

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

May 16, 2005

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, Northwest, Washington, D.C., 2001, pursuant to notice at 6:42 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairman
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Zoning Specialist
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OFFICE OF PLANNING STAFF PRESENT:

TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL

JACOB RITTING, ESQ.

This transcript constitutes the minutes from the Public Hearing held on May 16, 2004

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AGENDA ITEM

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GEORGE WASHINGTON UNIVERSITY

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

6:42 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Monday, May 16, 2005.

My name is Carol Mitten. And joining me this evening are Vice Chairman Anthony Hood and Commissioners Kevin Hildebrand and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 05-11. This is a request by the George Washington University for special exception relief pursuant to Sections 210 and 3104.1 of the Zoning regulations for approval for the renovation and addition to an existing university building to be used a food service venue on the campus. The subject project is located at 2036 G Street, N.W. and is known as Lot 816 in Square 103.

Notice of today's hearing was published in the D.C. Register on March 25, 2005, and copies of that hearing announcement are available to in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR **REWRITE** 3117. The

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1 order of procedure will be as follows:

2 We'll take up any preliminary matters  
3 followed by the presentation of the applicant's case,  
4 the report by the Office of Planning, reports of any  
5 other government agencies, report of the effected ANC,  
6 in this case is 2-A, organizations and persons in  
7 support, organization and persons in opposition.

8 The following time constraints will be  
9 maintained in the hearing:

10 The Applicant will have as many 30 minutes  
11 or as few as standing on the record. Organizations  
12 will have five minutes, or individuals will have three  
13 minutes.

14 The Commission intends to adhere to these  
15 time limits as strictly as possible in order to hear  
16 this case in a reasonable period of time. The  
17 Commission reserves the right to change the time  
18 limits for presentations if necessary and notes that  
19 no time shall be ceded.

20 All persons appearing before the  
21 Commission are to fill out two witness cards. The  
22 cards are located on the table by the door. Upon  
23 coming forward to speak to the Commission, please give  
24 both cards to the reporter who's sitting to our right.

25 Please be advised that this proceeding is

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1 being recorded, both by the court reporter and webcast  
2 live. Accordingly, we ask you to refrain from making  
3 any disruptive noises or actions in the hearing room.

4 When presenting information to the  
5 Commission, please turn on and speak into the  
6 microphone in front of you on the table, first stating  
7 your name and home address. When you are finished  
8 speaking, please turn your microphone off so that it's  
9 not picking up any background noise.

10 The decision of the Commission in this  
11 case must be based exclusively on the public record.  
12 To avoid any appearance to the contrary, the  
13 Commission requests that persons present not engage  
14 the members of the Commission in conversation during  
15 a recess or at any other time. And Mrs. Schellin will  
16 be available throughout the hearing to answer any  
17 procedural questions.

18 I'd ask again, please turn off all beepers  
19 and cell phones so as not to disrupt the hearing.

20 And at this time we'll take up any  
21 preliminary matter. Mrs. Schellin?

22 MS. SCHELLIN: The one thing is we do need  
23 from the applicant the maintenance affidavit. Other  
24 than that, we have none.

25 CHAIRPERSON MITTEN: Mr. Moore, any

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1 preliminary matters?

2 MR. MOORE: No.

3 CHAIRPERSON MITTEN: And as I understand  
4 it, you had suggested that you were willing to stand  
5 on the record. And I have the concurrence of the  
6 Commission that we would accept that?

7 MR. MOORE: Yes.

8 CHAIRPERSON MITTEN: But if you feel  
9 compelled to speak, go ahead.

10 MR. MOORE: Well, just a couple of words,  
11 please.

12 My words will end up with that.

13 CHAIRPERSON MITTEN: Sure.

14 MR. MOORE: This isn't a case of first  
15 impression. This is a case that has been before the  
16 Zoning Commission in some form before with the Square  
17 103 PUD in which the Zoning Commission -- the  
18 University offered and the Zoning Commission accepted  
19 this proposed use as an amenity to that Square 103  
20 PUD.

21 We've discussed this case in detail with  
22 the Office of Planning. We've brought the case to the  
23 Advisory Neighborhood Commission. And I am very  
24 pleased to say that after reasonable inquiry, it is  
25 our belief of this hour, anyway, that there is no

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1 opposition to this case.

2 We're respectful of the Zoning  
3 Commission's oft stated preference for efficiency and  
4 its disdain for duplication. Consequently, we've  
5 elected to summarize and highlight our case tonight so  
6 that believing that the record is already sufficiently  
7 primed to justify the granting of the requested  
8 special exception.

9 Mr. Barber, who is the senior counsel of  
10 the University wishes to make one brief statement and  
11 then we will call it a day.

12 MR. BARBER: May I be sworn.

13 CHAIRPERSON MITTEN: Oh, that's a good  
14 idea. Thanks for asking.

15 Anyone who plans to testify, no matter how  
16 briefly, please rise and take the oath.

17 (Whereupon, the witnesses were sworn.)

18 MR. BARBER: Thank you, Ms. Mitten and  
19 members of the Commission.

20 Again, to be brief, my name is Charles  
21 Barber. I'm senior counsel at George Washington  
22 University, 2100 Pennsylvania Avenue, Washington, D.C.

23 Just two points I'd like to make. One, I  
24 want to place this in the context of the campus plan.  
25 I'm certain Ms. Mitten remembers, but the key thrust

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1 of the campus plan was to bring more of our students  
2 back to campus, to house more of our full time  
3 undergraduates on campus. We are busy doing that. We  
4 have an August 2006 deadline that we're working toward  
5 compliance.

6 This food venue is consistent with that  
7 mandate. The students we bring back to campus, of  
8 course, have to have someplace to eat and there are a  
9 number of places on campus. But we've used this one  
10 as fulfilling a need. Both for our on campus  
11 population as well as the surrounding members of the  
12 community. So I just want to place it in that campus  
13 plan context.

14 And the second thing I wanted to  
15 highlight, and you will hear about later, that the ANC  
16 had voted to support this unanimously with one  
17 condition, and I wanted to bring it to your attention  
18 that we have met that condition. The condition  
19 pertained to scaling back some of the outdoor seating  
20 that we had planned.

21 We originally envisioned that the outdoor  
22 seating would contain some 50 seats, and that was  
23 according to our preliminary design. The ANC wanted  
24 more green space. And they identified some nine  
25 tables which would hold some 18 seats that they would

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1 like to see taken away. And that space replaced by  
2 green space.

3 We have agreed to do that. And that  
4 space, that identification of that change is in the  
5 record. So what we have submitted in our prehearing  
6 report contains that change. More limited outdoor  
7 seating, more green space.

8 And finally, it's not everyday that George  
9 Washington University with its long, illustrious  
10 history gets an unanimous ANC approval, so I wanted to  
11 highlight that for the record.

12 We understand this is a modest case, but  
13 we also hope that that it's a portent of things to  
14 come in terms of being able to work together in areas  
15 that we can identify that are in common interest.

16 Thank you.

17 CHAIRPERSON MITTEN: Thank you.

18 The ANC vote was not lost on me.

19 MR. MOORE: At this point, Madam Chair, we  
20 will stand down for the Office of Planning report and  
21 the ANC report. And if there's anything else to say  
22 after that, I'll say it. But I have no plans to say  
23 anything else.

24 CHAIRPERSON MITTEN: Okay. Let me just  
25 make sure are there any questions from the Commission

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1 before we -- any questions for Mr. Micone for the  
2 applicant? Okay.

3 Then we'll move to the report by the  
4 Office of Planning. Mr. Parker?

5 MR. PARKER: Thank you, Madam Chair,  
6 members of the Board. My name is Travis Parker with  
7 the Office of Planning.

8 In the absence of any requests for my oral  
9 testimony, I'll stand on the record. OP is in support  
10 of this application. And I'd be happy to answer any  
11 questions you'd have.

12 CHAIRPERSON MITTEN: Any questions from  
13 the Commission for Mr. Parker?

14 Mr. Moore, any questions?

15 MR. MOORE: No.

16 CHAIRPERSON MITTEN: Mr. Micone, any  
17 questions? All right.

18 Almost like we scripted this.

19 All right, then we're ready for the report  
20 by the ANC.

21 I feel like we need a drum roll for this  
22 one.

23 MR. MICONE: Chair, Commissioners, it's a  
24 pleasure to be here. My name is Vince Micone. I am  
25 the Chairperson of the Foggy Bottom and West End

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1 Advisory Neighborhood Commission.

2 We considered this application, I believe,  
3 at our April public meeting. And the Commission met  
4 with the applicant prior to the meeting to look at the  
5 space. And it's been noted our condition was  
6 additional green space where there were some proposed  
7 tables. The applicant agreed to that, and we voted  
8 unanimously -- I repeat unanimously to support the  
9 application. And we believe that the amenity of the  
10 restaurant will not simply serve the University, but  
11 will also serve the community surrounding the  
12 University.

13 The location is in the middle of the  
14 campus. And we look forward to the renovation of that  
15 property.

16 CHAIRPERSON MITTEN: Thank you.

17 You know, one of the things that we need  
18 to emphasize, too, is that all the Commissioners were  
19 in attendance when the unanimous was taken, right?  
20 All the Commissioners?

21 MR. MICONE: That is true. And I was not  
22 arm wrestling anyone in the room.

23 CHAIRPERSON MITTEN: Any questions for Mr.  
24 Micone? Mr. Moore, any questions?

25 MR. MOORE: No.

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1 CHAIRPERSON MITTEN: Okay. Thank you.

2 All right. Anyone who would like to  
3 testify in support? Anyone who would like to testify  
4 in opposition?

5 All right. Mr. Moore?

6 MR. MOORE: I would just ask the  
7 Commission in the absence of opposition to the case  
8 and with the support of the Office of Planning and the  
9 Foggy Bottom and West End Advisory Neighborhood  
10 Commission, I'd ask the Commission to act on this  
11 application tonight, if it would be so kind.

12 CHAIRPERSON MITTEN: Say no more. I move  
13 approval of Zoning Commission Case No. 05-11  
14 consistent with the plan submitted into the record  
15 with the applicant's April 2005 submission.

16 VICE CHAIRMAN HOOD: Second.

17 CHAIRPERSON MITTEN: Any discussion? All  
18 those in favor, please say aye.

19 ALL: Aye.

20 CHAIRPERSON MITTEN: Mrs. Schellin?

21 MS. SCHELLIN: The staff will have  
22 recorded a four to zero to one to approve Case No. 05-  
23 11. Commissioner Mitten moving, Commissioner Hood  
24 seconding, Commissioners Hildebrand and Jeffries in  
25 favor. Commissioner Parsons not present, not voting.

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1 CHAIRPERSON MITTEN: Thank you. He'll be  
2 sorry he missed this one.

3 MR. MOORE: Thank you.

4 CHAIRPERSON MITTEN: Thank you.

5 We're adjourned.

6 (Whereupon, the Public Hearing was  
7 adjourned at 6:53 p.m.)

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