

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

TEXT AMENDMENTS TO MODIFY  
DEFINITIONS OF CHILD  
DEVELOPMENT HOME AND CHILD  
DEVELOPMENT CENTER;

AMENDMENT TO THE DEFINITION  
FOR CHILD/ELDERLY  
DEVELOPMENT CENTER;

TEXT AMENDMENTS TO 11 DCMR  
1706.2 AND 1706.8(b), TO  
REMOVE SQUARE 374, LOT 44  
FROM DOWNTOWN DEVELOPMENT  
DISTRICT HOUSING PRIORITY  
AREA B

Case No.

08-16

08-16A

08-23

Thursday, October 30, 2008

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

The public hearing of case nos.  
08-16, 08-16A, and 08-23 by the District of  
Columbia Zoning Commission convened at 6:00  
p.m. in the Office of Zoning Hearing Room at  
441 4th Street, Northwest, Washington, D.C.,  
ANTHONY J. HOOD, Chairman, presiding.

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ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
GREGORY N. JEFFRIES	Vice Chairman
MICHAEL G. TURNBULL, FAIA	Commissioner (OAC)
PETER MAY	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

JERRILY R. KRESS	FAIA Director
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
STEVEN COCHRAN

This transcript constitutes the minutes from the public hearing held on October 30, 2008.

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

(6:37 p.m.)

CHAIRMAN HOOD: We are going to go ahead and get started with our first two cases. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, October 30th, 2008.

My name is Anthony J. Hood. Joining me are Vice Chairman Jeffries, Commissioner Turnbull. And we will be joined very shortly by Commissioner May. We are also joined by the Office of Zoning under the leadership of Ms. Jerrily Kress; Office of Planning under the leadership of Ms. Steingasser.

I am going to do my best to read both of these cases at the same time. They both are text amendments. The subject of this evening's first hearing is two cases. They are two cases being heard together, Zoning Commission case number 08-16 and 08-16A.

1                   They are requests by the Office of  
2                   Planning for text amendments to the zoning  
3                   regulations as they pertain to child  
4                   development centers, also the subject of the  
5                   second hearing, Zoning Commission case 08-23.

6                   This is a request by the Office of  
7                   Planning for a text amendment to the downtown  
8                   development district to remove the housing  
9                   priority area B designation from square 374,  
10                  lot 44 in ward 2.

11                  Notice of the first hearing for  
12                  08-16 was published in the D.C. Register July  
13                  11th, 2008. And notice for 08-16A was  
14                  published in the D.C. Register on August 15th,  
15                  2008. Copies of both announcements are  
16                  available to my left on the wall near the  
17                  door.

18                  The second case, notice of today's  
19                  hearing was published in D.C. Register on  
20                  August 15th, 2008. And copies of the  
21                  announcements are available to my left on the  
22                  wall near the door. These cases, originally

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1 scheduled for October the 2nd, were  
2 rescheduled due to the building evacuation.

3 The hearing will be conducted in  
4 accordance with the provisions of 11 DCMR  
5 30.22 as follows: preliminary matters -- now,  
6 preliminary matters in the second case, I note  
7 that the Office of Planning will make two  
8 minor corrections to the case -- presentations  
9 by the Office of Planning, reports of other  
10 government agencies, report of the ANC,  
11 organizations and persons in support,  
12 organizations and persons in opposition.

13 The following time constraints  
14 will be maintained in this hearing:  
15 organizations, five minutes, individuals three  
16 minutes. The Commission intends to adhere to  
17 the time limits as strictly as possible in  
18 order to hear the case in a reasonable period  
19 of time. The decision of the Commission in  
20 this case must be based exclusively on the  
21 public record.

22 To avoid any appearance of the

1 contrary, the Commission requests that person  
2 present not engage the members of the  
3 Commission in conversation during any recess  
4 or at any time.

5 Please turn off all beepers and  
6 cell phones at this time so as not to disrupt  
7 these proceedings.

8 At this time we will consider any  
9 preliminary matters. Does the staff have any  
10 preliminary matters?

11 MS. HANOUSEK: No

12 CHAIRMAN HOOD: Okay. Thank you.

13 And, Ms. Steingasser, if we can  
14 move in that fashion where we can talk about  
15 both cases and colleagues, we will ask our  
16 questions on -- I say two. It appears to me  
17 there are two issues in one case. So if we  
18 just ask all of our questions at the end, I  
19 think that would be the best way to do it.

20 Okay?

21 Ms. Steingasser?

22 MS. STEINGASSER: Yes, sir. I am

1 happy to do so.

2 CHAIRMAN HOOD: Thank you.

3 MS. STEINGASSER: We're proposing  
4 two amendments to the definitions of child  
5 development home and child/elderly development  
6 center. The first amendment is in regards to  
7 increasing the number of children that may be  
8 kept in the home as a matter of right.

9 In a child development home, we  
10 are proposing to increase that number from  
11 five to six. And in the child/elderly  
12 development center, we are proposing that the  
13 number of individuals be increased from six to  
14 seven. That allows these matter-of-right uses  
15 to correspond directly with the licensing  
16 requirements of the department.

17 We are also proposing that the  
18 child/elderly development center be amended to  
19 remove the restriction two years old or older.  
20 We're not quite sure how that got into the  
21 definition, but it leaves out infants, which  
22 are one of the most critical cohorts that need

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1 this care. So those are our two proponents.

2 CHAIRMAN HOOD: Did we do housing  
3 priority?

4 MS. STEINGASSER: That's the next  
5 case.

6 CHAIRMAN HOOD: Right. I read  
7 them together.

8 MS. STEINGASSER: Oh, okay.

9 CHAIRMAN HOOD: Do you see what I  
10 am saying? We're going to do all. We're  
11 going to ask all of our questions on both.

12 MS. STEINGASSER: Well, 16 and 16A  
13 deal with two parts, two separate cases that  
14 were filed to correct those definitions.

15 CHAIRMAN HOOD: Right. I  
16 understand that. And then housing priority.

17 MR. COCHRAN: Sure. Steve Cochran  
18 for the Office of Planning.

19 We're also recommending approval  
20 to the advertised text amendments to section  
21 1706.8 and the map amendments that are  
22 associated with changes advertised to section

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1 1706.2.

2           There are some technical  
3 corrections. The first is that all references  
4 should be to square 374. There were some  
5 discrepancies between the report and the  
6 advertisement. And it's never 384. It's  
7 always 374.

8           And, secondly, the references in  
9 section 1706.8 should remove both lots 344 and  
10 373 because both of these lots have been  
11 already consolidated with lot 374.

12           We presented our testimony in  
13 July, but, you know, if you have any  
14 questions, we are happy to answer.

15           CHAIRMAN HOOD: Okay. Thank the  
16 Office of Planning for giving us the  
17 presentation on everything in front of us,  
18 which is 08-16, 08-16A, and also 08-23.

19           Let's do this in this order,  
20 colleagues. Any questions of 08-16 and 08-16A  
21 of Ms. Steingasser? Any questions?

22           (No response.)

1 CHAIRMAN HOOD: Let me run through  
2 the -- no questions? Reports of other  
3 government agencies in 08-16 and 08-16A?

4 (No response.)

5 CHAIRMAN HOOD: I'm confusing  
6 myself. We're going to get through it. Okay.  
7 Are there any ANCs who would like to testify  
8 in 08-16 and 08-16A?

9 (No response.)

10 CHAIRMAN HOOD: Any organizations  
11 or persons here in support?

12 (No response.)

13 CHAIRMAN HOOD: Any organizations  
14 or persons in opposition?

15 (No response.)

16 CHAIRMAN HOOD: With that, I would  
17 move approval of 08-16 and 08-16A and ask for  
18 a second.

19 VICE CHAIRMAN JEFFRIES: Second

20 CHAIRMAN HOOD: Moved and properly  
21 seconded. Further discussion? Any further  
22 discussion?

1 (No response.)

2 CHAIRMAN HOOD: All those in  
3 favor?

4 (Whereupon, there was a chorus of  
5 "Ayes.")

6 CHAIRMAN HOOD: Hearing no  
7 opposition, Ms. Hanousek, would you please  
8 record the vote?

9 MS. HANOUSEK: The Commission  
10 approves case 08-16A and 08-16 for proposed  
11 action, Chairman Hood making the motion. And  
12 I wasn't clear who made -- oh, Vice Chair  
13 Jeffries seconded and Commissioner Peter G.  
14 May and Michael Turnbull to approve and Curtis  
15 Etherly not present.

16 CHAIRMAN HOOD: I think what we  
17 are doing is the other Zoning Commission -- we  
18 can work on the language, but the other Zoning  
19 Commission is not participating because I  
20 think Commissioner Etherly has officially  
21 resigned. We don't want his name to be down  
22 like he didn't show up. Okay.

1 MS. HANOUSEK: Okay.

2 CHAIRMAN HOOD: Okay. Now, any  
3 questions, colleagues, of the Office of  
4 Planning on case 08-23, the text amendment for  
5 the housing priority B? Any questions?

6 (No response.)

7 CHAIRMAN HOOD: Okay. Hearing no  
8 questions, reports of other government  
9 agencies?

10 (No response.)

11 CHAIRMAN HOOD: Do we have anyone  
12 from the ANC, any of the ANCs?

13 (No response.)

14 CHAIRMAN HOOD: Okay. Any  
15 organizations or persons in support?

16 (No response.)

17 CHAIRMAN HOOD: Organizations or  
18 persons in opposition?

19 (No response.)

20 CHAIRMAN HOOD: Okay. Colleagues,  
21 we have that in front of us. Would somebody  
22 like to make a motion with the necessary

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1 corrections? Vice Chairman?

2 VICE CHAIRMAN JEFFRIES: I would  
3 like to make a motion. I would like to make  
4 a motion that we approve case number 08-23,  
5 text amendment to chapter 11 DCMR 1706.2 to  
6 1706.8(b) to remove for square 374, lot 44  
7 from the downtown development district housing  
8 priority area B, look for a second.

9 COMMISSIONER TURNBULL: Second.

10 VICE CHAIRMAN JEFFRIES: Okay.

11 CHAIRMAN HOOD: It's been moved  
12 and properly seconded. Any further  
13 discussion? Commissioner May?

14 COMMISSIONER MAY: Sorry. I'm  
15 still absorbing some of this. Is the nature  
16 of this just a technical correction? Okay.  
17 Right. Okay. That's all.

18 CHAIRMAN HOOD: All right. Any  
19 further discussion?

20 (No response.)

21 CHAIRMAN HOOD: All those in  
22 favor?

1                   (Whereupon, there was a chorus of  
2 "Ayes.")

3                   CHAIRMAN HOOD: Not hearing  
4 opposition, Mrs. Hanousek, could you please  
5 record the vote?

6                   MS. HANOUSEK: Yes. Commissioners  
7 approved case 08-23 for proposed action by a  
8 vote of 4:0:0 with Commissioner Jeffries  
9 making the motion and Commissioner Turnbull  
10 seconding and Commissioners May and Hood  
11 approving.

12                   CHAIRMAN HOOD: Okay. Ms.  
13 Hanousek, do we have anything else before us  
14 pertaining to these two?

15                   MS. HANOUSEK: No.

16                   CHAIRMAN HOOD: Okay. I want to  
17 thank everyone for their participation. All  
18 three of those issues are adjourned.

19                   (Whereupon, the foregoing matter  
20 was concluded at 6:48 p.m.)

21  
22