

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: :
MAP AMENDMENT TO INCLUDE :
SQUARES 344, 373, AND 374, :
AND NATIONAL PARK SERVICE : Case No. 05-43
RESERVATION 174 IN HOUSING :
PRIORITY AREA B :
-----:

Thursday,
June 8, 2006

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

The Public Hearing of Case No. 04-25 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, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Vice-Chairperson
GREGORY JEFFRIES Commissioner
MICHAEL TURNBULL Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes
from the Public Hearing held on June 8, 2006.

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

6:35 p.m.

ACTING CHAIRPERSON HOOD: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, June 8, 2006. My name is Anthony J. Hood. Joining us this evening are Commissioners Jeffries and Turnbull.

The subject of this evening's hearing is Zoning Commission Case No. 05-43. This is a request by the Office of Planning for a Map Amendment to include Squares 344, 373, and 374, and National Park Service Reservation 174 (the property formerly developed with the old Convention Center) in Housing Priority Area B and text amendment to 1706.8 B of 11 DCMR, to reflect the inclusion of the site in the Housing Priority Area B.

Notice of today's hearing was published in the *D.C. Register* on March 31, 2006. Copies of today's hearing announcement are available to you and are located to my left on the table near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR, Section 3021. The order of procedure will be as follows: preliminary matters, presentation by the Office of

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1 Planning, reports of any other government agencies,
2 report of ANC 2F, organizations and persons in
3 support, and organizations and persons in opposition.

4 The following time constraints will be
5 maintained in this hearing. Organizations will have
6 five minutes. individuals three minutes. The
7 Commission maintain these time limits as strictly as
8 possible in order to hear the case in a reasonable
9 period of time. The Commission reserves the right to
10 change the time limits for presentations, if
11 necessary, and notes that no time shall be ceded.

12 All persons appearing before the
13 Commission are to fill out two witness cards. Those
14 cards are located to my left near the door. Upon
15 coming forward to speak to the Commission, please give
16 both cards to the reporter who is sitting to my right
17 before taking a seat at the table.

18 Please be advised that this proceeding is
19 being recorded by the court reporter and is also being
20 webcast live. Accordingly, we must ask you to refrain
21 from any disruptive noises or actions in the hearing
22 room.

23 When presenting information to the
24 Commission, please turn on and speak into the
25 microphone, first stating your name and home address.

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1 When you are finished speaking, please turn your
2 microphone off so that your microphone is no longer
3 picking up sound or background noise.

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

10 The Staff will be available throughout the
11 hearing to discuss procedural questions . Please
12 turn off all beepers and cell phones so as not to
13 disrupt these proceedings.

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

17 MS. SCHELLIN: Just two. Just to advise
18 that I just handed out a supplemental technical
19 correction that the Office of Planning submitted this
20 evening. And also to advise that I have received the
21 Affidavit of Maintenance from the Office of Planning
22 and it's in order.

23 ACTING CHAIRPERSON HOOD: Okay. Thank
24 you. Is anyone present that want's to speak in
25 support? Or first, let me just ask, is anyone present

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1 in opposition to what is before the Commission
2 tonight? Okay. So with that, I will ask Mr. Lawson
3 if he will give us the scaled down version. Or if my
4 colleagues wish, he can stand on the record and we can
5 just ask questions.

6 MR. LAWSON: Thank you, Mr. Chairman. My
7 name is Joel Lawson with the D.C. Office of Planning.
8 I'm happy to let the report stand on the record. I'll
9 just note that we have distributed a further report
10 noting a technical change to 1706.2 that's required
11 for consistency so that the case number reference is
12 updated to the current case that's before you right
13 now. Other than that, I'm available for questions.
14 Thank you.

15 ACTING CHAIRPERSON HOOD: Okay.
16 Commissioners, any questions of Mr. Lawson? I didn't
17 see any -- Okay. Thank you, Mr. Lawson. Any
18 questions, Commissioner Turnbull? Okay. Commissioner
19 Turnbull.

20 COMMISSIONER TURNBULL: I just had one
21 quick question. The recent map that we do have
22 basically illustrates what you've described. I mean,
23 I guess, in looking at where you're saying that it has
24 to be, I mean, it's a logical follow-up of what's
25 already there.

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1 MR. LAWSON: The Office of Planning
2 certainly believes it's a logical follow-up. It's
3 consistent with the Comprehensive Plan, with specific
4 language in the Comprehensive Plan for housing to be
5 promoted on the old Convention Center site, if and
6 when that site is to be redeveloped. At the time, and
7 now that it is being redeveloped. So we feel it's
8 perfectly consistent with -- with the Comprehensive
9 Plan and other planning efforts of the city.

10 COMMISSIONER TURNBULL: The only question
11 is the little Park Service triangle?

12 MR. LAWSON: Yes.

13 COMMISSIONER TURNBULL: Whether that
14 eventually gets transferred over or remains as Park
15 Service.

16 MR. LAWSON: Yes. We thought it was
17 expedient to include the reservation in the current
18 initiative. Certainly, if the land is not transferred
19 over to the District, the zoning simply doesn't apply.
20 If it is transferred over to the District, then the
21 zoning is in place and we won't have to go through a
22 further zoning action just for that one piece of
23 property if we include it in this action.

24 COMMISSIONER TURNBULL: The only other
25 question is when you talk about the FAR under this

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1 would go to 10, from 9.5, which if -- if -- through
2 the acceptance of a transferred development. I wonder
3 if you could explain a little bit more on that?

4 MR. LAWSON: Well, the DD, as you know, is
5 a confusing Overlay and there are many layers to it.

6 COMMISSIONER TURNBULL: Right.

7 MR. LAWSON: The base zoning actually
8 currently right now allows 6.5. So the current FAR is
9 6.5. Whereas most of the land around it allows a
10 development of substantially more than that through
11 the DD Overlay and the Housing Priority areas.
12 Through the Housing Priority areas, if this was
13 applied to the Convention Center, then the FAR could
14 go to 9.5. But 3.5 of that would be for residential.
15 It's specifically to encourage residential
16 development.

17 COMMISSIONER TURNBULL: Right.

18 MR. LAWSON: It is also within a TDR
19 receiving area, which would allow through that
20 separate process a density of up to 10 FAR, you know,
21 if the street widths allow it and if they can go to
22 the heights and all of those kinds of issues.

23 COMMISSIONER TURNBULL: When it goes to
24 10, does the residential portion still stay the same?

25 MR. LAWSON: I believe so. To be honest,

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1 I can't say for sure, but I believe so.

2 COMMISSIONER TURNBULL: Okay.

3 MR. LAWSON: Because the 3.5 FAR is a
4 specific requirement of the DD Overlay, for the
5 housing sections of the DD Overlay. You know, despite
6 what may or may not else happen on that property, I
7 believe the 3.5 FAR for residential applied anyway.

8 COMMISSIONER TURNBULL: Okay. Thank you.

9 COMMISSIONER JEFFRIES: Yes, but Mr.
10 Lawson, I thought through the Downtown Action Agenda
11 that there was a clear promotion of increased downtown
12 housing. And that would also include this site.
13 Correct?

14 MR. LAWSON: Absolutely. And that --
15 that's what I mean by this -- this initiative is
16 clearly in line with not only the Comprehensive Plan,
17 but other planning efforts for the area in the future.

18 COMMISSIONER JEFFRIES: But I'm really
19 focused on the fact that you would assume that if the
20 FAR goes from 6.5 to what, 9.5, that the piece of it
21 that would be the residential would also go up.

22 MR. LAWSON: The FAR increase is for
23 residential.

24 COMMISSIONER JEFFRIES: Right.

25 MR. LAWSON: Yes.

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1 COMMISSIONER JEFFRIES: Well, it's 3.5
2 currently. What would it go to?

3 MR. LAWSON: Oh, I think I see -- I think
4 I see what you're saying. The -- the extra FAR that
5 you're allowed on this property is for residential.
6 So the underlying base zoning, if this is what we're
7 getting at, is C-3-C, which allows, if memory serves
8 me right, 6.5 FAR, which could be all residential.

9 COMMISSIONER JEFFRIES: Oh. Well that's
10 what I wanted to be clear on. Okay.

11 MR. LAWSON: Or which could be all -- all
12 - all office.

13 COMMISSIONER JEFFRIES: Okay.

14 MR. LAWSON: I'd have to get out my zoning
15 to make sure that's the truth. But it could all be
16 residential. But -- but the -- but the housing layer
17 on top of this, the Housing Priority B area, would
18 require that 3.5 FAR be residential.

19 COMMISSIONER JEFFRIES: Right.

20 MR. LAWSON: At a minimum.

21 COMMISSIONER JEFFRIES: Okay. Thank you.

22 ACTING CHAIRPERSON HOOD: Okay. Any other
23 questions? Thank you, Mr. Lawson. Do we have any
24 reports of any other government agencies? I didn't
25 see any. Okay. Report of ANC 2F, do we have anyone

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1 representing ANC 2F? Okay. And Mr. Lawson, I don't
2 believe the ANC weighed in on this. I didn't see it
3 in the report.

4 MR. LAWSON: I'm not aware of the ANC
5 weighing in.

6 ACTING CHAIRPERSON HOOD: Okay. All
7 right. Any organizations or persons in support who
8 would like to testify? Any organizations or persons
9 in opposition who would like to testify? I'm seeing
10 anyone. I'm going to call for the ANC again. Anyone
11 representing an ANC? Okay. Okay. All right.

12 I think that's it. Mr. Lawson, any final
13 comments?

14 MR. LAWSON: No, sir. Thank you.

15 ACTING CHAIRPERSON HOOD: Okay.
16 Gentlemen, I think it's pretty straight forward. I'm
17 ready to move tonight, or do you want to save this to
18 our already packed agenda for --

19 COMMISSIONER JEFFRIES: Oh, let's move
20 tonight. Mr. Chair, I'd like to make a motion that we
21 approve under proposed action Case No. 05-43, Map
22 amendment to include Squares 344, 373, and 374, and
23 the National Park Service Reservation 174 (the
24 property formerly developed with the old Convention
25 Center) in Housing Priority Area B and text amendment

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1 to Section 1706.8(b) of 11 DCMR, to reflect the
2 inclusion of the site in the Housing Priority Area B.)

3 And I also would just like to make
4 certain, are we also going to take action here on the
5 technical amendment that would accompany this case.
6 So I'd also make a motion that that Zoning Commission
7 Case 05-43, the technical amendment to accompany this
8 case; which is Section 1706.2, which states the
9 housing requirements incentives in that section should
10 be applicable to Housing Priority Area that is
11 depicted in Map B, filed in Zoning Commission Case No.
12 05-43.

13 ACTING CHAIRPERSON HOOD: Okay. It's been
14 moved. Anyone second?

15 COMMISSIONER TURNBULL: Second.

16 ACTING CHAIRPERSON HOOD: Moved and
17 properly seconded. Discussion? The only thing I
18 would add, and hopefully this will be accepted is that
19 you mentioned about Reservation 174. Also, that will
20 be pending upon the transfer, as so noted, in that the
21 reservation would not be subject to zoning if the
22 transfer does not happen.

23 COMMISSIONER JEFFRIES: Correct.

24 ACTING CHAIRPERSON HOOD: Okay. All
25 right, with that, it's been moved and properly

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1 seconded. Any further discussion? All those in favor
2 say aye.

3 ALL: Aye.

4 ACTING CHAIRPERSON HOOD: Any opposition?
5 So ordered. Staff, would you record the vote?

6 MS. SCHELLIN: Staff would record the vote
7 three to zero to two to approve Zoning Commission Case
8 No. 05-43 for proposed action as stated; Commissioner
9 Jeffries moving, Commissioner Turnbull seconding,
10 Commissioner Hood in favor; Commissioners Mitten and
11 Parsons not present, not voting.

12 ACTING CHAIRPERSON HOOD: Thank you. I'm
13 going to read excerpts of the closing statement
14 because it was going to be longer than the hearing.
15 So what I will do is just read it and try to read the
16 important parts and whatever's written here will be
17 part of the public record.

18 Ladies and gentlemen, the other members of
19 the Commission and I wish to thank you for your
20 testimony and assistance in the hearing, even if we
21 didn't have any but from Mr. Lawson.

22 You should also be aware that should the
23 Commission propose affirmative action, which we've
24 just done, the proposed action must be published in
25 the *D.C. Register* as proposed rule making with a

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1 period of time for comments. In addition, the
2 proposed rule making will be referred to the National
3 Capitol Planning Commission for federal impact review.

4 The Zoning Commission will then take final
5 action at a public meeting following receipt of public
6 comments and the NCPC comments. After which, a
7 written final rule making order will be published.

8 If there is no further action for tonight,
9 I now declare today's public hearing adjourned. Thank
10 you.

11 (Whereupon, the hearing as adjourned.)
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