

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

HARRIET TREGONING	Director
JENNIFER STEINGASSER	
TRAVIS PARKER	
STEPHEN MORDFIN	

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Hearing held on July 16, 2007.

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

(6:35 p.m.)

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a hearing of the Zoning Commission of the District of Columbia for Monday, July 16th, 2007. My name is Anthony J. Hood. Joining me this evening are Commissioner Parsons and Commissioner Turnbull. I think we expect to be joined by Jeffries later.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Donna Hanousek. The subject of this evening's hearing is Zoning Commission case number 07-09.

And this point, what I will do is provide this for the record, and I will ask that the Office of Planning begin.

MR. MORDFIN: Good evening, Chair, members of the commission. I'm Stephen Mordfin with the Office of Planning. And the Office of Planning recommends that the commission adopt the proposed text amendments

1 to section 1706.13 and 1706.23 of the zoning
2 regulations to modify the administrative
3 procedures for residential use requirements
4 within the DD overlay district, which was set
5 down by the commission on April 9th, 2007.

6 Since then, however, the set down,
7 the Office of Planning has revised its
8 recommendations for the text amendments. And
9 what this does is, instead of having the text
10 amendments be site-specific to specific sites,
11 which in this case were the former convention
12 site location and also the proposed convention
13 center hotel site, instead to make it more
14 inclusive to include any sites that are
15 engaged in a combined lot development with
16 land owned by the District government, where
17 the residential development is on District
18 property.

19 And I've prepared some copies of
20 the proposed changes as recommended by the
21 Office of Planning for you to review. And
22 what has been done instead is to add to each
23 of those two sections a paragraph at the end

1 that says the project is a non-residential
2 development engaged in a combined lot
3 development with land owned by the District
4 government, where the residential development
5 is on District property. And that's added as
6 a section C under 1706.13 and under .23 it's
7 just added onto the end of that sentence, the
8 same wording.

9 And this way it applies to any --
10 should the situation arise again within the
11 DD, instead of coming back and revising the
12 zoning regulations to say, "Oh, we also want
13 to add lot whatever and lot whatever in this
14 square," it just applies within the DD. This
15 is just throughout the DD. Not site specific.

16 CHAIRPERSON HOOD: Okay,
17 Commissioner Parsons.

18 COMMISSIONER PARSONS: Are there
19 any other pending discussions going on with
20 the District that would require this change?

21 MR. MORDFIN: I'm not aware of any
22 right now that are pending.

23 COMMISSIONER PARSONS: Because I'm

1 not aware of a lot of property that the
2 District owns in the DD area. So why is it
3 that you're proposing this change?

4 MR. MORDFIN: To take the text
5 amendment so it doesn't look it's being
6 prepared for a specific developer who is
7 developing on these specific lots, but to make
8 it more inclusive so it doesn't look like it's
9 being directed at any one specific person or
10 developer.

11 COMMISSIONER PARSONS: All right, I
12 understand. Thank you.

13 CHAIRPERSON HOOD: And even if it
14 did -- if we still looked at the original
15 text, where it's site specific, if it changed
16 ownership, they still would be also entitled,
17 wouldn't they?

18 MR. MORDFIN: Well, the property
19 has to be under the ownership of the District,
20 the way it's written.

21 CHAIRPERSON HOOD: Okay, good.
22 That's the way it was written previously. Oh,
23 no.

1 MR. MORDFIN: No, the way it was
2 written previously was, it called out specific
3 lots and squares.

4 CHAIRPERSON HOOD: Right, so in
5 that case if it changed ownership, then
6 whoever owns it would still be entitled.

7 MR. MORDFIN: Correct.

8 CHAIRPERSON HOOD: Okay. All
9 right, any other questions? No other
10 questions?

11 COMMISSIONER TURNBULL: I just have
12 one question. The "or" is crossed out in part
13 A.

14 MR. MORDFIN: Yes, the "or" is
15 crossed out because it was just an A and a B,
16 so now it's just A, B, or C. Unless the
17 wording would be better to keep the "or" there
18 so it's "or, or and or."

19 COMMISSIONER TURNBULL: Okay, I
20 see. Thank you.

21 CHAIRPERSON HOOD: Okay, do we have
22 any ANCs present that would like to testify on
23 this text amendment in the DD? Do we have

1 anybody in support? Anyone in opposition?
2 Mr. Mordfin, I'm not sure if you and Mr.
3 Parker had some closing remarks.

4 MR. MORDFIN: I don't have anything
5 additional to add except for what I've already
6 presented.

7 CHAIRPERSON HOOD: Okay.
8 Colleagues, with that, I think this is
9 sufficient. We do have a letter from Arnold
10 & Porter actually supporting A and B, but not
11 supporting C. I don't think it's a major
12 deal. I think we can take proposed action
13 tonight. I would just say that there's a
14 thirty day comment period in which -- the
15 change that was made tonight, they can respond
16 to that language if need be. So I would move
17 approval of Zoning Commission case number 07-
18 09 with the amendment that was proposed
19 tonight, and ask for a second.

20 COMMISSIONER PARSONS: I'll second
21 that. I just want to make sure that the staff
22 doesn't feel that this kind of change would
23 require some of kind of re-advertisement.

1 CHAIRPERSON HOOD: Mr. Ritting?

2 MR. RITTING: No, I don't believe
3 that it does, because the zoning act requires
4 a general summary of the proposed changes, and
5 this is certainly within that range.

6 COMMISSIONER PARSONS: All right,
7 thank you.

8 CHAIRPERSON HOOD: Okay, it's been
9 moved and properly seconded. All those in
10 favor?

11 (Chorus of ayes).

12 CHAIRPERSON HOOD: Any opposition?
13 Would staff record the vote?

14 MS. SCHELLIN: Yes, staff records
15 the votes three to zero to two to approve
16 proposed action in Zoning Commission case
17 number 07-09. Commissioner Hood moving,
18 Commissioner Parsons seconding, Commissioner
19 Turnbull in favor, Commissioners Mitten and
20 Jeffries not present, not voting.

21 CHAIRPERSON HOOD: Thank you
22 everybody for their participation, this
23 hearing is adjourned.

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(Whereupon, the above-entitled
matter was adjourned at 6:42 p.m.)