

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:  OFFICE OF PLANNING TEXT AMENDMENTS TO DD REGULATIONS	Case No. 08-05
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Thursday,  
July 24, 2008

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

The Public Hearing of Case No. 08-05 by the District of Columbia Zoning Commission convened at 6:35 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	Commissioner
MICHAEL G. TURNBULL	Commissioner
	FAIA, (OAC)
PETER MAY	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary  
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MATT JESICK

This transcript constitutes the minutes from the Public Hearing held on July 24, 2008.

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

6:35 p.m.

CHAIRMAN HOOD: Good evening,  
ladies and gentlemen. This is the Zoning  
Commission of the District of Columbia. This  
is a Public Hearing of the Zoning Commission  
of the District of Columbia for Thursday, July  
24, 2008. My name is Anthony J. Hood.  
Joining me are Vice Chairman Jeffries,  
Commissioner Etherly, Commissioner May and  
Commissioner Turnbull.

Also the Office of Zoning staff,  
Ms. Sharon Schellin and I think we will be  
joined by Ms. Hanousek, also the Office of  
Planning staff, Mrs. Steingasser and also Mr.  
Jesick.

We have two cases tonight. One is  
a rulemaking and one is contested. Normally,  
I try to combine these so I won't confuse  
everyone. I'm going to go ahead and read the  
first case.

And the first case I see people

1 sitting at the table. The first case is  
2 actually Zoning Commission Case No. 08-05.

3 MS. SCHELLIN: Sorry, that's my  
4 fault. I was going to have them actually sit  
5 at this end and we were going to use the other  
6 side.

7 CHAIRMAN HOOD: Oh, okay. Well,  
8 if you --

9 MS. SCHELLIN: Just so they would  
10 be ready.

11 CHAIRMAN HOOD: Okay. So you will  
12 be ready, okay. Okay. Okay. Anyway, the  
13 first -- who is here for Zoning Commission  
14 Case 08-05? Let me read right through this  
15 quickly.

16 MR. JESICK: Office of Planning.

17 CHAIRMAN HOOD: Office of Planning  
18 is here, good. Okay. This proceeding is  
19 being recorded by a Court Reporter and is also  
20 webcast live. Accordingly, we must ask you to  
21 refrain from any disruptive noises.

22 The subject of this evening's

1 hearing is Zoning Commission Case No. 08-05.  
2 This is a request by the Office of Planning  
3 for a Text Amendment to the Zoning Regulations  
4 to remove the residential use requirements of  
5 the DD Overlay and to allow additional density  
6 for the project through the PUD process.

7 Notice was published in the DC  
8 Register on May 16, 2008 and copies are  
9 available to my left on the wall near the  
10 door, wall bin near the door. The hearing  
11 will be conducted in accordance with the  
12 provisions of 11 DCMR 3021 as follows:

13 Preliminary matters; presentations  
14 by the petitioner, in this case the Office of  
15 Planning; report by the Office of Planning;  
16 report of other Government agencies; report of  
17 any ANCs; organizations and persons in  
18 support; organizations and persons in  
19 opposition.

20 The following time constraints  
21 will be maintained in this hearing: 5 minutes  
22 for organizations; 3 minutes for individuals.

1 All persons appearing before the  
2 Commission are to fill out two witness cards.  
3 When presenting information to the Commission,  
4 please, turn on and speak into the microphone.

5 The decision of the Commission in  
6 this case must be based exclusively on the  
7 public record. To avoid any appearance to the  
8 contrary, the Commission requests that persons  
9 present not engage the Members of the  
10 Commission in conversation or during any  
11 recess.

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

15 At this time, the Commission will  
16 consider any preliminary matters. Does the  
17 staff have any preliminary matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: Okay. With that,  
20 we will go straight to the Office of Planning.  
21 I guess, Ms. Steingasser?

22 MS. STEINGASSER: Chairman Hood,

1 Commissioners, we're happy to stand on the  
2 record. We are recommending Text Amendments  
3 to allow for the construction flexibility of  
4 construction of the Hotel Convention -- the  
5 Convention Center Headquarters Hotel, subject  
6 only to the PUD review.

7 I'm available to answer any  
8 questions.

9 CHAIRMAN HOOD: Okay. I just have  
10 on quick question. This is dealing with a PUD  
11 case we now have in front of us. This is --  
12 one has something to do with the other?

13 MS. STEINGASSER: Yes, the PUD  
14 case has been filed.

15 CHAIRMAN HOOD: Okay. And this  
16 action had to take place first?

17 MS. STEINGASSER: Yes, sir.

18 CHAIRMAN HOOD: Okay. That's all  
19 I have. Any other questions? Commissioner  
20 May?

21 COMMISSIONER MAY: Yeah. The one  
22 thing that I still have a concern about is the

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1 flexibility with regard to FAR and the idea  
2 that in this circumstance, for some reason, we  
3 need to be able to have the flexibility to go  
4 above what would ordinarily be allowed in the  
5 Zone of 6.0 up to 9.0 or 9.5.

6 MS. STEINGASSER: Yes, 9.5.

7 COMMISSIONER MAY: And I guess  
8 what I'm wondering about is that it seems, you  
9 know, that if this is really necessary to make  
10 this hotel or this -- the eventual development  
11 of this particular site viable, why is it that  
12 non-residential uses in this zone are  
13 ordinarily limited to 6.0?

14 It seems like it is a -- there is  
15 either something wrong with the way we  
16 classify hotels or something wrong with the  
17 definition of FAR within this zone that there  
18 would be that kind of a disparity between what  
19 would ordinarily be allowed and what we are  
20 giving ourselves future flexibility to do.

21 And so I just -- I'm wondering  
22 what the genesis of that anomaly is and then

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1 I'm also wondering whether this anomaly is  
2 going to be with us forever or if it's  
3 something that is going to be fixed in the  
4 zoning rewrite.

5 MS. STEINGASSER: Well, I can take  
6 a stab at the answer. It has been our  
7 experience in the city that when we classify,  
8 that those areas where we have allowed hotel  
9 to be considered residential, we end up with  
10 Hotel Districts and it decays the residential  
11 quality of the neighborhoods.

12 And it has not resulted in the  
13 kind of mixed use activity that we had been  
14 desirous of. This particular case, this Text  
15 Amendment is to allow development of one  
16 particular site. It's not something we are  
17 proposing citywide. It's specific to one  
18 square to be in relationship to the Convention  
19 Center Hotel. And it enacts the Convention  
20 Center finance on the Bus Act of 2006.

21 So it's not a citywide issue that  
22 we are dealing with. It's really a site-

1 specific issue.

2 COMMISSIONER MAY: So this is an  
3 anomaly that is not likely to come up again?

4 MS. STEINGASSER: No.

5 COMMISSIONER MAY: Even -- and so  
6 it's not even worth trying to address it in  
7 the regulations for the future?

8 MS. STEINGASSER: I don't think  
9 so, because I don't think there is a problem.  
10 The fact that we do want to have as much  
11 residential in the city as possible, the hotel  
12 -- hotels do not serve that same function.

13 COMMISSIONER MAY: Right. I guess  
14 then the other question is, I mean, are we  
15 dealing with that, the whole hotel, you know,  
16 is it residential is it not, is that being  
17 addressed in the rewrite?

18 MS. STEINGASSER: Through the  
19 zoning review process, it is being reevaluated  
20 through the CR.

21 COMMISSIONER MAY: Through the  
22 rewrite. Yeah.

1 MS. STEINGASSER: But right now,  
2 it's only in the CR District that is  
3 permitted.

4 COMMISSIONER MAY: Okay. All  
5 right. That's it for me.

6 CHAIRMAN HOOD: Okay. Any other  
7 questions? Commissioner Turnbull? Okay. No  
8 questions. Okay. Thank you very much, Ms.  
9 Steingasser. I didn't see anything other than  
10 the OP report.

11 Did we have a report of any ANC?  
12 I didn't see anything.

13 Do we have any organizations or  
14 persons who would like to testify in support  
15 of the first case? Do we have any  
16 organizations or persons who would like to  
17 testify in opposition?

18 Okay. Normally, we don't do this  
19 in a rulemaking, Ms. Steingasser, but you want  
20 to -- I don't want to say. Did you have any  
21 closing remarks? That was a time -- that was  
22 a gap. Okay.

1 MS. STEINGASSER: We would  
2 appreciate a Bench decision, if that's at all  
3 possible.

4 CHAIRMAN HOOD: Okay. Okay.  
5 Colleagues, I would entertain whatever  
6 pleasure you would like to move in.

7 VICE CHAIRMAN JEFFRIES: Yeah, Mr.  
8 Chair, I would like to make a motion that we  
9 approve Zoning Commission Case No. 08-05,  
10 Office of Planning Text Amendment to the DD  
11 Regulations to facilitate construction of the  
12 Convention Center Hotel.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRMAN HOOD: Okay. It has been  
15 moved and properly seconded. Any further  
16 discussion? Any further discussion?

17 All those in favor?

18 ALL: Aye.

19 CHAIRMAN HOOD: Any opposition?  
20 Hearing none, so order. Staff would record  
21 the vote.

22 MS. SCHELLIN: Yes, staff records

1 the vote 5-0-0 to approve proposed action in  
2 Zoning Commission Case No. 08-05.  
3 Commissioner Jeffries moving, Commissioner  
4 Turnbull seconding, Commissioners Hood,  
5 Etherly, May in favor. None opposed.

6 CHAIRMAN HOOD: Okay. Ms.  
7 Schellin, is everything okay with this case?

8 MS. SCHELLIN: Yes.

9 CHAIRMAN HOOD: Okay. With that,  
10 we will adjourn that first case and go right  
11 into the second case.

12 (Whereupon, the Public Hearing was  
13 concluded at 6:44 p.m.)

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