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

(6:47 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, May 4, 2006. My name is Carol Mitten, and joining me this evening are Vice-Chairman Anthony Hood, Commissioners Mike Turnbull, John Parsons and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case Number 06-05, and this is a request by the Office of Planning for a text amendment to Title 11 of the District of Columbia municipal regulations, to Section 410 to remove the reference to R-4 districts from the special exceptions for groups of residential buildings.

And if you remember at set-down, we offered as an alternative the wholesale deletion of Section 410. A notice of today's hearing was published in the D.C. Register on March 10, 2006, and copies of the hearing announcement are available to you on the wall fin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR, Section 2021, and the order of the procedure will be as

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1 follows:

2 We'll take up preliminary matters first,
3 and then we'll have the presentation by the Office of
4 Planning; then we'll hear from other government
5 agencies, affected ANCs, organizations and persons in
6 support, and organizations and persons in opposition.

7 The following time constraints will be
8 maintained in the hearing: Organizations will have
9 five minutes, and individuals will have three minutes.
10 All persons appearing before the Commission are to fill
11 out two witness cards, and those cards are also on the
12 table by the door, and in coming forward to speak to
13 the Commission, please give both cards to the
14 reporter, who is sitting to our right.

15 Please be advised that this proceeding is
16 being recorded by the court reporter and is also being
17 webcast live. Accordingly, we ask you to refrain from
18 making any disruptive noises in the hearing room,
19 which I don't think will be a problem tonight.

20 When presenting information to the
21 Commission, please turn on and speak in the
22 microphone, first stating your name. When you are
23 finished speaking, please turn the microphone off so
24 that it's no longer picking up background noise.

25 The decision of the Commissioner in this

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1 case must be based on the public record. To avoid any
2 appearance to the contrary, the Commission requests
3 that persons present not engage the members of the
4 Commission in conversation during the recess or at any
5 other time. Mrs. Schellin will be available
6 throughout the hearing to answer the procedural
7 questions. We ask you to turn off all beepers and
8 cell phones so as not to disrupt the hearing, and now
9 we'll take up any preliminary matters.

10 Mrs. Schellin, anything?

11 MS. SCHELLIN: Nothing.

12 CHAIRPERSON MITTEN: All right. Then
13 we'll turn to the Office of Planning.

14 MS. THOMAS: Good evening, Madam
15 Chairperson Mitten. Good evening, members of the
16 Commission. The Office of Planning is recommending
17 removal of the reference to the R-4 Zoning District in
18 Section 410 and deletion of Sections 410.11 through
19 410.16 as a correction to reflect original
20 modification and amendments to order number 19 issued
21 in 1970. I would stand on the record, if you have --
22 is you -- I'll be happy to take any questions.

23 CHAIRPERSON MITTEN: Okay. I did -- I do
24 have a question for you. This relates to your
25 examination of what we set down in the alternative,

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1 which is the -- striking the Section 410 in its
2 entirety, and what I didn't -- what I didn't
3 understand is that, given that we have Section 353,
4 which has review by the Board of Zoning Adjustment,
5 and it includes a referral to the Office of Planning,
6 and includes an examination regarding the site plan
7 and light and air and landscaping -- a lot of things
8 that are dealt with in the spirit of Section 410, what
9 more do we gain by retaining 410 for R-5, given that
10 we have 353?

11 MS. THOMAS: I think that the only thing
12 is, from what my understanding of 410 was, back in
13 it's day, was that what those provisions that required
14 stairs being public, joists and all that, I think that
15 was that specific was to prevent the type of garden-
16 style apartments that -- hotel-looking type of
17 apartments in the '50, 1950s -- I think it's just more
18 of a design issue.

19 But if you believe that Section 353 is
20 enough, we can strike it out.

21 CHAIRPERSON MITTEN: Yes.

22 MS. THOMAS: We would have no objection if
23 Section 353 is sufficient and 215-2516.

24 CHAIRPERSON MITTEN: Okay; thank you.
25 Anyone else have questions for Ms. Thomas? Question

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1 of anybody? Okay. I think we'll just move straight
2 ahead and -- are you coming to testify this evening?

3 AUDIENCE MEMBER: Not out loud,
4 officially.

5 CHAIRPERSON MITTEN: Okay. It'll go
6 quickly if you're not going to testify. So, you're
7 the only one here -- that's why I thought, "Let's move
8 it fast forward and see if your friends testify."

9 So, we don't have any more testimony, and
10 so I would like to urge my colleagues that we -- I
11 think that because we have that thorough report by the
12 Office of Planning, and I was very heartened by Ms.
13 Thomas's response to my question, I would like to move
14 that we vote to approve Zoning Commission's Case
15 Number 06-05 in the alternative, which would be to
16 delete Section 410 in its entirety.

17 Is there a second?

18 COMMISSIONER JEFFRIES: Second.

19 CHAIRPERSON MITTEN: Second. Discussion?
20 Mike?

21 COMMISSIONER TURNBULL: I think that the
22 idea of simplifying it and getting rid of the
23 extraneous section is the way to go.

24 CHAIRPERSON MITTEN: Anyone else? All
25 right; then we'll ask for every one in favor, please

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1 say, "Aye."

2 COMMISSION MEMBERS: Aye.

3 CHAIRPERSON MITTEN: Mrs. Schellin, we
4 have a unanimous vote.

5 MS. SCHELLIN: The staff will record it
6 five to zero to approve Zoning Commission Case Number
7 06-05 in the alternative, to delete Section 410 in its
8 entirety. Commissioner Mitten moving, Commissioner
9 Jeffries seconding, Commissioners Hood, Parsons and
10 Turnbull in favor.

11 CHAIRPERSON MITTEN: Thank you. We're
12 adjourned.

13 (Whereupon, at 6:53 p.m., the Zoning
14 Commission public hearing was concluded.)

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