

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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<p>IN THE MATTER OF:</p> <p>TEXT AMENDMENT ESTABLISH AND MAP THE HILL EAST DISTRICT</p>	<p> Case No. 06-32</p>
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Monday,
October 27, 2008

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

The Public Hearing of Case No. 06-32 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
JERRILY R. KRESS, FAIA, Director

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
TRAVIS PARKER

The transcript constitutes the minutes from the Public Hearing held on October 27, 2008.

TABLE OF CONTENTS

<u>Opening Remarks</u>	
Chairman Hood	4
<u>Preliminary Matters</u>	
Ms. Schellin	6
<u>Report of the Office of Planning</u>	
Mr. Travis Parker	7
<u>Report of Other Government Agencies</u> . . .	18
<u>Report of the ANC-6D</u>	18
<u>Organizations or Persons in Support</u> . . .	19
<u>Organizations or Persons in Opposition</u> .	19
<u>Adjourn, Chairman Hood</u>	21

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

2 6:37 p.m.

3 CHAIRPERSON HOOD: Good evening,
4 ladies and gentlemen. This is a public
5 hearing of the Zoning Commission of the
6 District of Columbia for Monday, October 27,
7 2008. My name is Anthony J. Hood.

8 Joining me this evening are
9 Commissioner May and Commissioner Turnbull.
10 We are also joined by the Office of Zoning
11 staff Ms. Jerrily Kress and Secretary Ms.
12 Sharon Schellin. Soon to be expected with the
13 Office of Planning is Ms. Jennifer
14 Steingasser.

15 The proceeding is also being
16 recorded by a court reporter and is also
17 webcast live. Accordingly, we must ask you to
18 refrain from any disruptive noises or actions
19 in the hearing room.

20 The subject of this evening's
21 hearing is Zoning Commission Case No. 06-32A.
22 This is a request by the Office of Planning

1 for text amendments to the Zoning Regulations
2 to add square 766 to the Capital South
3 Receiving Zone.

4 Notice of today's hearing was
5 published in the D.C. Register on August 25,
6 2008, and copies of the announcement are
7 located to my left on the wall near the door.

8 This hearing will be conducted in
9 accordance with the provisions of 11 DCMR 3021
10 follows: Preliminary matters, presentation by
11 the Office of Planning, report of other
12 government agencies if any, report of the ANC-
13 6D, organizations and persons in support,
14 organizations and persons in opposition.

15 The following time constraints
16 will be maintained in this hearing.
17 Organizations five minutes; individuals three
18 minutes. Commission intends to adhere to the
19 time limits as strictly as possible in order
20 to hear the case in a reasonable period of
21 time.

22 All persons appearing before the

1 Commission are to fill out two witness cards.
2 When presenting information to the Commission,
3 please turn on and speak into the microphone
4 first stating your name and home address.
5 When you are finished speaking, please turn
6 off your microphone.

7 To avoid any appearance to the
8 contrary, the Commission request that persons
9 present not engage the members of the
10 Commission in conversation during any recess
11 or at any time.

12 Please turn off all beepers and
13 cell phones at this time so not to disrupt
14 these proceedings. At this time the
15 Commission will consider any preliminary
16 matters. Does the staff have any preliminary
17 matters?

18 MS. SCHELLIN: No, sir, we do not,
19 other than to advise that this case was
20 initially filed by a petitioner, Washington
21 Telecom Associates and has been taken over by
22 the Office of Planning on behalf of, I

1 believe, OPM.

2 CHAIRPERSON HOOD: Thank you very
3 much, Ms. Schellin.

4 Mr. Parker, are you going to pitch
5 in or do we need to wait?

6 MR. PARKER: The Office of
7 Planning is happy to stand on the record.

8 CHAIRPERSON HOOD: Okay. The
9 Office of Planning stands on the record.
10 Thank you, Mr. Parker.

11 Colleagues, you have seen
12 submittals and we've read the background.
13 We've dealt with this some years back. Do we
14 have any questions of the Office of Planning?
15 Any questions?

16 COMMISSION MAY: Yes.

17 CHAIRPERSON HOOD: Commissioner
18 May.

19 COMMISSION MAY: Why was this
20 square not included initially in the receiving
21 zone? I guess we'll wait for Ms. Steingasser.
22 Excellent report, Ms. Steingasser.

1 MS. STEINGASSER: Thank you.

2 COMMISSION MAY: My first question
3 was why wasn't this square initially included
4 in the receiving zone?

5 MS. STEINGASSER: The transcripts
6 don't go into a lot of detail about why it was
7 not, just that they felt for ease of boundary
8 they ran it down Second Street.

9 COMMISSION MAY: Just from a
10 planning point of view is there a reason why
11 it should or should not be drawn to 3rd
12 Street, 4th Street? You know what I mean?
13 What is the rationale just from a planning
14 point of view? I know it's not inconsistent
15 with the comprehensive planning report but is
16 there some really good planning reason why it
17 makes sense for it to be in the receiving
18 zone?

19 MS. STEINGASSER: The surrounding
20 squares to the south and east are covered by
21 PUD, the Arthur Capper/Carrollsborg PUD so
22 there is no reason to include those. We know

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1 what that development is going to be.

2 COMMISSION MAY: They are limited
3 to a much lower height thought. Don't they
4 max out at 110?

5 MS. STEINGASSER: No, sir. The
6 original PUD maxed out at 110. There have
7 been two modifications, one of which is still
8 pending before the Commission to go to 130.

9 COMMISSION MAY: That's on a
10 property bounding on New Jersey Avenue.
11 Right?

12 MS. STEINGASSER: On New Jersey
13 and M either side of the park.

14 COMMISSION MAY: Right.

15 MS. STEINGASSER: Our main concern
16 when this was originally set down was that we
17 didn't want the uncontrolled height and
18 density on the site.

19 We have since worked with the
20 property representatives and they have agreed
21 that a Zoning Commission review, a design
22 review similar to the other properties in

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1 Capital Gateway where there is no setdown they
2 file and get to hearing and the Commission can
3 review it for impacts. That was a good
4 compromise.

5 COMMISSION MAY: What's happening
6 with the building directly south? I've kind
7 of forgotten the whole plan of the
8 Capper/Carrollsborg PUD. I once had it all in
9 my head.

10 MS. STEINGASSER: On Square 767?

11 COMMISSION MAY: Yes.

12 MS. STEINGASSER: That one I
13 believe is the -- that may be a 75 foot. I'm
14 not absolutely sure. It's lower in height
15 than 766 but I don't have the height.

16 COMMISSION MAY: So it might only
17 be 75 feet?

18 MS. STEINGASSER: It may be. The
19 two to the south, 768 and 769, are highrises
20 at 90 feet and 110, possibly 130 pending
21 Commission action. Our concern was 767, 798,
22 and 797. I just don't have it at my

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1 fingertips.

2 COMMISSION MAY: Do we have any
3 indication yet what the modification of the
4 building or the replacement of the building
5 might be like?

6 MS. STEINGASSER: We do not. We
7 do not. There are no designs.

8 COMMISSION MAY: It does in some
9 ways occupy this very prominent place at the
10 north end of the Canal Blocks Park and it's
11 not the most attractive facade currently.

12 MS. STEINGASSER: No.

13 COMMISSION MAY: It was a
14 warehouse and production facility, whatever.
15 Is it the width of Virginia Avenue that allows
16 it to go theoretically up to 130?

17 MS. STEINGASSER: Yes, sir.

18 COMMISSION MAY: And that's even
19 with Virginia Ave. having been overtaken by
20 the freeway? I mean, is there --

21 MS. STEINGASSER: There is part of
22 Virginia Avenue directly on the northern

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1 property line.

2 COMMISSION MAY: Yeah. Right.

3 MS. STEINGASSER: It goes under
4 the highway.

5 COMMISSION MAY: Oh, the right-of-
6 way continues under the highway so that is
7 considered part of it. You don't have any
8 idea what the development of the project is
9 going to be at this point in terms of the
10 designs of it but do we know what the
11 intention of use is with the property now?

12 MS. STEINGASSER: We don't. The
13 city has a lease on it that we are trying to
14 transfer to another property owner.

15 COMMISSION MAY: Is there another
16 -- I mean, is there actually somebody that you
17 are trying to transfer to at this point?

18 MS. STEINGASSER: Not that I know
19 of. We have been dealing with the property
20 owners and those who have the first right of
21 refusal.

22 COMMISSION MAY: Okay. Oh, I see

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1 in the old report. I've got the old
2 Capper/Carrollsborg plan. I'll look at that.
3 Thank you. That's it for me for right now.

4 COMMISSIONER TURNBULL: Ms.
5 Steingasser, I'm looking at the OP report but
6 I just heard you mention Virginia Avenue but
7 it's not really mentioned. The argument is
8 more related to New Jersey Avenue and the
9 buildings on New Jersey Avenue being at 130.

10 MS. STEINGASSER: That's correct.
11 The relationship of this building is drawing
12 itself -- is relative to the buildings on the
13 west side of 2nd Street which is all in the
14 receiving zone and can go to 130 feet as a
15 matter of right.

16 COMMISSIONER TURNBULL: Can 0737
17 -- I mean, 737 go to 130?

18 MS. STEINGASSER: If the Height
19 Act allows it could, yes.

20 COMMISSIONER TURNBULL: I mean, it
21 really doesn't face New Jersey. It's kind of
22 on H, 1st Street, 2nd Street and Canal.

1 MS. STEINGASSER: The zoning is
2 very clear that it says subject to the Height
3 Act.

4 COMMISSIONER TURNBULL: Okay. So
5 737 may not go to 130 feet then.

6 MS. STEINGASSER: It may not.
7 However, I know Canal Street, the streets in
8 there have been replatted to continue that
9 grid through. H Street runs at a more
10 parallel to K Street. I'm sorry, I Street and
11 Canal Street has been closed. I don't know
12 those widths.

13 COMMISSIONER TURNBULL: I was
14 trying to remember also on Canal Blocks on the
15 park isn't there now like a street on both
16 sides? Didn't we just have M Street come back
17 for a change?

18 MS. STEINGASSER: Yes, that case
19 is before you.

20 COMMISSIONER TURNBULL: They
21 wanted to get extra height because of the
22 changes with the streets and everything.

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1 MS. STEINGASSER: Down on 769?

2 COMMISSIONER TURNBULL: Right.

3 MS. STEINGASSER: The Commission
4 just considered that case.

5 COMMISSIONER TURNBULL: Right on
6 the corner. Right.

7 MS. STEINGASSER: Yes, sir. There
8 is a street that runs up both sides of Canal
9 Blocks Park.

10 COMMISSIONER TURNBULL: Okay. So
11 we are really more concerned, as you said
12 earlier, about 797, 798 and the effect of the
13 height on those squares.

14 MS. STEINGASSER: Yes, sir.

15 COMMISSIONER TURNBULL: So the
16 language that you have proposed will allow us
17 from a design standpoint to modulate the
18 structure so that we don't get shadows falling
19 -- we can at least limit some of the shadows
20 falling on those squares.

21 MS. STEINGASSER: That's correct.

22 COMMISSIONER TURNBULL: Okay.

1 COMMISSION MAY: Now that I've had
2 a chance to look at Capper/Carrollsborg, the
3 plan for 797, which is directly to the east,
4 looks like rowhouses kind of backing up to
5 Virginia Avenue. Is that correct?

6 MS. STEINGASSER: That's correct.

7 COMMISSION MAY: Conceivably this
8 building could be 130 feet across the street
9 from 40-foot townhouses. Has there been a
10 discussion with neighbors? I mean, I know
11 they are not neighbors in Square 797 at this
12 moment but the ANC. What does the ANC have to
13 say because I don't see any indication in the
14 reports I have.

15 MS. STEINGASSER: I don't believe
16 the ANC has weighed in on this case.

17 COMMISSION MAY: Have they noticed
18 it do you know?

19 MS. STEINGASSER: Public notice
20 was sent out and they were made aware of it
21 through that process.

22 COMMISSION MAY: Okay. I know

1 that the neighborhood was very aware of what
2 was going on with the city's lease for the
3 building and we are expressing interest in
4 that and I'm just wondering where the public
5 interest is in what we have before us.

6 MS. STEINGASSER: We have not
7 heard any interest.

8 COMMISSION MAY: Interesting.
9 Okay. That's it for me.

10 COMMISSIONER TURNBULL: Just
11 following up. On this square as a matter-of-
12 right 766 can go to 90 feet?

13 MS. STEINGASSER: Yes, sir. 90
14 feet and a 6.5 FAR.

15 COMMISSIONER TURNBULL: So even
16 the building facing 797, at least on 3rd
17 Street, could still be 90 feet. We would have
18 no control over that. It's just whatever is
19 beyond, setback or whatever.

20 MS. STEINGASSER: Yes, sir.
21 That's correct.

22 COMMISSIONER TURNBULL: Okay.

1 CHAIRPERSON HOOD: All right.
2 Thank you both. Thanks for the Office of
3 Planning and also thanks to Mr. Parker for
4 trying to stand on the record. We greatly
5 appreciate that.

6 Okay. Reports of other government
7 agencies? I don't think we have any. Someone
8 can correct me.

9 Commissioner May already alluded
10 to ANC-6D. I didn't see anything. What I
11 will note in context in the language when it
12 comes to Square 797 one of the things that
13 gave me pause is, "(A) will be sufficiently
14 set back from the eastern building face to
15 avoid shadowing to lower buildings in Square
16 797 to the east.

17 Then we'll provide a focal point
18 for the Canal Blocks Park." That may give --
19 if we adopt as asked for the Office of
20 Planning, then we have some review of anything
21 over 90 feet that may give us some type of
22 review. Okay.

1 COMMISSIONER TURNBULL: Well, Mr.
2 Chair, in "will provide a suitable northern
3 focal point for the Canal Blocks Park does
4 that mean not just over 90 feet but the whole
5 feature itself? I mean, if it's an
6 architectural tower or something do we get to
7 -- is that what you're implying?

8 MS. STEINGASSER: If it's over 90
9 feet in height it should meet both A and B.
10 If it's less than 90 feet, they are not
11 obligated to forego their matter of right but
12 what we didn't want is 130-foot building with
13 a loading dock at the end of the park.

14 COMMISSIONER TURNBULL: Okay.

15 CHAIRPERSON HOOD: Okay.
16 Organizations or persons in support. Not
17 seeing anyone except for Mr. Parker.
18 Organizations or persons in opposition. Okay.
19 We don't normally do closing, Ms. Steingasser
20 but do you want to add something?

21 MS. STEINGASSER: The Office of
22 Planning continues to recommend approval with

1 the change that the Zoning Commission have
2 design review for any structure over 90 feet.

3 CHAIRPERSON HOOD: Do anybody have
4 any problems?

5 Ms. Schellin, can you tell me what
6 date we can take this up at our next meeting
7 or any meeting?

8 MS. SCHELLIN: How about November
9 10th?

10 CHAIRPERSON HOOD: November 10th.
11 Isn't November 10th getting busy?

12 MS. SCHELLIN: No, it's not. It
13 won't be too bad.

14 CHAIRPERSON HOOD: The 11th is a
15 holiday and most people won't want to --

16 MS. SCHELLIN: So you can have a
17 day off. There you go.

18 CHAIRPERSON HOOD: Do we have a
19 meeting on November 3rd?

20 MS. SCHELLIN: No, we do not.
21 That is the night before elections.

22 CHAIRPERSON HOOD: Great. Okay.

1 Mr. Turnbull, I think we'll take
2 this up at our next meeting. If Mr. Jeffries
3 wants to read the record, he can do that.

4 With that, any other questions?
5 Ms. Schellin, do we have anything else?

6 MS. SCHELLIN: No.

7 CHAIRPERSON HOOD: With that we
8 will take this up at our November 10th
9 meeting. With that this hearing is adjourned.
10 Thank you everyone.

11 (Whereupon, at 6:52 p.m. the
12 hearing was adjourned.)

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