

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:

SCOTT WHITTIER, et al.

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Case No.  
07-25

Monday,  
January 28, 2008

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

The Public Hearing of Case No. 07-25 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 141 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD Chairman
- GREGORY N. JEFFRIES Vice Chairman
- CURTIS L. ETHERLY, Jr., Commissioner
- PETER G. MAY, Commissioner
- MICHAEL G. TURNBULL, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN      Secretary  
DONNA HANOUSEK          Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEPHEN RICE

The transcript constitutes the minutes from the Public Hearing held on January 28, 2008.

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

2 6:37 p.m.

3 CHAIRPERSON HOOD: Let's get  
4 started. Good evening, ladies and gentlemen.  
5 This is a public hearing of the Zoning  
6 Commission of the District of Columbia for  
7 Monday, January 28, 2008. My name is Anthony  
8 J. Hood.

9 Joining me this evening are Vice  
10 Chairman Greg Jeffries, Commissioners Curtis  
11 Etherly, Peter May, and Mike Turnbull. We are  
12 also joined by the Office of Joining staff  
13 Sharon Schellin and Donna Hanousek and also  
14 the Office of Planning Mr. Lawson and his  
15 staff, Mr. Rice.

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

21 The subject of this evening's  
22 hearing is Zoning Commission Case No. 07-25.

1 This is a request by Scott Whittier, et al.,  
2 to amend the Zoning Map. Notice of today's  
3 hearing was published in the D.C. Register on  
4 December 14, 2007. Copies of the announcement  
5 are available to my left on the wall bin near  
6 the door.

7 This hearing will be conducted in  
8 accordance with the provisions of 11 DCMR 3021  
9 follows: Preliminary matters, presentation by  
10 the petitioner, reports of other Government  
11 agencies, report of the ANC, organizations and  
12 persons in support, organizations and persons  
13 in opposition.

14 The following time constraints  
15 will be maintained in this hearing.  
16 Petitioner, 15 minutes; organizations, five  
17 minutes; individuals, three minutes. The  
18 Commission intends to adhere to the time  
19 limits as strictly as possible in order to  
20 hear the case in a reasonable period of time.  
21 The Commission reserves the right to change  
22 the time limits for presentations if necessary

1 and at no time shall be seated.

2 All persons appearing before the  
3 Commission are to fill out two witness cards.  
4 These cards are located to my left on the  
5 table near the door. Upon coming forward to  
6 speak to the Commission please give both cards  
7 to the reporter sitting to my right before  
8 taking a seat at the table.

9 When presenting information to the  
10 Commission, please turn on and speak into the  
11 microphone first stating your name and home  
12 address. When you are finished speaking,  
13 please turn your microphone off so that your  
14 microphone is no longer picking up sound or  
15 background noise.

16 The decision in the Commission in  
17 this case must be based exclusively on the  
18 public record. To avoid any appearance to the  
19 contrary, the Commission request that persons  
20 present not engage the members of the  
21 Commission in conversation during any recess  
22 or at any time.

1           The staff will be available  
2 throughout the hearing to discuss procedural  
3 questions. Please turn off all beepers and  
4 cell phones at this time so not to disrupt  
5 these proceedings.

6           At this time the Commission will  
7 consider any preliminary matters. Does the  
8 staff have any preliminary matters?

9           MS. SCHELLIN: Just to advise that  
10 we have received the affidavit of maintenance  
11 and it's in order.

12          CHAIRMAN HOOD: Okay. Thank you.

13          MS. DWYER: Do you want to swear  
14 in the witnesses?

15          CHAIRMAN HOOD: This is a  
16 rulemaking.

17          MS. DWYER: Oh, rulemaking.  
18 That's correct. Then I'm going to let  
19 Christine Roddy proceed with the case  
20 presentation.

21          CHAIRMAN HOOD: Okay. Ms. Roddy.

22          MS. RODDY: Good evening. My name

1 is Christine Roddy and I'm with the law firm  
2 of Pillsbury Winthrop Shaw Pittman. With me  
3 this evening is Maureen Dwyer with Pillsbury  
4 as well as George Mavrikes with Arena  
5 Development.

6 We are here this evening to  
7 petition the Zoning Commission to rezone a  
8 parcel of property located at the intersection  
9 of 14th Street and Missouri Avenue. This  
10 parcel includes eight lots. Included in those  
11 eight lots are properties at 1320, 1322, 1326,  
12 1330, and 1336 Missouri Avenue, as well as  
13 properties at 5811 and 5821 14th Street.

14 Each of these properties is  
15 currently located in the R-5-A Zone District  
16 and they are included in the medium density  
17 residential designation under the 2006  
18 comprehensive plan.

19 We are here this evening to  
20 petition the Commission to rezone those  
21 properties from the R-5-A Zone District to the  
22 R-5-C Zone District in order to make them

1 consistent with their comprehensive plan  
2 designations.

3 The medium density residential  
4 designation is used to define neighborhoods  
5 for mid-rise apartment buildings with four to  
6 seven floors are the predominate use. The R-  
7 5-C Zone District is consistent with medium  
8 density development.

9 We believe that this rezoning is  
10 appropriate because, as Mr. Mavrikes will  
11 testify to momentarily, many of the existing  
12 buildings currently exceed the zoning  
13 parameters for the R-5-A Zone District and are  
14 nonconforming.

15 We further believe that this  
16 rezoning is appropriate because it will  
17 further many of the city-wide elements under  
18 the comprehensive plan. It will promote  
19 transit oriented development. It will provide  
20 more opportunities for home ownership and  
21 provide market rate as well as affordable  
22 housing and will enhance an existing

1 neighborhood.

2 This petition has the support of  
3 the ANC, the Office of Planning, and the  
4 District Department of Transportation, as well  
5 as the counsel member for Ward 4. Arena will  
6 have only one witness testify this evening and  
7 that is Mr. George Mavrikes. He will outline  
8 the need for the rezoning and the benefits of  
9 the rezoning.

10 With that I will turn it over to  
11 him.

12 CHAIRMAN HOOD: Let me just do  
13 this right quick before you start. Is there  
14 anyone here in opposition? Is there anyone  
15 here in opposition? Okay. Thank you.

16 MR. MAVRIKES: Good evening. My  
17 name is George Mavrikes and I'm principal of  
18 Arena Development. With me are Bryan  
19 "Scottie" Irving and Scott Whittier.

20 Arena Development is a developer  
21 of quality affordable housing throughout the  
22 District. One of our most recent projects is

1       rehabilitating an existing building on Benning  
2       Road in Southeast Washington to create 28  
3       condominiums that are affordable to moderate  
4       income residents of the District. We are  
5       committed to building affordable housing and  
6       making the dream of --

7                   CHAIRMAN HOOD: Let me say this.  
8       I think -- I don't want to ruin your testimony  
9       but I think we are going to talk about --  
10      we're not talking about any specific project.  
11      Let's keep it to that. Let's just talk about  
12      the rezoning.

13                  MR. MAVRIKES: You don't want to  
14      talk about our specific project within --

15                  CHAIRMAN HOOD: No. We want to  
16      talk about the rezoning. I'm sure it's a  
17      fabulous project. Probably great for the  
18      city.

19                  MR. MAVRIKES: Okay.

20                  CHAIRMAN HOOD: Tonight we have a  
21      rezoning in front of us, not any specific  
22      project.

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1 MR. MAVRIKES: Okay. Okay.

2 CHAIRMAN HOOD: Hopefully that  
3 doesn't take too many pages away.

4 MR. MAVRIKES: That takes most of  
5 it but that's okay. Okay. Under R-5-A Zone  
6 District a maximum height of 40 feet and a  
7 maximum FAR of .9 is permitted. This is  
8 entirely too restrictive for any meaningful  
9 development on a parcel of our size and shape.

10 In contrast, an R-5-C Zone  
11 District permits a maximum height of 60 feet  
12 and a maximum FAR of 3.0. The latter  
13 parameters are more consistent with the  
14 existing buildings on the other properties  
15 including this petition.

16 One of the reasons we believe the  
17 rezoning is appropriate is that many of the  
18 existing buildings are nonconforming with  
19 regard to either height, density, or both.  
20 For instance, the apartment buildings to our  
21 west is five stories tall with almost twice  
22 the number of floors as permitted in the R-5-A

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1 Zone District. The same building also has an  
2 FAR of 1.5 which, again, is greater than what  
3 is permitted in R-5-A Zone.

4 Of the six existing buildings on  
5 the parts to be rezoned at least four of them  
6 appear to be nonconforming. We are only  
7 including those properties that have medium  
8 density designation under the comprehensive  
9 plan in the square minimizing any concern that  
10 other properties may come forward to request  
11 the same zoning designation.

12 We have discussed both this  
13 application and our future plans for  
14 development with the ANC and neighboring  
15 property owners. The ANC voted to support  
16 rezoning this property and the whole area to  
17 R-5-C at its November 6 meeting.

18 The owner of two of the properties  
19 located to the east of us have written letters  
20 in support of rezoning to R-5-C Zone District.  
21 We have also met and received support of our  
22 counsel member Muriel Bowser and the support

1 of counsel member Kwame Brown as well.

2 In light of the support this  
3 application has received, we are asking that  
4 the Zoning Commission grant the petition. We  
5 appreciate your time.

6 CHAIRMAN HOOD: Finished?

7 MS. RODDY: Yes.

8 CHAIRMAN HOOD: All right. Any  
9 questions? Vice Chair.

10 VICE CHAIRMAN JEFFRIES: This  
11 might be a question for the Office of Planning  
12 but do you know of any other buildings that  
13 are in this area that is zoned R-5-A? You can  
14 look at Tab C. Do you know of any other  
15 buildings that are in that 5A zone that are  
16 nonconforming outside of what we are  
17 discussing today?

18 MR. MAVRIKES: Outside of our  
19 square?

20 VICE CHAIRMAN JEFFRIES: Um-hum.  
21 If you look at this entire area, are there  
22 other nonconforming buildings? Do you know

1 that? You might not know it.

2 MR. MAVRIKES: I don't know. The  
3 school is there so the school takes up a big  
4 -- it's a very high huge building that takes  
5 up a big part. That is not our part of it.  
6 The school is on 13th Street and goes all the  
7 way from Missouri all the way up to Nichols,  
8 I believe. Is it Nichols or Nicholson?

9 MS. RODDY: Nicholson.

10 MR. MAVRIKES: It goes all the way  
11 up so it's a pretty large parcel.

12 VICE CHAIRMAN JEFFRIES: Okay.

13 MR. MAVRIKES: I don't know about  
14 the other buildings surrounding our area.

15 VICE CHAIRMAN JEFFRIES: I'll ask  
16 OP when we get to that. Thank you.

17 CHAIRMAN HOOD: Any other  
18 questions?

19 COMMISSIONER MAY: I have a  
20 question. The properties that are within the  
21 parcel to be rezoned, one of them is five  
22 stories. What are the rest of them?

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1 MR. MAVRIKES: Most of them are  
2 four stories.

3 COMMISSIONER MAY: Most of them  
4 are four stories.

5 MR. MAVRIKES: And one is three  
6 stories. I'm not talking about ours but right  
7 in the middle.

8 COMMISSIONER MAY: Are there many  
9 of the five-story buildings in the vicinity?  
10 I know it's sort of like what your question  
11 was but anything at all?

12 MR. MAVRIKES: I really don't  
13 know. I don't think so. I know the five-  
14 story building is a very large five-story  
15 building. That whole section is pretty  
16 comparable to the rest of the buildings.  
17 There are only six buildings that we're  
18 talking about.

19 COMMISSIONER MAY: Do you know by  
20 any chance the current FAR, the current  
21 development of those buildings? Like the  
22 five-story building, what's the FAR of that

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1 property?

2 MR. MAVRIKES: I believe that's  
3 1.5.

4 COMMISSIONER MAY: That's at 1.5.  
5 Okay. Thanks.

6 CHAIRMAN HOOD: Any other  
7 questions? Let me just ask, I thought there  
8 were letters of support and I'm sure the  
9 correct advertising was done and everything.  
10 I was looking for letters of support from some  
11 of the other property owners. Do we have  
12 that?

13 MR. MAVRIKES: Yes.

14 CHAIRMAN HOOD: Okay. Was it in  
15 our submittal? I saw the one from the ANC.

16 MS. RODDY: It's Exhibit G.

17 CHAIRMAN HOOD: Oh, okay. No  
18 wonder. It had Carol's name on it. That's a  
19 joke. Just a joke. Okay. All right. Any  
20 other questions? Okay. The only other  
21 reports, if you can hold your seat, that we  
22 have from other Government agencies.

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1           Actually in a rulemaking case  
2 there is no cross examination so I will get to  
3 the ANC and then we will get to organizations  
4 and persons in support, organizations and  
5 persons in opposition for those whose raised  
6 their hands so there will be a time to do  
7 that.

8           Again, do we have anyone here who  
9 is in opposition? Okay. All right. We did  
10 get something from the District Department as  
11 far as other Government agencies, the District  
12 Department of Transportation.

13           It's nice of them to give us the  
14 insight on the rulemaking but I think  
15 basically what it says, "Therefore, from the  
16 transportation standpoint the proposed use  
17 will not have any adverse traffic or parking  
18 impact."

19           They are talking about a specific  
20 project but we are basically talking about a  
21 rezoning so I'm not sure what that is all  
22 about. Anyway, they have a letter and I'm

1 necessarily sure if it is germane to exactly  
2 what we are doing.

3 Okay. Ms. Roddy, if you all could  
4 take a seat back I'm going to ask for the ANC.  
5 Do we have a representative from ANC-4A here?  
6 Okay. For the record, ANC-4A says on November  
7 6, 2007 applicant made a follow-up  
8 presentation to Advisory Neighborhood  
9 Commission 4A, and I'm paraphrasing.

10 It says with a quorum present the  
11 ANCs in attendance voted to recommend that the  
12 Zoning Commission approve the application as  
13 submitted including the zoning change to R-5-  
14 C. It says, "I will be representing ANC-4A at  
15 the hearing if necessary." That's from  
16 Stephen Whatley, the Chair of ANC-4A.

17 Okay now. Do we have any  
18 organizations and persons who are here tonight  
19 to testify in favor of this rezoning?  
20 Organizations and persons here to testify in  
21 support of this rezoning? Okay. Do we have  
22 any organizations or persons who would like to

1 testify in opposition of this rezoning? You  
2 can come forward.

3 I have moved completely too fast.  
4 I am sorry, Office of Planning. How did I  
5 miss you?

6 MR. RICE: Good evening. Thank  
7 you, Mr. Chair and Board. My name is Stephen  
8 Rice. The Office of Planning is in support of  
9 the proposed rezoning. We would stand on the  
10 record and we are prepared to answer any  
11 questions if needed.

12 CHAIRMAN HOOD: Okay, Commissioner  
13 -- Vice Chair.

14 VICE CHAIRMAN JEFFRIES: I guess  
15 you heard my question to the applicant. It's  
16 probably more appropriate for your office. Do  
17 you know of other nonconforming buildings that  
18 are in this R-5-A zone? Do you have any sense  
19 of inventory? I mean, will be expect other  
20 petitioners to come through because they are  
21 trying to adjust the zoning or make their  
22 nonconforming buildings conforming?

1                   MR.    RICE:  I don't know  
2 specifically but looking at the map if you  
3 look across from Missouri Avenue there appears  
4 to be a few buildings that appears to be at  
5 least four or five stories and they are all  
6 zoned R-5-A.

7                   VICE CHAIRMAN JEFFRIES:  Where are  
8 those, Mr. Rice?

9                   MR.    RICE:  If you look at --  
10 don't know if you can see it on OP's report  
11 but I have a different map I just brought with  
12 me.  It's not within this square.  It's across  
13 the street from Missouri.

14                  VICE CHAIRMAN JEFFRIES:  Okay.

15                  MR.    RICE:  North of Missouri.

16                  VICE CHAIRMAN JEFFRIES:  So Square  
17 2791 is zoned what?

18                  MR.    RICE:  I think that is R-5-A  
19 as well.

20                  VICE CHAIRMAN JEFFRIES:  That's R-  
21 5-A.  There are buildings in that zone that  
22 are five stories.

1                   MR. RICE: Four or five stories it  
2 appears to be.

3                   VICE CHAIRMAN JEFFRIES: So why  
4 would we not look at rezoning those?

5                   MR. LAWSON: I'll take that one.  
6 My name is Joel Lawson with the Office of  
7 Planning for the record. I think it's because  
8 the application we have before us is for this  
9 particular property. The application was  
10 submitted as part of our retire review of the  
11 zoning regulations.

12                   We could be looking at other  
13 properties for which zoning cases may be  
14 warranted and that may be the case to other  
15 properties in the area. Frankly, we haven't  
16 examined them in detail at this point but that  
17 is one of the processes we will be going  
18 through.

19                   In the meantime the applicant has  
20 brought this case forward. We felt that it  
21 met the test of, you know, is the zoning that  
22 is proposed consistent with the comprehensive

1 plan and we believe it is. Is the form of  
2 development appropriate for this particular  
3 site and we believe that an R-5-C level of  
4 development is appropriate for this site so  
5 that is why OP is recommending approval.

6 VICE CHAIRMAN JEFFRIES: So this  
7 is a work in progress for OP and as time goes  
8 on you will revisit some of the other R-5-A.  
9 There might be instances where you would bring  
10 before the Zoning Commission map changes.

11 MR. LAWSON: The decision hasn't  
12 been made about whether OP will be bringing  
13 forward changes or whether that will happen by  
14 individual applicants as they come forward.  
15 Certainly one of the things that we are  
16 looking at as part of the whole zoning review  
17 process, and we did this as part of the comp  
18 plan process as well, is where the zoning is  
19 somewhat inconsistent with the current 2006  
20 designation.

21 MR. GLASGOW: So this petition --  
22 I know it's not coming from OP but you are

1 supportive of it -- it's not being driven by  
2 a project.

3 MR. LAWSON: It's not. We,  
4 frankly, didn't really look at any particular  
5 project for this site. We certainly would  
6 look at it if they came in and requested  
7 additional relief or requested a PUD under R-  
8 5-C zoning and the Commission would see it  
9 again. We evaluated it based on the 2006 comp  
10 plan and the language within the comp plan.

11 VICE CHAIRMAN JEFFRIES: Then I  
12 have another question. That's a good segue  
13 into my other question about the 2006 comp  
14 plan. I see for this particular square 2794  
15 there are three different land use categories.  
16 do we see that a lot in the comprehensive plan  
17 for a particular square?

18 MR. LAWSON: We actually do. It's  
19 actually pretty common to see squares. That  
20 tends to reflect the nature of the development  
21 on the square. In this case we've got the  
22 institutional use so that receives the

1 institutional designation. We've got some  
2 relatively lower sort of moderate density  
3 residential at the very south end of the  
4 square which is the light orange on the map so  
5 it's appropriate that be moderate density.  
6 Then we have the dark orange medium density.  
7 It's not unusual to have multiple designations  
8 on a single square, especially one square that  
9 is relatively large like this one.

10 VICE CHAIRMAN JEFFRIES: Okay.  
11 Thank you.

12  
13 CHAIRMAN HOOD: Mr. Turnbull.

14 COMMISSIONER TURNBULL: Thank you,  
15 Mr. Chair. In hearing some of the testimony  
16 and the questions, and I think we went through  
17 this last time but maybe you can bear with me  
18 again. We had, at one point, our 5-B in the  
19 alternative at one point. I'm just  
20 questioning after hearing the FAR on the  
21 existing building at 1.5 isn't that closer to  
22 R-5-B than trying to go to a higher FAR on R-

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1 5-C? I'm just curious.

2 MR. RICE: Well, the permitted FAR  
3 for R-5-B is 1.8 so, yes. 1.5 would be closer  
4 to that.

5 COMMISSIONER TURNBULL: Okay. I'm  
6 just curious. From the height standpoint it's  
7 the same height but the FAR is more  
8 reasonable. Going to R-5-C you can double  
9 that. It would be over three. I'm just  
10 curious of the rationale.

11 MR. RICE: Again, we were  
12 balancing what was on the site right now, what  
13 we thought was appropriate for the site given  
14 its location and, more importantly, given it's  
15 designation on the comprehensive plan map.  
16 The map shows it as being appropriate for  
17 buildings of four to seven stories.

18 R-5-C certainly falls entirely  
19 within that kind of limit. The comprehensive  
20 plan map doesn't really set out a density as  
21 such but the level of density under R-5-C  
22 seemed to OP to be appropriate to this kind

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1 of a designation so that is why we are  
2 supporting the R-5-C designation.

3 COMMISSIONER TURNBULL: Okay. It  
4 just sounds like it kind of a jump. Not  
5 getting into the spot zoning issue but unless,  
6 as you said before, you see other properties  
7 along this street being designated in the  
8 future.

9 MR. LAWSON: I just need to  
10 caution we don't know that they will or not.  
11 We haven't studied that. It appears there are  
12 other properties that are also of a higher  
13 density form of development than maybe the  
14 existing zone might allow but, again, this is  
15 intended to bring the property into  
16 consistency with District policies and  
17 objectives and that objective is set out in  
18 the comprehensive plan that this is  
19 appropriate for a medium level density of  
20 development.

21 R-5-C seemed to us to be the  
22 appropriate zone to achieve that. It is fully

1 within -- R-5-C is fully within the medium  
2 density. Even at a PUD level R-5-C is within  
3 those limits of a medium density designation  
4 so we felt it was simply appropriate.

5 COMMISSIONER TURNBULL: I guess  
6 what troubles me is that although we have  
7 nonconforming buildings on a site in different  
8 zoning you have existing zoning next door  
9 which is consistent so we are allowing that to  
10 increase. I'm just worried about impact on  
11 neighborhoods that are zoned correctly.

12 MR. LAWSON: Well, even under R-5-  
13 C a project that doesn't go through a PUD is  
14 limited to 60 feet which is not a big jump  
15 from the existing development, even the  
16 existing development on the square which would  
17 remain at the moderate density designation.

18 To go beyond that, an applicant on  
19 the square would have to request a PUD in  
20 which case we would be able to -- in which  
21 case they would be able to go up to 75 feet  
22 but we would be able to monitor how that

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1 relationship would happen through the PUD  
2 process.

3 A by-right height of 60 feet is  
4 not significantly different from what is  
5 already in existence on the square from what  
6 the Office of Planning feels.

7 COMMISSIONER TURNBULL: Okay.

8 COMMISSIONER MAY: I want to  
9 follow the same line there. That is why I was  
10 curious about the density of the existing  
11 building, the five-story building. It did  
12 strike me that R-5-B with the exception of  
13 that one building might cover everything.

14 Granted, a five-story building  
15 isn't going to be 50 feet, it's going to be  
16 more like 60 feet. That one building would  
17 still be inconsistent but the level of density  
18 in terms of FAR at 1.5 and what I assume would  
19 be the density of the remaining parcels which,  
20 if anything, I would guess would be at the  
21 same or less, are still probably going to be  
22 in the 1.8 range or less.

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1                   What happens when we go to R-5-C  
2                   the difference between 50 feet and 60 feet  
3                   isn't huge. By the way, there is a mistake in  
4                   your chart in the report because R-5-C the  
5                   height is shown as 50 feet and it should be 60  
6                   feet.

7                   But the real difference is in the  
8                   density and the FAR that is allowed so we are  
9                   going from the current zone, which is R-5-A at  
10                  .9 to 3.0. It just seems like it's a big jump  
11                  for the sake of zoning consistency because  
12                  it's not really going to be consistent with  
13                  the level of development that surrounds going  
14                  from 1.5 to 3.0.

15                  It's a fairly significant jump.  
16                  When you look at the comp plan or the  
17                  comprehensive plan use map, this part that has  
18                  been shown as medium density is actually  
19                  surrounded on all sides and the institutional  
20                  zoning is surrounded on all sides by moderate  
21                  density which is more on the 1.8 range in  
22                  terms of FAR than the 3.0.

1 I would say the comprehensive land  
2 use map might not be entirely consistent unto  
3 itself. Anyway, I'm not sure I'm looking for  
4 a response there. I'm just sort of thinking  
5 out loud about how it is. I guess the  
6 question I have is whether this is going to  
7 open the door for a more significant  
8 redevelopment of everything on the parcel and  
9 then what we'll wind up with is, you know, the  
10 R-5-B across the alley being butted up against  
11 a much bigger building.

12 VICE CHAIRMAN JEFFRIES:  
13 Commissioner May, I would go a step further.  
14 I mean, it seems like we could open up the  
15 door for a lot of this across the city. I  
16 have on my block nonconforming buildings. It  
17 leaves you sort of questioning where we are  
18 going with this.

19 MR. LAWSON: Well, again, I think  
20 certainly the Office of Planning looks for its  
21 principle direction or its first direction in  
22 a case like this in terms of a map consistency

1 case from the 2006 comprehensive plan which  
2 was adopted less than a year ago after many  
3 years of study and examination of what are the  
4 appropriate designations for an individual  
5 area.

6 I think the plan actually does  
7 reflect current District policy and objectives  
8 for different parts of the context, again, I  
9 don't think that it's a huge leap, I guess, to  
10 go from an existing height of 40 feet in areas  
11 around this up to a height of 60 feet on a  
12 property like this.

13  
14 I think if the applicant had come  
15 in and proposed C-3-C or proposed even R-5-E  
16 we probably would have raised questions about  
17 that because we are truly talking about a  
18 height density type of designation. However,  
19 the designation of R-5-C is truly consistent  
20 with the designation on the map. We feel that  
21 the form of development and the level of  
22 development is also appropriate to this

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1 particular location.

2 It's on two fairly major streets.  
3 The access is really good. There are a lot of  
4 things that make this an appropriate site for  
5 this level of truly medium density development  
6 as envisioned by the District's comprehensive  
7 plan.

8 VICE CHAIRMAN JEFFRIES: I'm going  
9 to step away from it. I thought Ms. Roddy  
10 brought up that this is a transit oriented  
11 development and this map amendment would  
12 further it. Would you consider this area  
13 transit oriented development?

14 MR. LAWSON: We are actually  
15 getting to the point where we consider pretty  
16 much the whole District in one respect is  
17 transit oriented.

18 VICE CHAIRMAN JEFFRIES: If you're  
19 on a bus line --

20 MR. LAWSON: There's not a place  
21 in the District that doesn't have good access  
22 to transit pretty much.

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1 VICE CHAIRMAN JEFFRIES: Okay.

2 MR. LAWSON: This isn't probably  
3 the closest site to a Metro station if that's  
4 what you mean but there is a very good bus  
5 service. That does make a difference.  
6 Certainly having DDOT's recommendation of  
7 approval as well indicates to us that they  
8 feel this level of development can be  
9 accommodated on this site.

10 VICE CHAIRMAN JEFFRIES: One last  
11 question. I just want to be clear your  
12 response to Commissioner Turnbull's question  
13 about why R-5-B designation would be a  
14 problem. Is that not reflected in the 2006  
15 comprehensive plan?

16 MR. LAWSON: I certainly didn't  
17 mean to imply to R-5-B would be inconsistent  
18 with the comp plan because I think it would be  
19 not inconsistent as with R-5-C. In this case  
20 R-5-C is what was advertised and it was  
21 certainly what the Office of Planning  
22 supported in its original case.

1           It would confirm that all of the  
2 existing buildings are made conforming to the  
3 current zoning which we think is an important  
4 aspect of this and would, again, provide for  
5 the level of development we think is simply  
6 appropriate on a site such as this one.

7           VICE CHAIRMAN JEFFRIES: And R-5-B  
8 would not?

9           MR. LAWSON: R-5-B is actually a  
10 bit of a jump down from R-5-C to R-5-B in  
11 terms of density in particular. There is  
12 really not a lot of -- I'll just leave it at  
13 that. I guess I would kind of end that by  
14 saying you are correct in that R-5-B -- it's  
15 not that R-5-B is inconsistent but that R-5-C  
16 is also not inconsistent.

17           COMMISSIONER MAY: Is it more  
18 consistent?

19           MR. LAWSON: They are both  
20 consistent with the medium density  
21 designation. R-5-B is starting to get down  
22 closer towards the moderate density type of

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1 designation but it is fully consistent with  
2 the medium density designation.

3 VICE CHAIRMAN JEFFRIES: So I  
4 guess for me when I think of transit oriented  
5 development I guess I'm like three or four  
6 blocks from a Metro station but if you are  
7 taking a broader view that nearly anything is  
8 transit oriented development, that's fine. I  
9 would buy into the R-5-C. I'm not saying that  
10 I'm not buying into it now but, you know, it  
11 just seems to be a little bit of a stretch.

12 CHAIRMAN HOOD: Any other  
13 questions? Mr. Lawson, I think in set-down it  
14 was said there were many requests by many  
15 property owners. I saw two. Well, two or  
16 three when we were looking for the letters.  
17 Is that all the property owners we have, two  
18 or three? I think it was two.

19 MR. RICE: I think some of them  
20 are represented through their condo  
21 association so it's 40 plus owners.

22 CHAIRMAN HOOD: Okay. What

1 percentage of this represents the ownership?

2

3 MR. RICE: I don't have that  
4 percentage number.

5 CHAIRMAN HOOD: All right. Thank  
6 you. Any other questions?

7 COMMISSIONER MAY: Yeah. I'm a  
8 little confused on the condo association  
9 because I thought somewhere I saw, and I can't  
10 put my finger on it right now, it was not  
11 clear that the condo association was one of  
12 the applicants. Do we know that for a fact?  
13 Is that part of --

14 MR. LAWSON: Yes, we do know that  
15 for a fact. I guess you can answer that.

16 MS. RODDY: Hi. Christine Roddy  
17 with Pillsbury. They have submitted a letter  
18 in support of the petition.

19 COMMISSIONER MAY: This would be a  
20 letter in support?

21 MS. RODDY: Yes.

22 CHAIRMAN HOOD: Any other

1 questions of Office of Planning? Okay. Also,  
2 I want to note we have a letter from the at-  
3 large -- actually, it was mentioned by the  
4 applicant. Ms. Roddy mentioned it but I want  
5 to reiterate.

6 At-large council member Kwame  
7 Brown and also the council member Muriel  
8 Bowser also submitted letters of support. I  
9 have gotten this all off the agenda. We have  
10 already done -- we also have the report of the  
11 ANC which I think I may have mentioned. I  
12 call for organizations and persons in support  
13 and I saw none.

14 Now I'm going to call for  
15 organizations of persons in opposition. We  
16 have one and if there is anyone else if you  
17 can come to the table. I think it's Karrye  
18 Braxton, Rock Creek Gateway. We are going to  
19 start with Ms. Braxton who I have on the list.  
20 She will have five minutes. She is  
21 representing Rock Creek Gateway. Then you can  
22 introduce yourself. Turn your microphone on.

1 She's not going to speak?

2 MS. BRAXTON: I don't believe so.  
3 She's just here to support the building. I  
4 won't take five minutes unless people can  
5 answer some questions.

6 I'm Karrye Braxton. I'm here  
7 supporting Rock Creek Gateway Condominium  
8 Association. No one addressed us when they  
9 were putting together this plan. We got the  
10 placards on our front lawn to let us know  
11 about the hearing and also the change. I  
12 actually had to call Ms. Hanousek to find out  
13 what was happening with the building plans.

14 The space actually happened  
15 initially in an old building, a single family  
16 home. It was razed and there was a sign put  
17 up there was going to be condos. That sign  
18 was taken down. We have been here about four  
19 years with Rock Creek Gateway Condominiums.  
20 We are 1320 Missouri Avenue, N.W.

21 We have been watching as the site  
22 as been going through several serious changes

1 and now we are very concerned about additional  
2 floor space they are talking about in this  
3 very small area that is going to have a big  
4 footprint in our neighborhood. I appreciate  
5 the fact that so many groups for the city are  
6 in support of it.

7 In fact, I have very great respect  
8 for council members Kwame Brown and Muriel  
9 Bowser. We do not agree with letting this  
10 building proceed. Most of the buildings near  
11 us are very small, 4'5" at the most. Already  
12 we are pushing up against our parking limits.  
13 In fact, we had someone from the new condo  
14 building next door Warrenton West park in our  
15 parking spaces because there were no parking  
16 spaces available on the street.

17 Second, I understand transit-  
18 oriented neighborhood is being expanded to  
19 include anything with a bus line. Sir, I must  
20 tell you -- Sirs, I must tell you most of the  
21 people in our buildings drive. They do not  
22 take the buses. I am a person who does

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1 believe in public transit so I am very aware  
2 of the fact the bus is often late. They do  
3 not run on schedule and when you call Metro to  
4 remind about the schedule, there is often  
5 silence. In fact, I have sent so many e-mails  
6 I don't want to send e-mails anymore.

7 As I mentioned, the parking is  
8 full. Someone parked illegally in our spaces  
9 because they ran out of parking spaces on the  
10 block. There is heavy commuter traffic every  
11 morning and every evening for at least four  
12 hours.

13 If you believe there is easy  
14 access, I want you to come in at 8:00 and try  
15 to get into our buildings or out of our  
16 buildings at that time on Missouri Avenue. We  
17 also never have our street cleaned. Missouri  
18 Avenue is never cleaned. So often we have  
19 abandoned cars on our block and I'm afraid  
20 that the parking will become so stressed that  
21 police infractions would go up because  
22 certainly we would call about that.

1           As I mentioned, there is more  
2 parking and traffic stress and pressure on our  
3 neighborhood. We have an elementary school  
4 right next to us and I have already seen near  
5 misses on our block because of the increased  
6 traffic. I'm afraid that a larger building  
7 would again add pressure. I'm sure most  
8 people want to be mindful of children but I've  
9 seen too many people come too close to  
10 children running across the street and I'm  
11 afraid that as the buildings get bigger with  
12 larger footprints that will go up as well.

13           We are a small community, only 14  
14 units. I have spoken with some of the owners  
15 of Warrenton West. They are concerned about  
16 parking and the larger density or going from  
17 moderate to medium density. They said they  
18 were against it. I don't know if Warrenton  
19 West is one of the groups that you spoke with  
20 in support.

21           Last, I wanted to mentioned while  
22 the ANC-4A might have voted in favor of it,

1 our 4A-6 has been vacant for at least two  
2 months. Brian Lang moved out of the area  
3 several months ago so I know he was not at  
4 that meeting and he was the one immediately  
5 for our ANC group. ANC-4A-06 is vacant and  
6 has been vacant since October. I don't  
7 believe anyone was there to vote for our  
8 specific neighborhood.

9 I just want to reiterate a point  
10 about the environmental quality going up.  
11 With the larger footprint we will have very  
12 little green space in that area and I really  
13 want to speak against this proposition. I'll  
14 take any questions if you have any.  
15 Otherwise, that's it for me.

16 CHAIRMAN HOOD: Hold your seat,  
17 Ms. Braxton. There were a number of things  
18 that you mentioned that actually is not within  
19 our purview.

20 MS. BRAXTON: I understand.

21 CHAIRMAN HOOD: While I understand  
22 your concerns, we will hash that out. We are

1 looking at the zone change and basically that  
2 is it. I don't know if you were here when I  
3 asked the petitioner not to talk about a  
4 specific apartment building or whatever is  
5 getting ready to happen. It's also mentioned  
6 in DDOT. I'm not sure which one of my  
7 colleagues may have mentioned it, or did  
8 somebody mention it, but was there --

9 MS. BRAXTON: DDOT is in favor  
10 supposedly.

11 CHAIRMAN HOOD: Yeah, but they  
12 talked about apartment buildings. Basically  
13 we are not looking at apartment buildings.

14 MS. BRAXTON: You are looking at a  
15 condo building. I understand.

16 CHAIRMAN HOOD: All we are looking  
17 at is a zone change from R-5-A to R-5-C.  
18 That's all we can look at in our jurisdiction.

19 MS. BRAXTON: Gotcha. I  
20 appreciate that.

21 CHAIRMAN HOOD: You mentioned one  
22 question about Warrenton West.

1 MS. BRAXTON: Yes.

2 CHAIRMAN HOOD: I do have a letter  
3 in here of support.

4 MS. BRAXTON: Letter of support.  
5 I have spoken with several individual members  
6 and they weren't in support so maybe the condo  
7 association voted one way and a few people  
8 were dissenting.

9 CHAIRMAN HOOD: I understand your  
10 concerns of what we are going to do. We are  
11 increasing what is allowable on that lot if we  
12 make the zone change. All the other stuff I  
13 understand but it's not within our  
14 jurisdiction but we heard you loud and clear.  
15 As Mr. Lawson already mentioned, if it was a  
16 PUD or something that we had more insight or  
17 control over, I think we could address some of  
18 your concerns. Legally I know Ms. Dwyer --  
19 I'm not going to say you would take us to  
20 court but I know there are some parameters in  
21 which we have to stay within. Anyway, being  
22 as it may, colleagues, are there any

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1 questions? Commissioner May.

2 COMMISSIONER MAY: Yes. Which  
3 building are you in?

4 MS. BRAXTON: 1320 Missouri  
5 Avenue, N.W.

6 COMMISSIONER MAY: So that is --

7 MS. BRAXTON: We are the one next  
8 to Brightwood Elementary.

9 COMMISSIONER MAY: Is that it  
10 right there?

11 MS. BRAXTON: I'm not good at  
12 reading those schematics, sir. That's not in  
13 my purview.

14 COMMISSIONER MAY: Oh, next to the  
15 school.

16 MS. BRAXTON: Right next to the  
17 school.

18 COMMISSIONER MAY: Okay. And  
19 which way is Warrenton West?

20 MS. BRAXTON: Just to our east  
21 actually. No, to our west, right next door.

22 COMMISSIONER MAY: Right next

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1 door. Okay.

2 That's all I have. Thank you.

3 VICE CHAIRMAN JEFFRIES: Well, Ms.  
4 Braxton, you certainly did -- a number of  
5 things you spoke about does have impact on  
6 moving and changing the zone. I want you to  
7 know that we have heard some of your concerns  
8 about parking and so forth and such. You do  
9 understand obviously the city is trying to  
10 find enough housing as possible and so forth  
11 and are looking at every square inch of  
12 footprint and so forth. Are there any -- I  
13 mean, is there any way that you could see  
14 there being an increase in density in this  
15 area? Are there certain things you think  
16 could happen that could mitigate the quality  
17 of life in this area with increased density on  
18 a few of the buildings?

19 MS. BRAXTON: Thank you for your  
20 question, Commissioner Jeffries. As I  
21 understand, you are going from R-5-A which is  
22 about 40 feet to R-5-C which is about 60 feet.

1 You are going from essentially four to five  
2 feet to seven feet approximately. Is that  
3 correct?

4 VICE CHAIRMAN JEFFRIES: Stories.

5 MS. BRAXTON: Stories. Beg your  
6 pardon, stories. I am an expert in a few  
7 things. Zoning laws is not one of them.

8 VICE CHAIRMAN JEFFRIES: I can  
9 tell you are an expert in a number of things.

10 MS. BRAXTON: I am also an officer  
11 with the Brightwood Community Association so  
12 I have taken an added interest in this. I  
13 think going intermediate R-5-B. I used to  
14 live on U Street and I've ridden around to  
15 where the new buildings are that are sometimes  
16 seven feet. There is very little sunshine in  
17 the smaller buildings now because of the  
18 larger height of the bigger buildings, newer  
19 buildings. I appreciate so many people want  
20 to move into the D.C. area. I'm in favor of  
21 urban living but I'm just concerned with the  
22 other characteristics I have already mentioned

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1 that there is very little consideration for  
2 people who are trying to live there and have  
3 a little bit of green space, a little bit of  
4 fresh air, and the ability for children to run  
5 across the street as we all did when we were  
6 young not thinking about a car perhaps hitting  
7 us. I think as more people move into the area  
8 we get less consideration for the residents  
9 that are already there.

10 VICE CHAIRMAN JEFFRIES: Thank  
11 you.

12 MS. BRAXTON: Thank you, sirs.

13 CHAIRMAN HOOD: Let me just ask  
14 this right quick. You also mentioned there  
15 were other people who probably had some  
16 opposition to the zone change.

17 MS. BRAXTON: At least two other  
18 people in our building have mentioned it. In  
19 fact, they face the side of Warrenton West.  
20 That is, they face to the east. One is sick  
21 and one had to work late tonight so they  
22 weren't able to be here.

1 CHAIRMAN HOOD: I understand.

2 Okay. Thank you very much for your testimony.

3 MS. BRAXTON: Appreciate it, sirs.

4 CHAIRMAN HOOD: Appreciate it.

5 MS. BRAXTON: Thank you.

6 CHAIRMAN HOOD: Okay. What I  
7 would like to do is take about a three-minute  
8 executive session. Thanks.

9 (Whereupon, at 7:21 p.m. off the  
10 record until 7:30 p.m.)

11 CHAIRMAN HOOD: All right. We are  
12 now going to reconvene. Keeping in line with  
13 the Sunshine Act we wanted to make sure -- my  
14 only issue was how we were going to proceed  
15 tonight. I don't think we are going to  
16 proceed in the fashion of doing any bench  
17 decisions or anything of that nature.

18 As you have heard the discussion,  
19 there is a lot of conversation and lot of  
20 concern. We need some additional information  
21 so what I would like to do at this time is  
22 first ask the petitioner if they could look at

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1 a wider scope more of the area and maybe  
2 working along with the office of planning.

3 I notice in the submittal it was  
4 cited about the Brightwood case over in N.E.  
5 that we dealt with previously. I just think  
6 we need to take in more context of the larger  
7 area and exactly what's going on, what is  
8 actually happening there.

9 As stated in the DDOT report there  
10 is obviously some issues with some development  
11 that may take place. I was very compelled by  
12 Ms. Braxton's comments. That is my comments  
13 on that and I will open it up to any further  
14 discussion.

15 Commissioner May.

16 COMMISSIONER MAY: I was going to  
17 suggest that it would be worthwhile to have  
18 the petitioner address specifically the  
19 question of whether an R-5-B zone is  
20 appropriate and not just the R-5-C, although  
21 that could work or would be consistent from  
22 their point of view. We have gotten OP's

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1 reaction to that kind of on the dias here but  
2 I think a considered response from the  
3 petitioner would be helpful

4 CHAIRMAN HOOD: Okay.

5 Commissioner Turnbull.

6 COMMISSIONER TURNBULL: Thank you,  
7 Mr. Chair. I would agree with Commissioner  
8 May. I think in my earlier discussions on  
9 this -- nothing against OP. I value OP's  
10 judgment but I am still not convinced what  
11 they said, that if both R-5-B and R-5-C are  
12 not inconsistent.

13 Some of the discussion led me to  
14 believe that this site is more R-5-B. I am  
15 not convinced that it is R-5-C yet and I would  
16 really like to hear some arguments why it  
17 should be. R-5-B, yes. I have no problem  
18 with that. I just can't see making another  
19 leap.

20 I just have serious concerns about  
21 the overall area in general. I know there are  
22 nonconforming buildings but it just seems a

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1 leap to want to make it go that far. I would  
2 agree with Commissioner May that I think we  
3 need more information.

4 CHAIRMAN HOOD: Okay. Anyone  
5 else? All right.

6 COMMISSIONER MAY: Mr. Chairman,  
7 may I clarify that in requesting this  
8 additional information that we are asking for  
9 something in written form that would be  
10 submitted to the Commission. Right? Is that  
11 where we are going?

12 CHAIRMAN HOOD: Oh, yeah. Oh, not  
13 tonight. We need to be able to study it. Oh,  
14 no. I'm sorry. I thought that was  
15 understood. I guess not. You asked the  
16 question so I guess not.

17 COMMISSIONER MAY: I was reading  
18 expressions. I wasn't sure.

19 CHAIRMAN HOOD: Ms. Schellin, do  
20 you have some type of schedule?

21 MS. SCHELLIN: Okay. Are you just  
22 going to ask the Commission -- I'm sorry, the

1 petitioner to respond why the R-5-B zone would  
2 not work or are you also asking OP to look at  
3 a broader area for other noncomplying  
4 buildings? I'm not sure how much time we are  
5 looking at.

6 CHAIRMAN HOOD: We are actually  
7 asking for both.

8 MS. SCHELLIN: Okay. So we need  
9 something from the petitioner and OP.

10 CHAIRMAN HOOD: We are asking for  
11 both.

12 Ms. Dwyer.

13 MS. DWYER: Just as a point of  
14 clarification would there be a way of still  
15 separating this square from the larger study  
16 because this square has been advertised and on  
17 the basis of the additional information it may  
18 be right for a decision before there is  
19 advertisement and another hearing on the  
20 larger area. Even if we submit both pieces of  
21 information, Office of Planning and us, can  
22 you still leave open the opportunity of

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1 parceling this piece out and making a decision  
2 before the larger area would be my request.

3 CHAIRMAN HOOD: I would think that  
4 would be contingent exactly on what they come  
5 back with.

6 MS. DWYER: Okay.

7 MS. SCHELLIN: Mr. Lawson, how  
8 much time do you think you guys will need to  
9 do a study of that area?

10 MR. LAWSON: I'm not exactly sure.  
11 I think --

12 VICE CHAIRMAN JEFFRIES: Are you  
13 clear about what we are asking for? I guess  
14 let's start there.

15 MR. LAWSON: I guess I'm not  
16 entirely clear what you are asking for. I'm  
17 not sure, for example, of the scope of the  
18 study that you are looking for. I think I  
19 understand to some extent more or less the  
20 content that you want.

21 I'm not quite sure how far afield  
22 you want us to go but I think we would be able

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1 to get information to you in fairly short  
2 order mainly because, as I said, Office of  
3 Planning right now isn't really looking at  
4 bringing forward a lot of changes in zoning  
5 pending the full review of the zoning rewrite.

6 We, again, feel this case is  
7 entirely consistent but we are not initiating  
8 a lot of cases of our own except in some areas  
9 where there is a real kind of emergency need  
10 to do so. We would be happy to give the  
11 information to you in a couple of weeks.

12 MS. SCHELLIN: Okay. We're not  
13 going to make it for the February meeting  
14 anyway so how about February 25th? That will  
15 be four weeks. Then we can consider it at our  
16 March 10th meeting.

17 CHAIRMAN HOOD: Okay, Mr. Lawson.  
18 You mentioned the scope of the area. There  
19 are a few lots. I guess we are just looking  
20 at more area in context with what is being  
21 asked. What are the proposals for a broader  
22 range of the area and scope? That's kind of

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1 what we are looking at as opposed to a few  
2 lots if that helps you any.

3 VICE CHAIRMAN JEFFRIES: Let me  
4 just say, I mean, clearly, you know, you are  
5 hanging your hat on the 2006 comprehensive  
6 plan as you should but the comprehensive plan  
7 speaks to not only R-5-C here but also R-5-B.  
8 They are both medium. We are just at  
9 different ends of the range. I just think  
10 that we should probably look -- I think it  
11 goes back to the questions about other  
12 nonconforming buildings in this area. It just  
13 seems that it should be comprehensive and you  
14 should really take a look and really determine  
15 whether there is a larger swap of area that  
16 should be rezoned rather than just this area  
17 because it almost seems like it is being  
18 project driven. I know it isn't but it just  
19 smells like that.

20 COMMISSIONER TURNBULL: I would  
21 add to your comment, Commissioner Jeffries, if  
22 there was a Metro stop within a block or two,

1 I could see more evidence of that but a bus  
2 stop is not quite in the same venue.

3  
4 VICE CHAIRMAN JEFFRIES: This  
5 transit oriented thing is just --

6 COMMISSIONER TURNBULL: I'm just a  
7 little bit concerned that the arguments  
8 presented are not quite strong enough to make  
9 the leap to go to the R-5-C right now. I  
10 would struggle to give approval to it. It  
11 sounds like R-5-B makes a lot of sense.  
12 Sounds like the development there is at that  
13 point and there is also room to get more  
14 development through a PUD. I'm just not quite  
15 convinced yet there is enough arguments for  
16 that site to be out of all the rest suddenly  
17 made R-5-C.

18 VICE CHAIRMAN JEFFRIES: I will  
19 say that you are adjacent to the school, the  
20 Brightwood School. There is larger space  
21 there. Your institutional buildings might  
22 start to make the case but I really do think

1 that the applicant in consultation with you  
2 really needs to further make the case. Again,  
3 if this is truly a transit-oriented  
4 development, I can get on board but it just  
5 seems like it's being carved out of what is  
6 really a huge R-5-A zone. Again, R-5-B would  
7 also be consistent or not inconsistent with  
8 the comprehensive plan as is R-5-C. The  
9 question is why did you go to the higher end  
10 versus the lower end of what is set forth in  
11 the comprehensive plan given that it really  
12 isn't a transient-oriented development site.

13 CHAIRMAN HOOD: Okay. Mr. Lawson  
14 and petitioner, are we all on the same page?  
15 Ms. Dwyer? Okay, good. We've got the dates  
16 and everything? Okay. I thank everyone for  
17 their participation in this hearing. This  
18 hearing is adjourned.

19 (Whereupon, at 7:40 p.m. the  
20 hearing was adjourned.)  
21  
22