

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA  
+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :  
 :  
MAP AMENDMENT TO REZONE OF : Case No.  
PORTIONS OF WARD 7 FROM : 08-22  
R-5-A TO R-1-2, R-2, R-3, :  
OR R-4 ZONE DISTRICTS :  
----- :

Monday,  
September 15, 2008

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No.  
08-22 by the District of Columbia Zoning  
Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4<sup>th</sup>  
Street, N.W., Washington, D.C., 20001,  
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on September 15, 2008.

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

Opening . . . . . 4  
Report of Office of Planning . . . . . 7  
Vote: 5-0-0 to approve action . . . . . 14

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

2 6:35 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. This is the Public  
5 Hearing of the Zoning Commission of the  
6 District of Columbia for Monday, September 15,  
7 2008. My name is Anthony J. Hood.

8 Joining me this evening or will be  
9 Vice Chairman Jeffries, Commissioners Etherly,  
10 May and Turnbull.

11 We're also joined by the Office of  
12 Zoning staff Ms. Sharon Schellin and Donna  
13 Hanousek. And from the Office of Planning Mr.  
14 Lawson.

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

20 The subject of this evening's  
21 hearing is Zoning Commission Case #08-22.  
22 This is a request by the Office of Planning

1 for amendments to the Zoning Map for squares  
2 and portions of squares in Ward 7 from R-5-A  
3 to R-2, R-3, R-4.

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

8 The hearing will be conducted in  
9 accordance of provisions of 11 DCMR 3021 as  
10 follows:

11 Preliminary matters;

12 Presentation by the Office of  
13 Planning, reports of other government  
14 agencies;

15 Report of ANC 7A, 7B, 7C and 7D;

16 Organizations and persons in  
17 opposition;

18 Organizations and persons in  
19 support.

20 I read that backwards.

21 The following time constraints  
22 will be maintained in this hearing room:

1 Organizations five minutes; individuals three  
2 minutes. The Commission intends to adhere to  
3 the time limits as strictly as possible in  
4 order to hear the case in a reasonable period  
5 of time. The Commission reserves the right to  
6 change the time limits for presentations if  
7 necessary. No times will ceded.

8 All persons appearing before the  
9 Commission are to fill out two witness cards.  
10 These cards are located to my left on the  
11 table near the door.

12 When you are finished speaking,  
13 please turn your microphone off so that the  
14 microphone is no longer picking up sound or  
15 background noise.

16 To avoid any appearance to the  
17 contrary, the Commission requests that persons  
18 present not engage the members of the  
19 Commission in conversation during any recess  
20 or anytime. The staff will be available  
21 throughout the hearing to discuss procedural  
22 questions.

1           Please turn off all beepers and  
2 cell phones.

3           At this time the Commission will  
4 consider any preliminary matters. Does the  
5 staff have any preliminary matters?

6           SECRETARY SCHELLIN: No, sir.

7           CHAIRMAN HOOD: Okay. With that,  
8 Mr. Lawson, we'll go right to you. Good  
9 evening.

10           MR. LAWSON: Good evening, Mr.  
11 Chair and members of the Commission.

12           For the record and the sake of  
13 everybody in the audience, my name is Joel  
14 Lawson. I'm with the D.C. Office of Planning.

15           You've received our report so I'll  
16 make this very short.

17           We, of course, recommend approval  
18 of the proposed Zoning Map amendments. There  
19 are no changes to the text proposed as part of  
20 this application. Rather, the application is  
21 to change the zoning of certain squares and  
22 portions of square in ANCs 7A, B, C and D from

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1 R-5-A to R-2, 3 or 4.

2 This follows two related map  
3 amendments that I'm sure you'll remember. The  
4 first one was 07-30 which was given final  
5 approval in July of this year. And that was  
6 actually for the Marshall Heights neighborhood  
7 in Ward 7, which is why we're not proposing  
8 anything in Ward 7E as part of this  
9 application. That's because you've already  
10 dealt with the R-5-A zoned areas in that ANC.

11 And then the second one was Case  
12 08-12. And that was for rezoning portions of  
13 the R-5-A zoned areas in Ward 8. You've held  
14 the public hearing on that. And that was in  
15 July of this year and final action is pending  
16 on that one.

17 Many Ward 7 residents through the  
18 comforts of planned process and other  
19 neighborhood planning forums indicated a very  
20 strong desire to protect the lower density  
21 areas from further multi-family infill  
22 development. This lead to very specific

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1 language in the 2006 Comprehensive Plan  
2 intended to ensure that the zoning in Ward 7  
3 and 8 is more consistent with a low to  
4 moderate character of individual  
5 neighborhoods.

6 As you've heard in past cases, in  
7 response to that we conducted a very detailed  
8 study of the R-5-A zoned areas in Ward 7 and  
9 8. That happened in 2007. And included a  
10 street-by-street windshield survey of each  
11 property and an assessment of building use  
12 types.

13 We also did a more comprehensive  
14 evaluation of prevailing lot sizes and  
15 building forms in individual neighborhoods.

16 As a result of that, we identified  
17 specific areas for inclusion in this  
18 initiative. And those areas included ones that  
19 are predominately low to moderate density and  
20 character and are not part of the smaller area  
21 plan or other government plan for specific  
22 forms of development. As such, not all R-5-A

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1 zoned areas are included in this application.  
2 Many areas which are already predominately  
3 developed with apartment buildings or where  
4 apartment buildings would be appropriate have  
5 not been included. Instead, this proposal if  
6 approved would allow development of single-  
7 family detached and semi-detached dwellings in  
8 areas recommended to be rezoned to R-2. Row  
9 houses would also be permitted in areas  
10 recommended to be rezoned R-3 and flats would  
11 also be permitted in areas recommended to be  
12 rezoned R-4.

13 Existing apartment buildings  
14 within any of these areas would be allowed to  
15 continue operation and, of course, would be  
16 allowed to be upgraded or renovated as  
17 appropriate. But the construction of a new  
18 apartment building or the expansion of an  
19 existing apartment building in any of the  
20 rezoned areas would not be permitted.

21 In addition, OP's identified a  
22 very small number of lots that are currently

1 split zoned R-1-B and R-5-A. These are lots  
2 and squares 5546 and 5547. We are proposing  
3 that they be rezoned to be entirely R-1-B  
4 which is consistent with the existing  
5 development pattern.

6 And that's about it. OP, again,  
7 recommends that the Zoning Commission approve  
8 the proposed amendments to the Zoning Map.

9 And I'm available for questions.  
10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you  
12 very much, Mr. Lawson.

13 And tell Mr. Moore congratulations  
14 and we miss him, but we know he's moved on to  
15 the second phase of his life. And if he wants  
16 to come back and volunteer any time, tell him  
17 we're looking forward to seeing him.

18 Okay. Any questions of Mr.  
19 Lawson?

20 COMMISSIONER TURNBULL: Mr. Chair?

21 CHAIRMAN HOOD: Mr. Turnbull.

22 COMMISSIONER TURNBULL: I would

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1 just like to, again, compliment the Office of  
2 Planning and Mr. Moore especially for we went  
3 through this two months ago, as Mr. Lawson has  
4 already said. And I think that the spirit of  
5 this is something that I think -- I don't know  
6 if all of us have felt that the cases on the  
7 BZA, but I think that we've been troubled on  
8 the BZA with a lot of cases. And I know Mr.  
9 Moore has been troubled. But there wasn't  
10 really we could do anything much on those.  
11 And I think this kind of a map amendment will  
12 hopefully solve a lot of the issues that we  
13 had on over development of multi-family units  
14 in these neighborhoods. And so I really  
15 appreciate all of the Office of Planning's  
16 work.

17 So, thank you, Mr. Lawson.

18 CHAIRMAN HOOD: I, too, will just  
19 add to what Mr. Turnbull said. I can't say it  
20 and put it any better than what he's done, but  
21 I would just ditto his comments.

22 Any other comments, colleagues?

1                   Okay. Thank you, Mr. Lawson.

2                   Okay. Report of other government  
3 agencies in this voluminous record? I didn't  
4 see any. I don't think we had anything else  
5 and somebody can chime in and correct me if we  
6 did.

7                   Also, I didn't see anything from  
8 the ANCs, report of ANC 7A. 7B. 7C or 7D. But  
9 I think that through the Office of Planning's  
10 effort I'm sure they worked with all of those  
11 ANCs in helping develop this consistency map  
12 amendment.

13                   Okay. Organizations and persons  
14 in support?

15                   Organizations and persons in  
16 opposition?

17                   Colleagues, any closing comments?

18                   COMMISSIONER MAY: Mr. Chairman, I  
19 feel a need to speak into the microphone, just  
20 as a test for the microphone. But other than  
21 that, I have no comments and would be pleased  
22 to move forward as expeditiously as possible.

1 CHAIRMAN HOOD: Ms. Schellin, were  
2 you able to hear Commission May on that end?

3 SECRETARY SCHELLIN: Yes.

4 CHAIRMAN HOOD: Okay. So,  
5 Commission May, if you could make the motion  
6 so we can all make sure that that works?

7 COMMISSIONER MAY: I would move  
8 approval of Zoning Commission Case #08-22 Ward  
9 7 R-5-A zoning consistency map amendment.

10 COMMISSIONER ETHERLY: Second, Mr.  
11 Chair.

12 CHAIRMAN HOOD: Okay. It's been  
13 moved and properly second. Any further  
14 discussion.

15 All those in favor?

16 ALL: Aye.

17 CHAIRMAN HOOD: Not hearing any  
18 opposition, Ms. Schellin, would you record the  
19 vote?

20 SECRETARY SCHELLIN: Yes. Staff  
21 records the vote five to zero to zero to  
22 approved proposed action in Zoning Commission

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1 Case #08-22. Commissioner May moving,  
2 Commissioner Etherly seconding, Commissioners  
3 Hood, Jeffries and Turnbull in favor.

4 CHAIRMAN HOOD: Okay. Thank you,  
5 Ms. Schellin.

6 Do we have anything else before us  
7 tonight?

8 SECRETARY SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. This  
10 hearing is adjourned.

11 (Whereupon, at 6:44 p.m. the  
12 hearing was adjourned.)

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