
24 is DC/OD-C-3-C.

25 MR. COLBY: But we're not recommending changing
26 anything. We're recommending keeping that square DC/SP-2. Is

1 that right?

2 DIRECTOR DOBBINS: What's left of it, I guess.

3 CHAIRPERSON BENNETT: The remainder of it.

4 Because it -- at least that property --

5 MR. COLBY: I see what you're saying. Yeah. We
6 have, I guess overlooked that.

7 CHAIRPERSON BENNETT: -- is currently DC/C-3-C.

8 MR. COLBY: Yeah. A portion of it.

9 CHAIRPERSON BENNETT: Well, Lot 84.

10 MR. COLBY: Yes.

11 CHAIRPERSON BENNETT: Okay. That's what I was
12 getting confused about. So, what you would have is, the rest
13 of it, including the Lauren, am I correct, to be DC/SP-2. The
14 balance of that square.

15 MR. COLBY: That is correct. Yes. That was our
16 -- that was our recommendation. And it may have been made,
17 not mindful of the fact that we had just gone through a re-
18 zoning to C-3-C for a portion of that square. I would have to
19 look at it again to see if we would come out the same place.
20 I think --

21 CHAIRPERSON BENNETT: There was much back and
22 forth, though, if you recall, about waiting for you guys to
23 come forth with the SP zoning changes, and whether or not they
24 should proceed, if the applicant is ready, and believes that
25 the Comprehensive Plan calls for it. Do you recall that
26 interchange?

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1 MR. COLBY: For that office, yes. To -- for the
2 tenants.

3 CHAIRPERSON BENNETT: Okay. (Pause.) Okay.
4 Well, what would be useful, at least for me, is if you could,
5 in addition to checking whether or not Number 2 goes from --
6 has a DC over-lay, which I think it does, if you would also
7 look at that square again, given what we know now, and the
8 Commission's recent action, and see if that makes sense.

9 MR. COLBY: And what should be the
10 recommendation.

11 CHAIRPERSON BENNETT: Right. Right. (Pause.)
12 I'm also sure we will hear plenty about it. (Laughter.)

13 MR. COLBY: I'm sure so. You will hear -- I
14 mean, you will hear something about all areas here. I think
15 it's safe to say that either for or against, or pointing out
16 something that we have missed, or that we didn't understand,
17 or that there's another viewpoint which is a valid point,
18 you're going to hear a whole lot of good testimony, I think,
19 that we weren't able to present, but is part of the hearing
20 process. And I expect to come into the Commission.

21 CHAIRPERSON BENNETT: Okay. (Pause.) Okay. If
22 there are no further questions, then we can adjourn. Madame
23 Director, is this yours? (Pause.)

24 Let me ask this of OP, there are no other
25 agencies, am I correct, that were planning to?

26 MR. COLBY: That is correct. But let me add,

1 too, that we do have some very fine maps, large scale maps,
2 that we haven't been able to use with the lights off, that
3 will be very helpful as you receive testimony. And we can put
4 up on easels for the remainder of the hearing.

5 CHAIRPERSON BENNETT: Okay. Now, let me ask --
6 was there a reason why we didn't put them up this time?

7 MR. COLBY: They blocked your view --

8 CHAIRPERSON BENNETT: Ahh.

9 MR. COLBY: -- of the slides.

10 CHAIRPERSON BENNETT: Okay. Well, we may have
11 to change the way we organize. Because I was looking for
12 them. And that's -- I guess we couldn't see the slides and
13 the maps at the same time.

14 All right. Then, when we come back, we will
15 once again entertain preliminary matters, if there are any.
16 The presentation of the petitioner will have been concluded.

17 There are no reports of other agencies. And we
18 will begin with reports of advisory neighborhood commissions.

19 Now, I only have two, ANC-2-B and ANC-2-F. And
20 from there, we will go on with those in support, and those in
21 opposition, as they call them, in the order in which they're
22 called.

23 Okay? Thank you. This hearing is adjourned.

24 (Whereupon, the public hearing was adjourned at
25 9:05 p.m.)

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