

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:           :
                               :
Zoning Consistency Map      :
Amendments in Ward 7 & 8,   :
Corrections from R-5-A      :
Zoning Commission Case      :
Nos. 07-30, 08-12 and 08-22 :
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Monday,
June 7, 2010

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

The Public Hearing of Case No. 10-05 by the District of Columbia Zoning Commission convened at 6:30 p.m., in the Office of Zoning Hearing Room, 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD SCHLATER	Vice Chairman
MICHAEL TURNBULL	Commissioner
	FAIA, (AOC)

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
LAINE CIDLOWSKI

This transcript constitutes the minutes from the Public Hearing held on June 7, 2010.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

WELCOME:

Anthony Hood, Chairman 4

ZC CASE NO. 10-05

MAP AMENDMENTS IN WARD 7 & 8/CORRECTIONS

FROM R-5-A ZC CASES 07-30, 08-12 & 08-22:... 5

OFFICE OF PLANNING:

Laine Cidlowski 7

BOARD QUESTIONS:..... 11

MOTION TO APPROVE ZC 10-05:..... 28

VOTE: 3-0-2 TO GRANT ZC 10-05:..... 28

ADJOURN:

Anthony Hood, Chairman 29

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

2 6:35 p.m.

3 CHAIRMAN HOOD: Okay. Good
4 evening, ladies and gentlemen. This is the
5 Public Hearing of the Zoning Commission for
6 the District of Columbia for Monday, June 7,
7 2010.

8 My name is Anthony Hood. And I
9 want to thank my wife for allowing me to come
10 back.

11 Joining me this evening are Vice
12 Chairman Schlater and Commissioner Turnbull.

13 Okay. We are also joined by the
14 Office of Zoning staff, Sharon Schellin and
15 Ms. Donna Hanousek, the Office of Planning
16 staff Ms. Cidlowski and Mr. Lawson.

17 This proceeding is being recorded
18 by a Court Reporter and is also webcast live.

19 Accordingly, we must ask you to refrain from
20 any disruptive noises or actions in the
21 hearing room.

22 The subject of this evening's

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1 hearing is Zoning Commission Case No. 10-05.
2 This is a request by the Office of Planning
3 for Map Amendments to the Zoning Regulations
4 to address oversights in the previously
5 approved R-5-A Zoning Cases 07-30, 08-12 and
6 08-22.

7 Notice of today's hearing was
8 published in the DC Register on April 2, 2010.

9 Copies of that announcement are available to
10 my left on the wall near the door.

11 This hearing will be conducted in
12 accordance with provisions of 11 DCMR 3021 as
13 follows: Preliminary matters; presentation by
14 the Office of Planning; reports of other
15 Government agencies, if any, reports of all
16 the ANCs all in Ward 7 and 8; organizations
17 and persons in support; organizations and
18 persons in opposition.

19 The following time constraints will
20 be maintained in this hearing: Petitioner,
21 which is OP, organizations 5 minutes;
22 individuals 3 minutes.

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1 The Commission reserves the right
2 to change the time limits for presentations,
3 if necessary, and notes that no time shall be
4 ceded.

5 Upon coming forward to speak to the
6 Commission, please, give both cards to the
7 reporter sitting to my right before taking a
8 seat at the table.

9 The decision of the Commission in
10 this case must be based exclusively on the
11 public record. The staff will be available
12 throughout the hearing to discuss procedural
13 questions.

14 Please, turn off all beepers and
15 cell phones at this time, so as not to disrupt
16 these proceedings.

17 At this time, the Commission will
18 consider any preliminary matters.

19 Does the staff have any preliminary
20 matters?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Okay. We will go

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1 right to Ms. Cidlowksi. And if I have
2 pronounced it -- Cidlowksi?

3 MS. CIDLOWSKI: Cidlowksi.

4 CHAIRMAN HOOD: Cidglowski?

5 MS. CIDLOWSKI: Sure.

6 CHAIRMAN HOOD: You just want me to
7 give up? I don't give up easy.

8 MS. CIDLOWSKI: You're very close.

9 CHAIRMAN HOOD: Cidglowski?

10 MS. CIDLOWSKI: Cidlowksi.

11 CHAIRMAN HOOD: Cidlowksi. Okay.

12 Thank you.

13 MS. CIDLOWSKI: Good evening,
14 Chairman Hood and Members of the Board. My
15 name is Laine Cidlowksi. I'm a Development
16 Review Specialist with the D.C. Office of
17 Planning.

18 The case before you is a Zoning
19 Consistency Map Amendment brought forth by our
20 office. It would make amendments and
21 technical corrections to Ward 7 and 8, R-5-A
22 Rezoning Cases 07-30, 08-12 and 08-22.

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1 These earlier cases were the
2 results of a detailed study by the Office of
3 Planning of the Ward 7 and Ward 8 R-5-A zoned
4 areas in 2007.

5 This was brought forward on the
6 basis of the Comprehensive Plan at the request
7 of the community.

8 In studying the earlier cases, it
9 became apparent that there were mapping or
10 typing errors which were made which led to the
11 inadvertent exclusion of a few lots which
12 should have been included in the original
13 orders as well as the inclusion of some lots
14 which should not have been included.

15 The original case involved well
16 over 8,000 properties and the submitted
17 corrections amount to less than 1 percent of
18 the original R-5-A rezoning.

19 Some of these corrections were
20 already addressed by the Zoning Commission as
21 a Consent Calendar Order correction for Cases
22 08-12A and 08-22A. the remainder required a

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1 hearing and are the subject of this case.

2 I'll just briefly identify some of
3 those properties. OP has identified five
4 changes. The original case's recommendations
5 to the Commission. These are separately
6 described in the report and were set down on
7 March 22, 2010.

8 First, in Square 5028 would rezone
9 back to R-5-A, a portion of a large piece of
10 land owned by the Federal and District
11 Governments and is currently developed with a
12 public charter school. The remainder of that
13 site is currently zoned R-5-A.

14 The second, in Square 5178 is also
15 to be rezoned back to R-5-A with a small
16 portion of the larger property. It is the
17 site of the Merit School and is owned by the
18 District and the remainder of the site is
19 Zoned R-5-A.

20 The third, in Square 5290 is to
21 rezone one lot to R-3. At the time, the Map
22 boundary was unclear and it was assumed that

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1 this lot was actually Zoned C-1, but the line
2 has now been fixed on the Zoning Map and this
3 is a single property that should be actually
4 Zoned R-5-A. OP recommends that it be
5 included in the broader rezoning to R-3.

6 The fourth, in Square 6240 is also
7 the result of an unclear zone boundary line
8 that has now been clarified. It was thought
9 at the time to be R-2, but is actually Zoned
10 R-5-A. OP is recommending that it be a part
11 of the broader R-2 District.

12 The last property is for several
13 large lots in Square 5321 and 5322 that are
14 currently developed with multi-family
15 buildings or large vacant lots, one of which
16 is owned by the District. OP concurs with an
17 area landowner requested that the lots be
18 rezoned to R-5-A in order to facilitate their
19 renovation.

20 Since the set down, we have only
21 received a single additional item. This was a
22 letter of support from one of the property

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1 owners, the last property that I referred to,
2 so others might eat.

3 The Office of Planning recommends
4 that the requested Map Amendment be approved
5 at this Public Hearing. I'm happy to take any
6 additional questions or clarifications you may
7 need at this time.

8 CHAIRMAN HOOD: Thank you very
9 much, Ms. Cidlowksi. Colleagues, do we have
10 any questions for Ms. Cidlowksi? I'm going to
11 get it right before the year is out.

12 Okay. Vice Chairman Schlater?

13 VICE CHAIRMAN SCHLATER: I have a
14 couple of questions about the "so others might
15 eat" parcel. And just the history behind
16 that. Was this property R-5-A before the
17 Zoning Consistency Map Amendment?

18 MS. CIDLOWSKI: Yes.

19 VICE CHAIRMAN SCHLATER: It was.
20 So OP came in, part of that whole process and
21 it was rezoned to R-3?

22 MS. CIDLOWSKI: Correct.

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1 VICE CHAIRMAN SCHLATER: And we
2 think that was done mistakingly?

3 MS. CIDLOWSKI: Yes. We tried in
4 the initial effort to really make sure that
5 the properties we were rezoning were more
6 characteristic of the zone that we were
7 attempting to rezone them to. So we probably
8 didn't include too many properties that had
9 apartment buildings on them.

10 More like things that were already
11 duplexes or individual row homes to the lower
12 zones. So that wasn't our intention
13 originally to make this be --

14 VICE CHAIRMAN SCHLATER: Because it
15 does seem like there is a lot of R-3 directly
16 around that site, so single-family homes. And
17 when you talk about facility -- the one part I
18 didn't understand about the description in the
19 OP report is that the landowner requested that
20 the lots be rezoned back to R-5-A to
21 facilitate their renovation.

22 But would they really need zoning

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1 relief to facilitate a renovation?

2 MR. LAWSON: Joel Lawson with the
3 Office of Planning. They wouldn't have, from
4 a zoning standpoint, needed -- they wouldn't
5 need to go back to R-5-A necessarily. But by
6 maintaining the R-5-A Zoning, that is kind of
7 more consistent with the character of the
8 buildings, it will make it easier for them to
9 get their permits, to get their financing and
10 it's just simply because it's a grouping of
11 apartment buildings.

12 We felt that we agreed that it was
13 appropriate that this grouping remain R-5-A.
14 I don't think there was ever any intention
15 that these buildings be demolished and
16 replaced with something else, in which case,
17 perhaps a different zone would have made more
18 sense.

19 But in this case, they are
20 relatively recent. They are from the 1960s.
21 So that they are reasonably good stock. They
22 just need to be renovated and kind of brought

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1 back to life.

2 And as I said, you know, kind of
3 scattered throughout this whole area will be
4 individual apartment buildings in the middle
5 of an R-2 Zone. That exists now and some of
6 the areas that were rezoned from R-5-A would
7 include buildings that were made
8 nonconforming. For an individual building, it
9 makes some sense.

10 In this case, for a grouping of
11 buildings and a significant number of lots, to
12 be honest, we probably should have identified
13 these and carved them out of the rezoning in
14 the first place. But they kind of slipped
15 through, they got in there and we think it's
16 appropriate that they go back.

17 VICE CHAIRMAN SCHLATER: And you
18 think that's consistent with the Comprehensive
19 Plan's intent?

20 MR. LAWSON: Yes. The whole area
21 is designed for moderate-density residential.

22 VICE CHAIRMAN SCHLATER: Yes.

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1 MR. LAWSON: Moderate-density
2 residential includes, typically includes, our
3 three all the way up through as much as R-5-B.

4 So either the zone that they were rezoned to,
5 which is R-3 or the R-5-A would be consistent
6 with the Comprehensive Plan Land Use Map.

7 The Comprehensive Plan also
8 includes the language about maintaining
9 neighborhood character. And so that's why we
10 were trying to target areas that were
11 predominantly already not multi-family
12 developments.

13 This is a small enclave which is
14 currently predominantly, in fact, entirely
15 non-single family dwellings. So it has its
16 own consistent character right now. And with
17 some of the efforts to improve the character
18 of the buildings themselves to renovate the
19 buildings, we feel that they will compliment
20 the surrounding character as well.

21 VICE CHAIRMAN SCHLATER: Okay. And
22 so are these all under one ownership? Do you

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1 know?

2 MR. LAWSON: They are not. So
3 others might eat, I believe, two of the
4 properties, I may be wrong. One or two of the
5 properties are owned by the District. So
6 there are different property owners in here.

7 VICE CHAIRMAN SCHLATER: So it
8 wouldn't bother you if these sites were build-
9 out to their full zoning potential on R-5-A?

10 MR. LAWSON: Absolutely not,
11 particularly since if somebody wanted to
12 build-out the property under R-5-A, they would
13 have to go to the Board of Zoning Adjustment,
14 because any property being devoted to multi-
15 family in an R-5-A Zone requires BZA approval.

16 That's not the case for a
17 renovation of an existing building. They
18 would be allowed to do that --

19 VICE CHAIRMAN SCHLATER: Yes.

20 MR. LAWSON: -- through building
21 permit process. But even, for example, the so
22 others might eat properties, if they wanted to

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1 add on to those buildings, for example, add
2 another half dozen units or something, they
3 would have to go back to the Board of Zoning
4 Adjustment for that.

5 So our understanding is they don't
6 plan on doing that, but certainly this would
7 be one to add on to the buildings or develop
8 one of the vacant lots, they would have to go
9 to the BZA and through that process address
10 overall neighborhood character, traffic
11 impacts, the design of the buildings, all of
12 those kinds of issues that could be at play.

13 VICE CHAIRMAN SCHLATER: All right.

14 Do you have any questions about that one?

15 COMMISSIONER TURNBULL: No, I'm
16 fine with that.

17 VICE CHAIRMAN SCHLATER: I guess I
18 have one, sorry, Mr. Chairman. One other
19 question on the first parcel identified in
20 your report, which is Lots 28 and 813 in
21 Square 5078. Is that a big school building?

22 MS. CIDLOWSKI: It is. It's the

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1 Friendship Collegiate School, which is a
2 public charter school here in the District.

3 VICE CHAIRMAN SCHLATER: And I
4 guess either way, it's split zoned that site?

5 MS. CIDLOWSKI: Yes.

6 VICE CHAIRMAN SCHLATER: And so
7 what's the thinking on why was that one pushed
8 back, you know, to R-5-A or at least that
9 portion of the site when a big portion of the
10 site is C-3-A?

11 MR. LAWSON: Well, we didn't think
12 the neighborhood would support a rezoning to
13 C-3-A the entire site. You know, again, it's
14 simply a case that R-5-A, in some respects,
15 grants more control if the property ever is
16 actually redeveloped, which, to be honest,
17 we're not expecting it.

18 It's a substantial building. It is
19 currently being put to productive use. There
20 is no indication that some kind of a
21 redevelopment is being proposed. If and when
22 that should happen though, we think it's

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1 appropriate that the zoning be as simple, I
2 guess, as possible.

3 We think it's appropriate, frankly,
4 that the C-3-A Zone remain along Minnesota
5 Avenue. It's a major corridor. There is a
6 lot of C-3-A Zoning along that corridor, a lot
7 of Mixed-Use Commercial Zoning along that
8 corridor. But in behind the entire site, the
9 rest of the site is Zoned R-5-A.

10 And so just to keep the zoning kind
11 of simple, we felt that it was appropriate
12 that it go back and move back to the R-5-A.

13 VICE CHAIRMAN SCHLATER: Great. I
14 just want to say huge amount of information
15 here and it was really well-organized and easy
16 to follow and I thought very well done, given
17 the complexity of it.

18 MR. LAWSON: Thank you.

19 COMMISSIONER TURNBULL: Well, why
20 wouldn't you make the whole site R-5-A?

21 MR. LAWSON: Are you talking about
22 the first property again?

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1 COMMISSIONER TURNBULL: No, the
2 school site where it is split zoned.

3 MR. LAWSON: Well, as I said, we
4 actually think that the existing C-3-A Zoning
5 is appropriate along Minnesota Avenue, should
6 that property ever redevelop. So we aren't
7 proposing to change any of that.

8 Also, the initiative that came
9 before the Zoning Commission was very clearly
10 targeted at the R-5-A Zoning. We tried very
11 hard not to include any properties that
12 weren't currently zoned or then Zoned R-5-A.

13 Now, it could be through other
14 processes that it may be seen as appropriate
15 to change commercial zoning to some other
16 zone, but that was not the intent of this
17 package, the intent of the original packages
18 that came before the Zoning Commission.

19 COMMISSIONER TURNBULL: So if they
20 go before the BZA for alterations or changes,
21 what do they -- I mean, does it depend upon
22 what section of the building they are doing?

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1 How have we handled that?

2 MR. LAWSON: The Zoning
3 Administrator does have rules and procedures
4 regarding split zoned properties. It's
5 surprisingly common in the District,
6 particularly for very large properties like
7 this.

8 COMMISSIONER TURNBULL: Yes.

9 MR. LAWSON: Particularly when it
10 is such a large property that there are
11 different policies for different parts of the
12 property. What we would want to see along
13 Minnesota Avenue is potentially very different
14 from what we would want to see further in on
15 the property.

16 COMMISSIONER TURNBULL: Right.

17 MR. LAWSON: So if somebody came in
18 for additions to an existing building, it
19 would depend on where those additions are.
20 And the Zoning Administrator would need to
21 determine the level of conformance, I guess,
22 to the portions of the building to the zone

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1 that they are in.

2 COMMISSIONER TURNBULL: I seem to
3 remember before at the Zoning Commission we
4 had a property right near Union Station and it
5 was split on the alley. And I think we
6 actually changed some of the zoning to make it
7 conforming, so that the whole building -- I
8 just remember that we -- I know we fudged
9 things before.

10 I mean, it's like wrong word
11 probably, but I know that we have had to
12 adjust boundaries along alleys to make them
13 conform.

14 MR. LAWSON: And that's not an
15 uncommon process as part of a Planned Unit
16 Development before the Zoning Commission to
17 make the zoning more consistent for an entire
18 piece of property.

19 Again, the Zoning Commission would,
20 of course, only do that if they felt that it
21 was in the District's best interest--

22 COMMISSIONER TURNBULL: Right.

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1 MR. LAWSON: -- if it was
2 consistent with the Comprehensive Plan. You
3 know, you have that level of review over those
4 kinds of properties when they come before you.

5 COMMISSIONER TURNBULL: Mr. Chair,
6 I've only got one more comment. And I think,
7 and maybe I misheard it, but just for the
8 record, on Item 3, Order 812, Ms. Cidlowksi
9 you might have mentioned Square 5290, but it's
10 5920.

11 MS. CIDLOWSKI: You are correct.
12 Sorry.

13 COMMISSIONER TURNBULL: That's
14 okay. I just wanted to be sure we were not
15 looking at a typo error or something. But
16 okay, thank you.

17 CHAIRMAN HOOD: Okay. I too want
18 to commend the Office of Planning. You know,
19 I think that we made a case to do away with
20 some R-5-A previously, but I would thank the
21 Office of Planning for going back and making
22 these adjustments.

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1 Mr. Lawson, help me with my memory.
2 Is this the case that Mr. Moore started off
3 with? And I think the reason this was brought
4 to us to begin with, I think, the ANCs and the
5 community groups had a problem with the type
6 of, at least, housing, apartments. I think
7 they were getting out in Ward 7 and 8. Am I
8 correct?

9 MR. LAWSON: You are absolutely
10 correct in that. Those concerns became really
11 evident through the 2006 Comprehensive Plan
12 Amendment process. That's when the ANCs and
13 the residents of Ward 7 and 8 came out very
14 strongly and expressed concerns about the
15 erosion of certain neighborhoods or their
16 perception of an erosion of certain
17 neighborhoods, because of infill apartment
18 buildings.

19 And they tended to be small, four
20 units, five units, six units, that kind of
21 size, but surrounded by single-family homes.
22 And certainly the general belief and certainly

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1 what we heard was that the residents felt that
2 the R-5-A Zone that was existing at the time
3 simply wasn't doing the job in preserving
4 their neighborhood and they wanted zoning that
5 reflected the current land use pattern a
6 little bit more closely.

7 And that's where this initiative
8 came from.

9 CHAIRMAN HOOD: So for the most
10 part, we still have that initiative in place?
11 We just fine tuned a few of the areas?

12 MR. LAWSON: This is simply fine
13 tuning, making a few corrections. There are
14 no major changes to the boundaries of what was
15 or is intended to be rezoned.

16 I should note that there are still
17 a lot of R-5-A in Ward 7 and 8. We did not
18 bring forward many areas which we felt had
19 already kind of tipped towards being multi-
20 family or were on major corridors, so it was
21 appropriate for them to remain R-5-A.

22 There are lots of areas that

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1 remained R-5-A, but we were certainly happy to
2 bring forward this amendment, the original
3 three amendments, to address those other more
4 low-scale, low-density neighborhoods and
5 looking to preserving their character a little
6 bit more closely.

7 CHAIRMAN HOOD: Okay. Thank you.
8 And I too want to echo my colleagues'
9 mentioning about the report. Very well done
10 and very easy to read. I appreciate it.

11 Any other comments, questions?
12 Okay. Reports of other Government agencies?
13 Do we have any other reports?

14 We did have -- okay. Let me do
15 this. Do we have anyone from any of the ANCs
16 in Ward 7 or 8 that would like to testify?

17 Do we have anyone, organizations or
18 persons who is here in support that would like
19 to testify?

20 Do we have any organizations or
21 persons who are here in opposition who would
22 like to testify?

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1 Okay. So with that, let me just
2 take a note and I think Vice Chairman Schlater
3 has already mentioned the "so others might
4 eat." And again, they specifically are happy
5 they are rezoning back to the property's
6 original R-5-A Zoning and will allow the
7 property to be conforming.

8 And they go on to say the property
9 would contain nonconforming structures if it
10 remained R-3 and, therefore, would be more
11 difficult to finance and upgrade. So they
12 have a letter of support in their property
13 going back.

14 And again, I want to commend the
15 Office of Planning for not letting a whole lot
16 of grass grow under their feet and for coming
17 back with these corrections.

18 Any other comments or questions,
19 Commissioners?

20 Okay. With that, I think this is
21 ready to deal with tonight. I would move
22 approval of Zoning Commission Case No. 10-05

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1 of the Amendments and Technical Corrections to
2 Ward 7 and 8 R-5-A Zoning Consistency Map
3 Amendments to Cases 07-30, 08-12 and 08-22 and
4 ask for a second.

5 VICE CHAIRMAN SCHLATER: Second.

6 CHAIRMAN HOOD: Okay. It has been
7 moved and properly seconded. Any further
8 discussion?

9 Are you ready for the question?
10 All those in favor? Aye.

11 VICE CHAIRMAN SCHLATER: Aye.

12 COMMISSIONER TURNBULL: Aye.

13 CHAIRMAN HOOD: Not hearing any
14 opposition, Ms. Schellin, would you record the
15 vote?

16 MS. SCHELLIN: Yes. Staff records
17 the vote 3-0-2 to approve Proposed Action in
18 Zoning Commission Case No. 10-05.
19 Commissioner Hood moving, Commissioner
20 Schlater seconding, Commissioner Turnbull in
21 support, Commissioner May not present, not
22 voting. And the third Mayoral Appointee

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1 position vacant, not voting.

2 CHAIRMAN HOOD: Ms. Schellin, do we
3 have anything else before us?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Okay. With that, I
6 want to thank everyone for their participation
7 and this hearing is adjourned.

8 (Whereupon, the Public Hearing was
9 concluded at 6:57 p.m.)

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