

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :

:

JOSEPH C. YOUNG, : Case No.

RALPH HIGGSM JR., AND : 07-31

717-721 T STREET N.W. :

:

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Monday
July 21, 2008

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

The Public Hearing of Case No. 07-31 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, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- GREGORY N. JEFFRIES, Vice Chairman
- CURTIS L. ETHERLY, JR., Commissioner
- MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
ARTHUR JACKSON

The transcript constitutes the minutes from the Public Hearing held on July 21, 2008.

I-N-D-E-X

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VOTE ON ZONING COMMISSION CASE NO. 07-31:

Approved Five to Zero to Zero 86

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Anthony J. Hood 87

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

2 6:35 p.m.

3 CHAIRMAN HOOD: Good evening. We
4 are ready to start.

5 Good evening, ladies and
6 gentlemen. This is a public hearing of the
7 Zoning Commission of the District of Columbia
8 on Wednesday, July 21, 2008.

9 My name is Anthony J. Hood.
10 Expected to join us is Vice Chairman Jeffries.
11 We're also joined by Commissioner Turnbull,
12 Commissioner Etherly, and Commissioner May.
13 Also from the Office of Zoning staff, Ms.
14 Sharon Schelin; the Office of Planning, Mr.
15 Lawson and also Mr. Jackson.

16 This proceeding is being recorded
17 by a court reporter. It's also webcast live.
18 Accordingly, I must ask you to refrain 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. 07-31.

1 This is a request of Joseph Young, et. al, for
2 approval of a map amendment from R-4 to C-2-A
3 or C-2-B in the alternative, and inclusion
4 into the Uptown Arts Overlay District for
5 property located at Lots 24, 25, 26, 27, 801,
6 821, 822 on Square 416.

7 Notice of today's hearing was
8 published in the D.C. Register on June 6,
9 2008. And copies of that announcement are
10 available to my left on the wall near the
11 door.

12 The hearing will be conducted in
13 accordance with the provisions of 11 DCMR 3202
14 as follows: Preliminary matters, Applicant's
15 Case, report of the Office of Planning, report
16 of other government agencies, report of ANC
17 1B, organizations and persons in support,
18 organizations and persons in opposition,
19 rebuttal and closing by the Applicant.

20 We've also been joined by Vice
21 Chair Jeffries.

22 The following time constraints

1 will be maintained in this meeting. The
2 Applicant on the stand wanted 15 minutes but
3 I see 30. So we'll govern ourselves
4 accordingly. Organizations, five minutes;
5 individuals, three minutes.

6 The Commission intends to adhere
7 to this time limit as strictly as possible in
8 order to hear the case in a reasonable period
9 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
12 exceeded.

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

20 When presenting, if a motion to
21 the Commission, please turn on and speak into
22 the microphone first stating your name and

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

5 The decision of the Commission in
6 this case must be based exclusively on the
7 public record. To avoid any appearance to the
8 contrary, the Commission requests that persons
9 present not engage the Members of the
10 Commission in conversation during any recess
11 or at any time. The staff will be available
12 throughout the hearing to discuss procedural
13 questions.

14 Please turn off all beepers and
15 cell phones at this time so as not to disrupt
16 these proceedings.

17 Would all individuals wishing to
18 testify please rise to take the oath?

19 Ms. Schelin, would you administer
20 the oath?

21 MS. SCHELIN: Yes. I don't see
22 Mr. Young here yet. Is he coming?

1 PARTICIPANT: Don't know.

2 MS. SCHELIN: Okay.

3 (Whereupon, the witnesses were
4 sworn.)

5 (A chorus of I dos.)

6 MS. SCHELIN: Thank you

7 CHAIRMAN HOOD: Okay. At this
8 time, the Commission will consider any
9 preliminary matters. Does the staff have any
10 preliminary matters?

11 MS. SCHELIN: Just one. We need
12 to follow up with Mr. Young when he arrives to
13 see if he has the maintenance affidavit.

14 CHAIRMAN HOOD: Mr. Young has not
15 arrived. Isn't he the Applicant in this case?

16 MS. SCHELIN: He is one of them.
17 Yes.

18 CHAIRMAN HOOD: Who's the other
19 one?

20 MS. SCHELIN: The other owners.

21 CHAIRMAN HOOD: The other owners?
22 Okay. I saw where he had an outline.

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1 MS. SCHELIN: He was the contact
2 person I think. But there are some other
3 owners involved.

4 CHAIRMAN HOOD: Is he the lead or
5 the key person -- Mr. Young?

6 MS. SCHELIN: Yes.

7 CHAIRMAN HOOD: Okay.

8 MS. SCHELIN: Yes. And I know
9 that staff talked to him today. So I'm
10 assuming he's stuck in traffic or something.

11 CHAIRMAN HOOD: I guess it would
12 be inappropriate -- we need to hear from Mr.
13 Young first. I was thinking maybe we could go
14 to the Office of Planning. But Mr. Young's
15 not here. Okay.

16 Do you know what? What we'll do
17 is take a few moments off the record and just
18 wait. If anybody has his phone number, maybe
19 we could give him a call on his cell.

20 MS. SCHELIN: I'll try to call
21 him.

22 CHAIRMAN HOOD: Okay.

1 So we'll go off the record for a
2 few moments.

3 (Whereupon, at 6:39 p.m., off the
4 record until 6:52 p.m.)

5 CHAIRMAN HOOD: For those who have
6 not been sworn in and you plan on testifying
7 this evening, could you stand now and take the
8 oath?

9 And we're going to have just do it
10 again when Mr. Young arrives. But I want to
11 go ahead and get started.

12 Anyone who has not taken an oath?

13 (No audible response.)

14 CHAIRMAN HOOD: Okay.

15 Some of the property owners who
16 are already here, let's go ahead and get
17 started. I'm sure you all synchronize with
18 Mr. Young, so we should be able to go ahead
19 and get started.

20 I saw an outline somewhere. I
21 don't know who was going to be doing what.

22 You can identify yourself, and

1 let's go ahead and get started.

2 Turn your microphone on. Just
3 push that button there -- right in the middle
4 there. There you go.

5 MR. DODSON: Thank you.

6 Good evening. My name is Norris
7 Dodson. I'm one of the members of 715 -- I'm
8 sorry -- 717-721 T Street, N.W., LLC.

9 MR. SCARBORO: Good evening. My
10 name is Frederick Scarboro. I am a member
11 also of the 717-721 T Street, N.W., LLC.

12 CHAIRMAN HOOD: Just to ask, is
13 Ms. Lofton going to join us tonight?

14 MR. SCARBORO: She won't. She's
15 out of the country.

16 CHAIRMAN HOOD: Okay. Is Mr.
17 Young going to join us tonight -- possibly?

18 MR. SCARBORO: You probably know
19 as much as I do.

20 CHAIRMAN HOOD: All right. Let's
21 go ahead. One of you all can go ahead and get
22 started with your presentation.

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1 MR. DODSON: Thank you. The
2 properties that we're discussing are if you
3 were to drive down T Street in the 700 block
4 across from Cleveland School on the north side
5 of T Street are what appear to be four small
6 storefront buildings that have been there for
7 many years since around the turn of the
8 century.

9 These are one-story structures.
10 They average approximately 475 square feet
11 each. And they're in an historic district.

12 Two of the four buildings that we
13 own have been renovated. And Cheryl Lofton
14 and her tailoring business is the tenant in
15 those buildings. She went in a couple years
16 ago, and has had a wonderful business.

17 It has kind of begun the
18 revitalization of that block. Nothing else on
19 that block has been renovated or revitalized.

20 And when she opened, the crime and
21 the loitering and the littering all went down
22 markedly. I was really amazed. I was fearful

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1 for her safety.

2 But part of the reason, she was a
3 good person to come back into that block is
4 because she had a history in the neighborhood.
5 Her family had been in business nearby for
6 generations in the tailoring business.

7 We offered her some incentives to
8 come in. She needed a place for her business
9 and we wanted to start the revitalization of
10 the neighborhood.

11 We have two more properties, and
12 we have found out that they're zoned R-4.
13 Most of those have been for commercial use.
14 The buildings -- to the extent we can
15 determine -- have never had kitchens, have
16 never had bathrooms. They were designed for
17 commercial use.

18 We began the renovation of our
19 four just prior to Cheryl Lofton's coming in.
20 And we did some of the electrical work. We
21 added HVAC to each building in preparation for
22 the next tenant.

1 We halted when we found out that
2 the buildings were zoned R-4. Some of the
3 city agencies when we acquired the building,
4 and the owner herself told us that these were
5 commercially-zoned structures. And that's
6 what we believed they were. And so we halted
7 renovation. We've been in pause mode for
8 about four years in spite of the fact that we
9 started the renovation with permits.

10 So that is the reason that we're
11 here. And Joe Young and the entity that he
12 represents are in a similar situation.
13 They've not been able to attract what I would
14 consider to be viable tenants -- tenants that
15 would be good for the block, good for the
16 neighborhood, tenants that people in that
17 neighborhood would patronize. That was one of
18 our goals to enhance the neighborhood, bring
19 about an entity that folk nearby would
20 patronize.

21 Fred and I, by the way, spent -- I
22 found an old note that documents when I met

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1 you in 1991. I found it yesterday going
2 through tax stuff. But when as we were
3 renovating another old building in the
4 community -- the Anthony Building Landmark
5 Building -- the old 12th Street Y -- Fred was
6 representing Wachovia, formerly First Union.
7 And I was President of the Thurgood Marshall
8 Center Trust. And we were trying to renovate
9 that old building to do something good for the
10 community. We were volunteers in that
11 instance. We had zoning issues there too.
12 But we ended up with a product that has
13 benefitted the community.

14 And that's been one of our goals.
15 Fred and I have become partners on a number of
16 things. But our goal is always to make sure
17 that the community wins, and that we win.

18 So that's why we're here. I hope
19 Joe comes. And I know Fred's got a couple of
20 things probably to say.

21 MR. SCARBORO: Norris really
22 summarized it very well. I just want to give

1 you a picture of what it's like to be an owner
2 and to walk down that block from time to time
3 -- what it's been like over the years that
4 we've owned it.

5 How many years would you say it
6 is? Seven?

7 MR. DODSON: Right. It's seven
8 years next June.

9 MR. SCARBORO: Seven years next
10 June.

11 When we got to the block, there
12 was a serious crime and drug problem. And I
13 can't tell you how many times we received
14 phone calls from the police warning us --
15 inquiring. And I really did see the impact of
16 Cheryl Lofton's business.

17 Both of us -- Norris and I -- have
18 focused on generally helping the community
19 with really a passion for children. And right
20 across the street from our commercial
21 properties is a school. So I can imagine
22 myself -- I'm fortunate enough to be a dad --

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1 I could imagine what I would want people to do
2 if my child were going to a school across the
3 street from abandoned buildings that were home
4 to drug dealers and drug users. I certainly
5 want to have a productive use with responsible
6 adults there at all times.

7 And we certainly bought these
8 commercial buildings to produce a successful
9 business. But we've been quite mindful while
10 we're doing that of providing a use for the
11 properties that's conducive to the overall
12 area, and hopefully places that make it safer
13 for those children to be in school.

14 Thank you.

15 CHAIRMAN HOOD: Have you both
16 finished?

17 MR. DODSON: I have.

18 CHAIRMAN HOOD: Let me do this.
19 I'm looking here at the outline I guess that
20 you guys have put together. And Mr. Dodson,
21 you spoke about the development.

22 But let me ask this, Mr. Scarborough.

1 Community support -- they have your outline
2 and you talk about community support. Can you
3 allude to the support you've gotten from the
4 community?

5 MR. SCARBORO: Yes. Last
6 Saturday, we attended the ANC meeting for 1B,
7 if I'm not mistaken.

8 MR. DODSON: I think so.

9 MR. SCARBORO: And we requested
10 that they provide us with support for the
11 development. And they agreed to.

12 We presented our case before them.
13 There was a vote. And we carried the day.
14 And they mentioned that they would provide
15 this body with a letter to that effect.

16 CHAIRMAN HOOD: I think I see the
17 Vice Chairman in the audience. We don't -- at
18 least I don't see it -- do we have a letter?
19 We have something similar for the District --

20 MS. SCHELIN: We just have
21 something from the single-member district.
22 But he makes mention that there was not a

1 quorum at the meeting. But they were in favor
2 of the project but they did not have a quorum
3 at their July 12 meeting.

4 MR. SCARBORO: That's the one
5 we're referring to.

6 CHAIRMAN HOOD: Okay. All right.
7 Well, I guess Mr. Young is not going to -- we
8 want to move on.

9 What I will do, Ms. Schelin, is
10 give Mr. Young five minutes when he gets in.
11 Colleagues, unless there's some objections?

12 (No audible response.)

13 CHAIRMAN HOOD: Okay. All right.
14 So I guess we'll ask questions.

15 And I want to thank both of you
16 gentlemen for helping fill in. I appreciate
17 that.

18 Commissioner Etherly?

19 COMMISSIONER ETHERLY: Just very
20 briefly because I think the presentations were
21 both very full.

22 Let me just start by saying thank

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1 you both most certainly for your ongoing
2 commitment, not only to the District but
3 clearly to this particular block. The passion
4 with which you speak about this collection of
5 buildings if you will and what you've seen
6 transpire over the years, as a native
7 Washingtonian myself, I'm somewhat familiar
8 with this corridor. I know a little bit
9 exactly of what you speak in terms of the
10 evolution of this area.

11 Let me ask you this. From a
12 standpoint of transition, if you will, as you
13 look at what's happening to the south of you
14 and to an extent I would guess to the west of
15 you, do you feel that this particular zoning
16 change runs the risk -- and I'm not asking the
17 question because I think it does, but I just
18 want to kind of explore it a little bit --
19 does it run the risk of creating too abrupt of
20 a transition point, if you will, given where
21 you're situated? Clearly the corridor itself
22 along Georgia Avenue -- highly commercial. As

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1 you're coming from the south up -- south of
2 this particular block -- you have some
3 residential there -- some high-density
4 residential -- to the west, commercial, I
5 would think -- some residential as well. Are
6 there any concerns about too abrupt of a
7 change or transition issues from a potential
8 development standpoint if this change were
9 enacted?

10 MR. DODSON: I feel that due to
11 the fact that immediately across T Street on
12 the south side, you have Cleveland School and
13 it takes up a large piece of land -- that's
14 the largest building in the neighborhood --
15 and then south of that, you have Howard
16 University property that this one-story
17 building is not going to be necessary as an
18 additional buffer. Everything north of this
19 one-story building is commercial except for a
20 few houses on 8th Street.

21 Going east, you have the back of
22 the CVS Building, which to me is an eyesore

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1 and something that I'd like the community to
2 join us in talking to CVS about it. I can
3 think it can be made more attractive.

4 But I don't think these little 400
5 square foot, one-story buildings can be much
6 of a buffer against the commercial to the
7 north and to the west, and particularly with
8 the wide sidewalk and Cleveland School just to
9 the south of it.

10 COMMISSIONER ETHERLY: Okay.

11 Thank you. Thank you.

12 Thank you, Mr. Chairman.

13 CHAIRMAN HOOD: Okay. All right.

14 Thanks.

15 Commissioner Turnbull?

16 COMMISSIONER TURNBULL: How many
17 properties are along -- there are six or
18 seven?

19 MR. SCARBORO: Seven.

20 COMMISSIONER TURNBULL: Seven.

21 How many are abandoned now?

22 MR. SCARBORO: There are two that

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1 are occupied.

2 COMMISSIONER TURNBULL: Two that
3 are occupied.

4 MR. SCARBORO: And the remainder
5 are empty. Is that right?

6 MR. DODSON: Yes. I can't speak
7 for Joe Young's -- the three he represents.
8 I know there's some kind of activity there.
9 I think he might have an office -- or stay
10 there sometime. But I'm just not sure. But
11 we have two that are occupied by Lofton.

12 COMMISSIONER TURNBULL: What about
13 the properties to the north on 8th Street?

14 MR. DODSON: The properties to the
15 north, there are some residential houses to
16 the north.

17 COMMISSIONER TURNBULL: There are?
18 Are all of them?

19 MR. DODSON: Excuse me?

20 COMMISSIONER TURNBULL: Are they
21 all? There looks like to be -- one, two,
22 three -- five?

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1 MR. DODSON: Yes. I think there
2 are five. I don't believe they're all
3 occupied. I heard earlier today that one is
4 occupied by a vagrant. I don't know -- I
5 believe at least one is owner occupied. But
6 --

7 COMMISSIONER TURNBULL: I guess
8 what I'm trying to look at is that it looks
9 like we've got a finger across from the Arts
10 C-2-B in your -- it's just this little prod
11 sticking into the R-4.

12 CHAIRMAN HOOD: Excuse me. You
13 don't have a copy of the Office of Planning's
14 --

15 COMMISSIONER TURNBULL: Yes. Yes.
16 And I'm looking on Exhibit 1, which is sort of
17 an aerial view looking right straight down on
18 the properties. And your properties are
19 outlined in green.

20 MR. DODSON: Okay.

21 COMMISSIONER TURNBULL: I just
22 want to be sure that I'm looking at -- that

1 coming in from the Arts C-2-B is your
2 property, sort of will be jutting out from
3 that into the R-4.

4 And you've got the same thing on
5 Exhibit 2, which is on the opposite side on
6 the back. It sort of calls out the zones
7 better.

8 MR. DODSON: When you say jutting
9 out --

10 COMMISSIONER TURNBULL: Well, I
11 guess you've got the Arts C-2-B which sort of
12 wraps around the block on Florida Avenue. And
13 so the only residential are those five lots
14 left. On that block will be those five lots
15 directly to the north of your properties.

16 MR. DODSON: Okay. I see what you
17 mean.

18 VICE CHAIRMAN JEFFRIES: I think
19 lot 806, 804, 805, 802, 803 -- that's what
20 you're referring to?

21 COMMISSIONER TURNBULL: Right.

22 MR. DODSON: Okay. I see what

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1 you're talking about.

2 Yes. The way I look at it is that
3 like many of the structures going up in the
4 neighborhood, this particular block will also
5 be mixed use.

6 COMMISSIONER TURNBULL: Yes.

7 Okay. Thank you.

8 CHAIRMAN HOOD: Mr. Turnbull,
9 maybe I missed something. Did you ask what
10 was going on in lot 802, 804, and 806?

11 COMMISSIONER TURNBULL: Apparently
12 they're still residential.

13 VICE CHAIRMAN JEFFRIES: Yes.
14 They're R-4.

15 I think his question is that
16 effectively what's going to happen here is
17 that the subject properties are going to
18 create like a little appendage of some sort.

19 COMMISSIONER TURNBULL: Right.

20 VICE CHAIRMAN JEFFRIES: That's
21 what you're referring to.

22 COMMISSIONER TURNBULL: Right.

1 VICE CHAIRMAN JEFFRIES: And that
2 these five properties that are north of the
3 subject properties will remain R-4.

4 CHAIRMAN HOOD: Will remain R-4.

5 Now what's going on north of that?
6 I don't know who I'm asking.

7 PARTICIPANT: WMATA.

8 CHAIRMAN HOOD: Any other
9 questions?

10 (No audible response.)

11 CHAIRMAN HOOD: None? Okay.

12 All right. That's all the
13 questions we have of you. I don't know how
14 much more Mr. Young can add.

15 Are you Mr. Young?

16 PARTICIPANT: No.

17 CHAIRMAN HOOD: There's an
18 appropriate time that we'll call you. No
19 problem. Mr. Young is after you, but they'll
20 be a time for you to be able to testify in
21 support or opposition.

22 Yes. You can help us answer those

1 questions. If you have answers to them, at
2 the appropriate time -- bear with us. Because
3 we should be getting to that relatively
4 quickly. Okay.

5 All right. If you guys want to
6 hold your seat, that'll be good.

7 Next, we'll go to the Office of
8 Planning. Mr. Jackson?

9 MR. JACKSON: Good evening, Mr.
10 Chair and Members of the Zoning Commission.

11 My name is Arthur Jackson. I'm a
12 development specialist for the District of
13 Columbia Office of Planning, and I will
14 present a brief summary of the Office of
15 Planning's final report on this application.

16 Joseph C. Young and the other
17 applicants filed a petition with the Office of
18 Zoning requesting that the Zoning Commission
19 rezone several lots on Square 416 from
20 Residential R-4 to Commercial Light Industrial
21 CM-1 on Community Business C-2-B with an
22 Uptown Arts Overlay District. The generalized

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1 land use plan designation for most of this
2 square, including the subject properties, is
3 for a mixed use consisting of low-density
4 commercial and moderate-density residential.

5 The Office of Planning recommended
6 in the alternative as a more appropriate zone
7 in terms of use density, building massing and
8 transitions to the R-4 districts to go with C-
9 2-A. C-2-A is similarly used along the U
10 Street and Georgia Avenue corridors and small
11 pockets between C-2-B and R-4. So in other
12 words, this is a pattern that exists elsewhere
13 along the Georgia Avenue corridor where you'll
14 have C-2-A along the major arterials, the R-4
15 residential districts in the interior, and
16 then C-2-A in the space between.

17 Although the regulations refer to
18 medium proportions in C-2-A, they allow FAR
19 ratios of 1.5 to 2.5 that are consistent with
20 low- to moderate-density land uses. This zone
21 change would also support a number of other
22 policies in the plan by encouraging re-use of

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1 existing underutilized low-intensity
2 commercial buildings and by allowing for
3 future mixed use development while limiting
4 the potential density so that it would
5 essentially step down from the C-2-B along
6 Georgia Avenue to the surrounding R-4
7 residential neighborhoods.

8 The Zoning Commission authorized a
9 public hearing notice to consider changing the
10 zone district covering Lots 24, 25, 26, 27,
11 801 -- which was a lot that we discussed
12 before; it's an undeclared lot with no owner
13 that's listed on D.C. tax records -- Lot 821
14 and 822 on Square 416 from R-4 to C-2-A or C-
15 2-B with an Uptown Arts Overlay District in
16 the alternative.

17 In their supporting statement --
18 and I'm sure it will be emphasized tonight
19 during the presentation -- the Applicant
20 responded to issues raised during the set-
21 down. Specifically and more recently, the
22 Washington Metropolitan Area Transit Authority

1 authorized its agency staff to negotiate an
2 agreement with a partner to redevelop Lot 30
3 as a matter of right to mixed-use development
4 with an estimated 129,000 square feet of
5 residential development over retail.

6 Now in the report -- in fact on
7 the map -- if we just pause a second and turn
8 to the map so that shows the future land use
9 and zoning in the area -- there's a boundary
10 drawn around two lots -- Lot 31 and Lot 30.
11 Okay. This is somewhat misleading. And I
12 wanted to clarify what this actually
13 indicates.

14 VICE CHAIRMAN JEFFRIES: Where is
15 Lot 30 -- 31?

16 MR. JACKSON: Okay. If you look
17 at the --

18 VICE CHAIRMAN JEFFRIES: Okay. I
19 see it. Got it.

20 MR. JACKSON: Lot 31 is the top.
21 That's the WMATA site. And Lot 30 is the CVS,
22 which is owned by Howard University.

1 There were several proposals that
2 remodelers were considering for the partner to
3 come in and redevelop their property. One of
4 the proposals I saw actually had a building
5 that would wrap around from the WMATA site to
6 the CVS property. And that's really what I
7 was referring to. I do not know, however,
8 what proposal WMATA actually accepted, whether
9 it's a proposal that included both sites or
10 one. So I just wanted to clarify that.

11 I would also say that the
12 Applicant made reference to something called
13 the Duke plan that was approved two years ago
14 by the City Council. In reference to that
15 plan, it actually anticipated that there would
16 be development that would wrap around from
17 Florida Avenue to Georgia Avenue in the C-2-B
18 frontage, and that that development would be
19 built to maximum FAR that is allowable in the
20 zone to 75 to 90 feet. So, in any case, I
21 just wanted to clarify that.

22 But just to continue and say that

1 this preliminary proposal does call for
2 substantial development along the Florida
3 Avenue and Georgia Avenue frontages, thus
4 maximizing the extent of development that can
5 be allowed in those areas.

6 Taken together, these trends --
7 the ones referenced in the Applicant's
8 statement and the WMATA plans -- seem to make
9 it more practical and thus more likely that
10 the subject properties would be developed
11 either as low-density commercial buildings as
12 they are now, or be redeveloped for mixed use.
13 Neither of these options would be inconsistent
14 with the current comprehensive plan
15 designations which profit this application.

16 Based on this information, the
17 Office of Planning recommends rezoning the
18 subject properties to C-2-A. And with that,
19 I conclude this presentation, and the Office
20 of Planning is available to answer questions.

21 CHAIRMAN HOOD: Thank you, Mr.
22 Jackson.

1 Mr. Jackson, before we get
2 started, just help me with my recollection.
3 The Applicant actually asked for us to rezone
4 it to C-2-B. Right? Who proposed the
5 alternative?

6 MR. JACKSON: The Applicant
7 actually proposed two options in the original
8 application. And I'll turn to that. They
9 were looking at CM-1 or C-2-B Arts.

10 CHAIRMAN HOOD: Okay. Originally
11 CM-1?

12 MR. JACKSON: Right. CM-1 or C-2-
13 B Arts.

14 Now the C-2-B obviously is the
15 zoned district that's along Georgia Avenue and
16 Florida Avenue -- those two corridors.

17 CM-1 is a couple of blocks away
18 along I believe about 9th Street -- between
19 8th or 9th. Well, I'm sorry. Just beyond 9th
20 Street is a CM-1 zone.

21 I'm not sure. The Applicant can
22 explain why those selections were made. But

1 obviously CM-1 or C-2-B would allow the office
2 and services uses that they're proposing for
3 the site. And of course, the R-4 does not.

4 So there are R zone districts in
5 the vicinity. It was just the Office of
6 Planning's determination based on the
7 potential impacts of development in those
8 zones that the C-2-A seemed more reasonable in
9 terms of a buffer from the higher-density
10 residential mixed uses along Florida Avenue
11 and Georgia Avenue, and the low-density
12 residential -- the moderate-density
13 residential uses that are in the neighborhoods
14 to the west.

15 CHAIRMAN HOOD: Okay. All right.
16 Thank you. CM-1?

17 Okay. Let me open it up for
18 questions for the Office of Planning.

19 Anyone? Commissioner May?

20 COMMISSIONER MAY: Yes. I
21 appreciate the new report and the attempts to
22 try to address some of the questions that I

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1 had at setdown. But I'm still not quite
2 convinced of the issues here. So I need to
3 walk through things a little bit.

4 First of all, just looking at the
5 future land use map and the coloration on the
6 map and what we have, we see R-4 zone, and
7 then we see also that in this block from the
8 properties in question all the way up to the
9 WMATA property. In fact, including that whole
10 square -- is this striped zone that's a
11 mixture of moderate-density housing and low-
12 density commercial or something like that?

13 MR. JACKSON: That's correct.
14 Low-density commercial and moderate-density
15 residential.

16 COMMISSIONER MAY: All right. Now
17 I'm a little confused by how you refer to that
18 because the way the report reads, it seems to
19 imply that what it means is that what's needed
20 in this block is mixed use as opposed to a
21 mixture of those uses. In other words, it
22 could be moderate-density residential, or it

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1 could be low-density commercial. Or it could
2 be a combination of those things. But it
3 could be one or the other.

4 But that's not what your report
5 says. Your report says that it's got to be
6 mixed use.

7 MR. JACKSON: No. Well, I guess
8 to clarify, what we have here in a current
9 situation is a zoned district that doesn't
10 allow a mixture of commercial and residential
11 uses. What we are saying is that the current
12 zoning does not allow any type of mix of
13 commercial and residential.

14 COMMISSIONER MAY: Right.

15 MR. JACKSON: But to allow any
16 type of mix, you'd need to have a mixed-use
17 zone. And we think the C-2-A would be the
18 appropriate --

19 COMMISSIONER MAY: Okay. But
20 again, this goes back to my question.

21 I've always interpreted the land
22 use maps when it shows that sort of blending

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1 of zones where you have two or even three
2 different colors striped together like that
3 that a zone that works within one of those
4 colors is okay. A zone that works within two
5 of those colors works okay. What you seem to
6 be implying is that the only thing that works
7 when you have the striping is a zone that
8 applies to all two or three of those colors.
9 Could you help me?

10 MR. JACKSON: Yes. I think the
11 objective of the comprehensive plan -- in this
12 case we're interpreting it as being to allow
13 either/or, or both.

14 COMMISSIONER MAY: It's the
15 either/or is the thing. And I was
16 interpreting it as an either/or. Am I correct
17 in interpreting it as either/or?

18 MR. JACKSON: Well, are you saying
19 either/or -- okay --

20 COMMISSIONER MAY: Could be either
21 medium-density residential or low-density
22 commercial?

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1 MR. JACKSON: Well, again, we're

2 --

3 COMMISSIONER MAY: Or it could be
4 a mixture.

5 MR. JACKSON: We're going back to
6 the interpretation that you can't have either/
7 or under the current zoning. You can only
8 have --

9 COMMISSIONER MAY: That's not what
10 I'm asking. What I'm asking is how do you
11 interpret the map?

12 Mr. Lawson, do you want to --

13 MR. LAWSON: Yes. My name's Joe
14 Lawson with the Office of Planning.

15 We actually look to the
16 comprehensive plan to give us that direction.
17 And the comprehensive plan states that C-2-A
18 and C-2-B are both mixed-use zones. We feel
19 that they're appropriate to the zone. It
20 doesn't necessarily mean that R-4 as a
21 strictly residential zone is unbuildable --
22 that somebody can't build something on that

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1 zone. It's a question of consistency. And C-
2 2-A zone is consistent with the designation of
3 a comp plan map as set out in the comp plan
4 itself.

5 COMMISSIONER MAY: Right. So
6 you're also saying then R-4 is inconsistent.

7 MR. LAWSON: We're saying that C-
8 2-A is what the comp plan says is a consistent
9 zone for a mixed-use density.

10 COMMISSIONER MAY: So you're
11 saying that R-4 is inconsistent?

12 MR. LAWSON: We're recommending C-
13 2-A as being not inconsistent with the
14 comprehensive plan.

15 And the reason we're recommending
16 that is that the comprehensive plan -- like
17 Mr. Jackson stated -- permits a form of
18 development and a mix of uses that R-4 does
19 not permit. So, this is why I'm saying that
20 the comprehensive plan wouldn't prevent
21 somebody from building something that conforms
22 to the R-4 zoning if it's zoned R-4.

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1 But the comprehensive plan
2 anticipates a different form of development.
3 The comprehensive plan anticipates a C-2-A, or
4 for this particular designation, potentially
5 even C-2-B-type zone.

6 COMMISSIONER MAY: Okay. C-2-A or
7 C-2-B would be -- according to the comp plan
8 -- would be the more appropriate zone for
9 these properties?

10 MR. LAWSON: Both of those zones
11 are considered not inconsistent with that
12 designation.

13 COMMISSIONER MAY: Okay. But R-4
14 is not inconsistent with it? Or is
15 inconsistent with it?

16 MR. LAWSON: According to the
17 comprehensive plan, R-4 is considered a low-
18 to moderate-density residential zone. So
19 there's certainly an element to that in the
20 comprehensive plan map designation. But
21 again, the comprehensive plan says that a zone
22 that is -- I hate this term -- but not

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1 inconsistent with that designation is C-2-A,
2 C-2-B -- that type of zone.

3 COMMISSIONER MAY: And because it
4 does not specifically mention R-4, R-4 would
5 be considered inconsistent?

6 The whole point of this is that
7 when I look at this and I see how we're taking
8 this small parcel of land and we're proposing
9 to zone this C-2-A -- which I think it's not
10 unreasonable to have that kind of a
11 transitional zone. I don't think it's
12 inconsistent. What I wonder about is the
13 houses that are just north of there. And why
14 aren't you recommending that those be rezoned?
15 Because they're apparently not not
16 inconsistent.

17 MR. LAWSON: Yes. No, I think
18 that's an excellent question. And I think the
19 reason is that we didn't receive that
20 application. The applicants came in. The
21 Office of Planning is not the applicant for
22 this. We're responding to the application

1 that came before us.

2 And I think it's a reasonable
3 question that possibly through our zoning
4 review process as we've explained to the
5 Commission before, with a couple of notable
6 exceptions -- and you've been kind of dealing
7 with those over in Wards 7 and 8 and the R-5A
8 -- the Office of Planning is not particularly
9 interested in bringing forward map consistency
10 cases at this point. We've been instructed to
11 do so in a few cases. The Ward 7 R-5A is the
12 best example where the comprehensive plan is
13 very direct and very clear that we're to do
14 that and do it now, which is why we're doing
15 that.

16 But for the rest of the District
17 -- and there are many areas like this, and you
18 certainly have been dealing with your kind of
19 fair share of them lately -- we've been saying
20 that we need to go through the zoning review
21 process before we're comfortable bringing
22 forward those cases. And I think we've also

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1 heard that kind of feedback from the Zoning
2 Commission as well.

3 VICE CHAIRMAN JEFFRIES: But I
4 would agree with Commissioner May here. I'm
5 sitting here looking at this, and clearly I
6 understand who the applicants are, and what
7 their interests are. But obviously, the
8 Office of Planning -- this is an opportunity.

9 I'm just wondering why you didn't
10 join in as part of this party to put forward,
11 because it would seem to me -- just given the
12 location, Florida Avenue and Georgia Avenue --
13 that and obviously it's supportive -- I mean,
14 the comprehensive plan -- it states that these
15 five lots that are north of the subject
16 properties, it seems like they should be a C-
17 2-A -- I mean, at least. So that's why I'm
18 still bewildered by that.

19 MR. JACKSON: Okay. Probably it's
20 good to have two more points of clarification.

21 With regard to the issue of why we
22 made the observation that the R-4 was not

1 consistent with the comprehensive plan, we
2 also have made the same observation of the CM-
3 1, because CM-1 would allow the office or
4 commercial uses, but it wouldn't allow
5 residential. So we actually looked at both
6 those proposed zones and said well, they won't
7 allow the mix as anticipated by the comp plan
8 such that we identified C-2-A and C-2-B as not
9 being inconsistent with the comp plan because
10 they would allow both options.

11 But on to your point, when the
12 Applicant came in with the application, we did
13 suggest that they talk to the neighboring
14 property owners about joining it because at
15 this point, it was a petition on their part.
16 And we suggested that they talk to their
17 neighbors about joining the petition to rezone
18 the property, and made ourselves available to
19 answer any questions about how that would
20 impact those residences. And I think they
21 made the effort to do so.

22 VICE CHAIRMAN JEFFRIES: Okay.

1 Then maybe I don't quite understand, because
2 I'm looking at this as a consistency case.
3 Okay? And I clearly understand that the
4 Office of Planning does not have the resources
5 to run around the city and figure out all the
6 places where they should straighten out
7 consistency. But here's one where they
8 brought it into the office, and I'm just sort
9 of wondering even if they couldn't get the
10 adjoining tenants to come forward, would that
11 be something that the Office of Planning still
12 if it really felt strongly about -- which this
13 is such a critical location -- that you would
14 have sort of taken the bull by the horns and
15 really looked at this as a straight
16 consistency case as it relates to the larger
17 good? Because these property owners -- I
18 mean, I'm happy for them, but I'm just looking
19 at a larger development here for the city.

20 MR. LAWSON: Well, our
21 understanding is that with the other
22 properties -- the ones that are in use -- they

1 actually are residential right now.

2 But I think the main thing is that
3 -- you mentioned we don't have the facilities
4 to kind of go out and kind of scope where this
5 kind of action is necessary. We're also a
6 little bit leery about allocating our
7 resources at this point to just being
8 applicants for cases like this. It actually
9 is a fair amount of work as I'm sure the
10 applicants can attest to do a case like this.
11 And if we say yes to this one, then why are we
12 singling this one out?

13 But I think the other point to
14 make is that C-2-A is not a particularly
15 unusual zone to have up against R-4. It's one
16 of the reasons why we're more supportive of C-
17 2-A than C-2-B. It is the neighborhood
18 residential zone. There are small pockets of
19 C-2-A in the District.

20 While I wouldn't say this is the
21 most usual zoning pattern in the city, it's
22 not outrageously unusual either to have C-2-A

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1 next to R-4. That's the type of zone that we
2 want next door to a residential area. And
3 through the zoning review process, we will be
4 looking at this site. And you may see this
5 coming back at some point.

6 VICE CHAIRMAN JEFFRIES: Because I
7 really didn't fully get this during setdown,
8 and it's a lot more clear to me now.

9 I mean, a C-2-A -- clearly next to
10 Arts C-2-B and I mean sort of being
11 transitional and stepping down seemed
12 appropriate to me.

13 Okay. I'm sorry, Commissioner
14 May.

15 COMMISSIONER MAY: Yes. I want to
16 follow up on this.

17 Yes, I know that C-2-A up against
18 R-4 happens regularly in the city. And the
19 thing that concerns me about this is that
20 there are areas where that works well, and
21 there are areas where that does not work well.
22 And when you have a block fronting on a

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1 commercial street, and you have to step down
2 behind that to the residential area going from
3 C-2-A on one side of the block to R-4 on the
4 other, it certainly works very smoothly if the
5 differences in heights that are allowable are
6 not that noticeable.

7 But in this sort of circumstance,
8 we have what frankly is appearing around the
9 city, and I've noticed it in a couple of
10 different cases where you have either a whole
11 block that's been zoned C-2-A and most of it
12 happens to be rowhouses. Or you have
13 rowhouses butting up against a corner property
14 which is C-2-A. So you've got R-4 next to C-
15 2-A and this kind of a circumstance.

16 And what will happen -- and what
17 I've seen happen in some of these
18 circumstances, particularly given the recent
19 development fervor with regard to apartments,
20 condos, whatever -- we wind up with very tall
21 buildings seemingly right next to ordinary
22 height rowhouses. So we might have a 25- or

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1 30-foot tall townhouse with a 50-foot building
2 next to it. So a 20-foot jump like that is
3 really, really very significant.

4 And I don't have any idea what's
5 intended here. But's this is what we're
6 opening the door to. And I'm not sure that
7 that's really the circumstance that we want to
8 create, particularly since we have C-2-B on
9 Florida Avenue, and that's vacant. We know
10 that's going to be a very tall building. And
11 so we wind up with these five little
12 townhouses bookended by these very large
13 bookends.

14 And so I'm just concerned with how
15 that is. Not to say that making them all C-2-
16 A is the right thing to do necessarily either.
17 I think if one or two of them were still
18 commercial uses or potentially commercial use,
19 or they're really ripe development properties,
20 maybe that would be the appropriate thing.
21 But I'm still just not convinced that this
22 particular corridor at this moment should be

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1 anything other than residential.

2 And that really was what my
3 question was before. I mean, right across the
4 street from this is also residential, and will
5 always be residential. On the south side of
6 the block is the school. It's not
7 inconsistent with having residential, not
8 inconsistent with commercial. So I don't
9 think it's a bad fit in that direction having
10 commercial.

11 I don't know what's in the
12 southwest corner of that intersection, but
13 from the aerials that I've seen, it looks like
14 it's vacant. But everything else around there
15 is all residential.

16 So this is why I asked whether R-4
17 would be considered inconsistent with the zone
18 because I think frankly in terms of the way
19 the block is forming, it still feels to me
20 like R-4 fits.

21 MR. LAWSON: I understand your
22 comments. And certainly, R-4 allows 40 feet,

1 and C-2-A would allow 50 feet. So there's the
2 potential for a 10-foot height
3 differentiation.

4 COMMISSIONER MAY: But they're not
5 40 feet now. The houses that are there right
6 now are --

7 MR. LAWSON: Exactly.

8 COMMISSIONER MAY: -- not
9 necessarily 40 feet.

10 MR. LAWSON: Or the existing
11 commercial buildings. So we're looking at
12 what the existing fabric is as well as what
13 the zoning would permit.

14 The existing fabric is clearly one
15 of commercial buildings on this property -- on
16 all of these properties -- whereas the
17 properties to the north, they are clearly
18 residential buildings. So that certainly
19 entered into our recommendation I guess about
20 what's an appropriate zone.

21 So we felt that it was appropriate
22 to allow these buildings to be used for their

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1 historical use, which is commercial. Their
2 alternative would be to attempt a retrofit or
3 to demolish and replace them with something
4 else. And I'm not saying that's necessarily
5 a bad thing. I'm just saying that's kind of
6 what their alternatives would be, whereas the
7 buildings to the north were much more clearly
8 built as residential properties.

9 So we have a block face, which is
10 historically commercial with buildings that
11 were constructed as commercial buildings, and
12 which has a comp plan land use map designation
13 as mixed use, which includes commercial,
14 whereas R-4 does not allow that commercial
15 component. So we also have a number of
16 buildings that are vacant that we would like
17 to see put to productive use and be of support
18 and benefit to the surrounding neighborhood.
19 So that was the rationale.

20 And I understand the concerns that
21 you're expressing. And from a neighborhood
22 standpoint would having these properties

1 redeveloped as residential be somehow
2 nonconforming to the neighborhood? No. I
3 don't think that's what the Office of Planning
4 is saying. But I think we're kind of to some
5 extent dealing with the cards that are being
6 dealt with on this property, which as I said
7 historically a commercial use -- a difficult
8 commercial use -- because of being difficult
9 to find tenants for them. And we feel that
10 this will help this block to become a
11 productive part of the neighborhood.

12 COMMISSIONER MAY: Okay. Just to
13 clarify on one point, the comprehensive land
14 use map -- I'm sorry, the comprehensive plan
15 future land use map is showing this as what
16 you're referring to as mixed-use development.
17 And with C-2-A being one of the allowed zones,
18 it's entirely possible that the property zone
19 C-2-A will be developed exclusively with
20 residential use. Right?

21 MR. LAWSON: The C-2-A absolutely
22 allows that. Yes.

1 COMMISSIONER MAY: Up to a 2.5
2 FAR. Right?

3 MR. LAWSON: That's correct.

4 COMMISSIONER MAY: Okay. So we
5 could still wind up with a 50-foot-tall
6 residential building on this. And we wouldn't
7 have the mixed use --

8 MR. LAWSON: That's possible.

9 COMMISSIONER MAY: -- that's
10 required -- or I'm sorry -- that's recommended
11 in the comprehensive land use plan.

12 MR. LAWSON: That's true. I mean,
13 certainly one of the things we're looking at
14 as part of the zoning review is whether we
15 need some additional zones that actually have
16 that commercial requirement. None of our
17 zones right now have it.

18 COMMISSIONER MAY: I guess in the
19 long term, that's the thing that still kind of
20 troubles me is this notion that once you
21 stripe the zone that it really limits you. I
22 always thought that it was either moderate-

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1 density residential or low-density commercial,
2 or a mixture, but not so prescriptive that it
3 really is just the C-2-A, C-2-B, whatever. So
4 I'm going to study my comp plan a little bit
5 more. Thank you.

6 CHAIRMAN HOOD: Okay. Again I
7 want to thank my colleagues for their well-
8 thought out questions.

9 COMMISSIONER TURNBULL: Mr. Chair,
10 I wonder if I could just interject one minute?

11 CHAIRMAN HOOD: Yes. Go ahead,
12 Commissioner Turnbull.

13 COMMISSIONER TURNBULL: I wonder
14 Mr. Jackson, could you explain again or just
15 repeat about Lot 0801?

16 MR. JACKSON: Looking at the map,
17 it appears that this at one time was a rear
18 access that went from T Street behind all the
19 residences to the north. And it may have
20 served all the lots at one time. But
21 currently, it appears that the alley has been
22 closed and parceled between at least four of

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1 the five -- well, three of the five lots to
2 the north. And a remaining portion is listed
3 on the tax records as being a lot with no
4 owner -- a tax lot with no owner.

5 We brought that to the attention
6 of the Zoning Commission at the last meeting.
7 And we were not able to find any other
8 information about the property. But it was
9 felt that leaving this narrow lot out of this
10 zoning change did not make any sense because
11 if this were to change to a commercial or
12 mixed-use zone with an R-4 that was 10 feet
13 wide at best, it would be insufficient to put
14 a residence in. And who would put a residence
15 between two commercial uses?

16 So the decision was made to
17 include it in this application. And as of
18 now, the only information that we have is that
19 it is a tax lot with no owner.

20 COMMISSIONER TURNBULL: So it's
21 going to remain an available lot for someone
22 to buy?

1 MR. JACKSON: Right.

2 COMMISSIONER TURNBULL: It's not
3 going to be public property like an alley?
4 It's going to be an actual lot?

5 MR. JACKSON: Again, it's a tax
6 lot with no owner. And so for instance if it
7 was public property, the owner would be in the
8 District of Columbia. There would be some
9 reference. But there's no reference to any
10 owner for this property.

11 COMMISSIONER TURNBULL: Okay.
12 Thank you.

13 CHAIRMAN HOOD: Let me say on the
14 same note, the problem I see that's created in
15 that instance is some cases have now come in
16 front of the BZA where people try to come in
17 and squeeze in and do a use that is prohibited
18 from that specific area. So I don't know what
19 we are creating here. But that's where we
20 are.

21 But I still have some concerns
22 with that 01 as Mr. Turnbull, and I want to

1 thank him for bringing that up.

2 But as I was alluding to, I
3 appreciate my colleagues' questions and
4 comments. But I will tell you, the
5 application we have before us is before us.
6 I would agree with everything I've heard about
7 02, 04, and 06.

8 And as Mr. Lawson has already
9 talked about, we're doing the zoning re-
10 writing. There's some issues with the
11 resources with the Office of Planning. And
12 that's the case specifically that we have
13 before us tonight.

14 And I will tell you -- and I'm
15 sure my colleagues will agree -- that we're
16 going to probably see -- I don't know if it's
17 going to be particularly this five -- but the
18 Zoning Commission is going to see this again.
19 We're definitely going to see it again soon.
20 Well, I don't know how soon, but --

21 VICE CHAIRMAN JEFFRIES: The WMATA
22 developer.

1 CHAIRMAN HOOD: Oh, yes. We're
2 going to see it again.

3 But tonight, we have in front of
4 us an application. We've heard from some of
5 the applicants. And I think in that fashion,
6 we just need to move forward what we have in
7 front of us.

8 I could think of a whole cadre of
9 ways -- case in point, when I heard CM-1 -- of
10 course not. So that's one of the things that
11 I align myself with the Office of Planning --
12 CM-1.

13 And I think the Office of Planning
14 did the community a favor. You see, all I
15 have around me is CM-1. So I would encourage
16 you -- I mean, no one wants to hear it, but I
17 can tell you some of the things that go on in
18 CM-1 --

19 VICE CHAIRMAN JEFFRIES: What Ward
20 is that?

21 CHAIRMAN HOOD: We're not going to
22 mention what Ward it's in. We have all the

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1 CM-1 zones. But I can tell you, the Office of
2 Planning did that neighborhood a favor.

3 Mr. Jackson, were you going to say
4 something?

5 MR. JACKSON: No.

6 CHAIRMAN HOOD: You were going to
7 rest on that. Right?

8 MR. JACKSON: Yes. We're resting.

9 CHAIRMAN HOOD: Okay. Okay.
10 Let's just move forward.

11 Any other questions? Comments?
12 Office of Planning?

13 (No audible response.)

14 CHAIRMAN HOOD: Okay. Do we have
15 a sign-in sheet?

16 Do you have any cross examination
17 of the Office of Planning? And that's just
18 where you ask questions on anything that they
19 may have mentioned in their testimony. And
20 you just ask the Office of Planning questions.

21 You wanted to say something.
22 Let's use that time.

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1 MR. DODSON: I just wanted to
2 emphasize that these are very shallow lots.
3 I think they're about 32 or 33 feet deep. And
4 they're in an historic district. So the
5 likelihood that anyone would find it feasible
6 to build 50 stories with a setback would be
7 fairly unlikely -- 50 feet rather.

8 CHAIRMAN HOOD: Okay. Let me get
9 the sign-in sheet.

10 Did Mr. Young ever make it? Oh,
11 Mr. Young, you made it. Did you want to come
12 up?

13 I can tell you your colleagues
14 have -- okay. Good man. You're a smart man.

15 That's what a judge told me one
16 time. He said, don't you know when to leave
17 stuff alone.

18 Let me get the sign-up sheet.

19 Let me just do this. How many
20 people do we have here in support? Just show
21 me a show of hands.

22 VICE CHAIRMAN JEFFRIES: Who want

1 to testify.

2 CHAIRMAN HOOD: Yes. Who want to
3 testify in support?

4 And how many people are in
5 opposition? Okay.

6 We've already acknowledged that
7 Mr. Young is here.

8 She has the original sign-in
9 sheet, Mr. Young.

10 For the record, Mr. Young, the
11 Applicant, has arrived and has been here for
12 some moments -- awhile -- but I think we can
13 move forward. And if my colleagues want to
14 ask him some questions, we can do that. But
15 as I stated, his colleagues have done a superb
16 job.

17 The only person I have down here
18 to testify in support is Mr. Dave Corson.
19 Okay. If you can come forward. If you guys
20 can make room for Mr. Corson.

21 And anyone else who would like to
22 testify --

1 MS. SCHELIN: Did you swear in? I
2 don't think he did.

3 MR. CORSON: No.

4 MS. SCHELIN: You need to. Okay.

5 CHAIRMAN HOOD: And let me do
6 this. Anyone else who has not been sworn in
7 and is going to say something, please stand up
8 so you can be sworn.

9 (Whereupon, the witnesses were
10 sworn.)

11 (A chorus of I dos.)

12 MS. SCHELIN: Thank you.

13 CHAIRMAN HOOD: Anyone else who
14 would like to testify -- organizations or
15 persons in support?

16 Okay. Mr. Corson, you're it.

17 MR. CORSON: My name is David
18 Corson. I live at 1907 8th Street, N.W. I'm
19 one of the five properties north of the stores
20 that are here for the rezoning.

21 I am in support of them getting
22 the rezoning for commercial. Those stores

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1 were originally the horse stables which
2 supported our five homes. We're the five
3 original old homes out of 30 that were on the
4 block up until about 1968, which has a lot
5 north of us and has been awarded to a
6 contractor. It's going to be apartments and
7 residential with some arts. And then of
8 course the CVS belongs to Howard. And then
9 I've heard plans are in the works, but
10 nothing's solidified yet for that development.

11 It should be noted that the five
12 houses north of the stores are not only
13 original but also that the alley supporting
14 the five houses only extend only up to about
15 the fourth house going from 7th Street up to
16 about the fourth house north. Those -- from
17 what I've been able to deal with research with
18 DCRA is that it's a private-owned alley
19 jointly owned by the four homes. I'm not
20 quite sure why. But when I went to try to get
21 them to fix the alley, they reported back and
22 told me it's private. So they wouldn't touch

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1 it. And I worked with Councilmember Graham on
2 that as well.

3 So there's really no alley to
4 support those houses. In my opinion, they
5 should not be zoned anything other than
6 residential because that's what they are. Try
7 sticking a business in those old homes with
8 the thin walls and everything else, you hear
9 everything, unless the plan is to tear down
10 the homes, and then that's a whole different
11 story. And that's a whole different trial.

12 But for now, the stores only along
13 T Street -- the 700 block of T Street -- I am
14 in full support. Going any further north, I
15 am not in support of.

16 CHAIRMAN HOOD: All right. Thank
17 you very much, Mr. Corson. If you can just
18 hold your seat.

19 Colleagues, any questions of Mr.
20 Corson? Commissioner May?

21 COMMISSIONER MAY: Yes. Is your
22 support of the commercial zoning for those

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1 properties based on the assumption that the
2 buildings will essentially be the same shape
3 that they are right now?

4 MR. CORSON: They could change.
5 And I realize I'm going to be in one of those
6 older houses with high rises all around and
7 that's what I've got to deal with.

8 I live in the city. I chose to
9 live in the city. It's city life. I mean, as
10 long as I get to maintain my 120-year-old
11 property with the original hardwood floors and
12 plaster walls, I'm quite happy.

13 COMMISSIONER MAY: Okay. Thanks.

14 VICE CHAIRMAN JEFFRIES: And no
15 one has approached you? No developer or
16 anyone has approached you about purchasing
17 your place?

18 MR. CORSON: Not yet. And they
19 have a high price if they do.

20 VICE CHAIRMAN JEFFRIES: I think
21 you all will. And you will be offered. So
22 get ready.

1 CHAIRMAN HOOD: Okay. Any other
2 questions of Mr. Corson? Any cross
3 examination from the Applicant?

4 (No audible response.)

5 CHAIRMAN HOOD: Okay. Thank you
6 very much, Mr. Corson.

7 Stanley, do you want to testify in
8 support?

9 MR. MAYES: Yes.

10 CHAIRMAN HOOD: Okay. Mr. Corson,
11 thank you.

12 We're swearing in one at a time
13 tonight.

14 (Whereupon, the witness was
15 sworn.)

16 (A chorus of I dos.)

17 MS. SCHELIN: Thank you.

18 MR. CORSON: May I ask a question?
19 I'm sorry.

20 CHAIRMAN HOOD: Sure.

21 MR. CORSON: I don't have any of
22 the paperwork in front of me.

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1 Your recommendation to add a lot
2 to this rezoning, what is the exact address of
3 that lot?

4 VICE CHAIRMAN JEFFRIES: Do you
5 know exactly what they're referring to?

6 MR. JACKSON: The address is just
7 T Street.

8 MR. CORSON: T Street?

9 MR. JACKSON: Yes. It's between
10 the last building and CVS of that alley.

11 MR. CORSON: Okay. But it's not
12 1905 8th Street. Right?

13 MR. JACKSON: No. No.

14 MR. CORSON: Okay.

15 MR. JACKSON: 1905 8th Street is
16 --

17 MR. CORSON: It's one of the five
18 homes. So I just wanted to make sure.

19 VICE CHAIRMAN JEFFRIES: If you
20 have it, just show him.

21 MR. CORSON: Sorry about that. I
22 just want to make absolutely sure.

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1 COMMISSIONER MAY: It's the alley
2 that connects with the private alley behind
3 your houses.

4 MR. CORSON: Right. Okay. I
5 mean, that's fine.

6 DCRA was confused about that and
7 told us the alley extended all the way down.
8 But as long as that's off, I don't care
9 either. That's fine. That little alley's
10 fine.

11 Thank you.

12 CHAIRMAN HOOD: Thank you.

13 We have one more person that's in
14 support.

15 Good evening. If you can identify
16 yourself for the record.

17 MR. MAYES: Good evening, Mr.
18 Chairman and Members of the Commission.

19 I am Stanley Mayes. I reside at
20 1319 Walleet Place, N.W. in Washington. And I
21 formerly served as Chairman of the Advisory
22 Neighborhood Commission 1B when we in fact did

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1 the zoning. In fact, I authored the zoning
2 plan -- scheme -- that was a part of the
3 Uptown Arts Overlay District.

4 We recognized at that time that
5 these buildings were in fact commercial
6 buildings, and not intended ever to be
7 residential. They were not constructed as
8 residential. And all of their grandfather
9 uses had been commercial that we were aware
10 of.

11 Our concern was twofold when we
12 developed the scheme the way we did. And I
13 think the case was 87-7, which was a case that
14 in fact changed the zoning on these squares.

15 The first and most important issue
16 was at that time, we were not sure that
17 Cleveland School would survive as a school,
18 and we wanted to protect it, and did not want
19 to see the commercial encroachment that might
20 have come from Cleveland School ending up
21 closing T Street similarly to what happened on
22 the other side of Florida Avenue going into

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1 the park where part of T Street was in fact
2 closed. And we were concerned about that.

3 So we decided that our best chance
4 to protect first the school was to protect
5 these buildings so that they would not be an
6 easy bridge over across T Street and that
7 someone coming and asking for a street
8 closing, and we would end up with something.

9 And I would remind the Board with
10 all due respect what happened at Tech World,
11 and we were concerned that we would end up in
12 a Tech World situation with a street being
13 closed in the middle of our Commission. And
14 it was an important east-west -- well,
15 eastbound thoroughfare for the Advisory
16 Neighborhood Commission. And so we chose to
17 do that. But the second part of it was that
18 we were concerned for those houses going along
19 8th Street.

20 And there's another part of my
21 background that I will just share with you
22 that I also was one of the project managers on

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1 the Metro construction for the Howard-Shaw
2 station at about the same time. So I had
3 reason to be concerned as to what was going to
4 happen with those buildings because we in fact
5 did condemn a couple of buildings at the end
6 of the block in order to use them as staging
7 areas for Metro.

8 So again, I am here to support
9 this because in fact, the history was we did
10 this for reasons that had nothing to do with
11 these buildings. It was an anachronism that
12 we never got a chance to go back and correct.

13 But life moved on. The Commission
14 changed. But I've even been in touch with
15 Norman Wood and have his permission, who was
16 the single-member district commissioner and
17 still resides on 8th Street in the 1800 block,
18 to support this application. And so I came to
19 give this humble testimony.

20 Thank you very much.

21 CHAIRMAN HOOD: All right. Thank
22 you very much.

1 Any questions for Mr. Mayes?

2 (No audible response.)

3 CHAIRMAN HOOD: All right. Thank
4 you for coming to testify.

5 MR. MAYES: Okay. Great.

6 CHAIRMAN HOOD: Okay. Let's go to
7 organizations or persons in opposition. Do we
8 have any organizations or persons in
9 opposition?

10 (No audible response.)

11 CHAIRMAN HOOD: We don't have
12 anything written from the ANC, but I see the
13 Vice Chairman. And since I know he's the Vice
14 Chairman -- are you the Vice Chairman of 1B?

15 PARTICIPANT: No. 4C.

16 CHAIRMAN HOOD: 4C. But you're
17 the Vice Chairman?

18 PARTICIPANT: Yes.

19 CHAIRMAN HOOD: Okay. Wrong ANC.
20 But right position.

21 Okay. Mr. Young, did you want to
22 come up? We'll give you about five minutes.

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1 MR. YOUNG: Well, first let me --

2 CHAIRMAN HOOD: Come and get on
3 the microphone and identify yourself. And
4 then we can go from there.

5 But remember the statement we said
6 a little earlier.

7 MR. YOUNG: All right. First of
8 all, I apologize for being late. And I
9 appreciate the presentation that everybody has
10 put forth before.

11 I do have a document from the ANC,
12 and it was faxed to the Zoning office earlier
13 today. But I can share I guess one or two
14 documents -- I made copies of them -- if you
15 will allow me.

16 CHAIRMAN HOOD: Will you get that,
17 Ms. Schelin?

18 MS. SCHELIN: That's from the
19 single-member district, so it doesn't have
20 great weight. We have that.

21 CHAIRMAN HOOD: No, we have the
22 one from the single-member district.

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1 MR. YOUNG: And at that time, that
2 statement stands for itself.

3 CHAIRMAN HOOD: Right. But in
4 order for us to give ANC great weight, it has
5 to be a duly noticed meeting. It was properly
6 noticed with the vote -- record the vote.

7 MR. YOUNG: I've been informed.

8 CHAIRMAN HOOD: Okay. You know
9 the whole piece.

10 MR. YOUNG: Okay. I'm going to
11 say one statement on behalf of my partner.
12 And that's Mr. Ralph Higgs. He apologizes for
13 not being here tonight, but he had some other
14 engagements.

15 He just noted there was an
16 historic district. His dad owned most of
17 those properties when he was a kid.

18 I met him when I went to Howard
19 University, and we've had a partnership for
20 over 30 years -- a friendship. And then when
21 he was in trouble, I jumped in and helped to
22 bail him out. They tried to condemn these

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1 buildings and take them -- period. But we're
2 backstanding, so now we're coming forward.

3 Now, 727 is in the joint name of
4 Joe Young and Higgs. So we've got a Young-
5 Higgs partnership. The other two buildings --
6 23 and 25 -- are left in the Higgs' name
7 because they belong to him and his family.
8 And that's where that stands. And we have a
9 partnership agreement to attest to that.

10 Any other questions that you might
11 have, I'm willing to answer. But that's where
12 this mission started. And I'm all in.

13 CHAIRMAN HOOD: Thank you, Mr.
14 Young for adding to again what your colleagues
15 superbly did prior to your arrival. But we're
16 glad you made it, and glad you were able to
17 offer us some comments.

18 Let me see. Any questions,
19 colleagues?

20 (No audible response.)

21 CHAIRMAN HOOD: We have none.

22 All right. Did I call for

1 opposition?

2 VICE CHAIRMAN JEFFRIES: Yes.

3 CHAIRMAN HOOD: There was not any?

4 Okay. We'll do rebuttal. Mr.

5 Young and colleagues, we'll do rebuttal, and
6 closing by the Applicant.

7 You're all the Applicants. And
8 basically what we brought -- well, you don't
9 have any rebuttal.

10 Anything you want to add --
11 closing remarks, ask the Commission maybe how
12 you'd like for us to proceed?

13 MR. YOUNG: We've got a request.
14 We request that you all approve what was
15 approved by the OP, and bring us back to the
16 current commercial mixed use that it was.

17 CHAIRMAN HOOD: So your request is
18 that we approve the recommendation from the
19 Office of Planning?

20 MR. YOUNG: That's correct.

21 CHAIRMAN HOOD: Okay. All right.

22 Well, I thank you all for your testimony.

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1 And colleagues, I am in the
2 mindset of disposing with this tonight. Let
3 me hear any if there's any reservations? I
4 don't know what else we can get other than the
5 things that I think Commissioner May has
6 rather exhausted a lot of the other avenues.

7 But as I stated -- Vice Chair
8 Jeffries and I stated we are where we are.
9 This is what's in front of us.

10 And we also heard from Mr. Corson.
11 Mr. Corson came up and he actually turned
12 around with some of the thoughts we had about
13 moving forward with C-2-A or C-2-B Arts
14 District moving north. So it was good that he
15 did actually come and kind of negate that for
16 the time being. But I'm sure we'll see you
17 back eventually.

18 Okay. So with that, any
19 reservations? Any hesitation moving forward?

20 COMMISSIONER MAY: Well, I can't
21 say that I'm thrilled about the prospect of
22 moving forward tonight because I feel like I

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1 raised a number of questions. And I don't
2 feel like I'm fully satisfied with the answers
3 at this moment.

4 I don't know that there's any
5 additional information that I would need to be
6 able to answer those questions. But I would
7 have appreciated more time to think about it
8 and consider the issues.

9 But if the full Commission is
10 inclined to move ahead tonight, I'm not going
11 to stand in the way.

12 CHAIRMAN HOOD: Let me ask
13 something. The reason I did that -- because
14 I looked at what we had in front of us. I
15 looked at the Zoning re-write. I listened to
16 the dialogue. I listened. I didn't ask a lot
17 of questions. I listened to the dialogue.

18 And I just don't know what time
19 would do for anyone. Maybe it will, and maybe
20 it won't. But for me, we're not going to get
21 any additional information. We know what we
22 have in front of us.

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1 And we heard from Mr. Corson about
2 the idea about moving north even though that
3 eventually will I think resurface itself to
4 this Commission. And the Applicant has asked
5 us to move in the fashion of the Office of
6 Planning's recommendation. So I don't know
7 what additional time will do for anyone.

8 COMMISSIONER MAY: It would just
9 allow me time to think, Mr. Chairman. That's
10 the only reason.

11 If the rest of the Commission
12 feels a need to move ahead tonight, then I
13 won't stand in the way. But that's all I
14 would have wanted.

15 CHAIRMAN HOOD: Well, here's the
16 thing. When you're the chairperson, you try
17 to level it off, and I appreciate that. But
18 I can tell you, when I sat to the left, I
19 would have made a motion by now out of respect
20 of waiting.

21 Let me hear from my other
22 colleagues.

1 VICE CHAIRMAN JEFFRIES: Well, Mr.
2 Chair, I agree with you. Quite frankly, this
3 is not a complicated application. Quite
4 frankly, I think there's procedural issues
5 that Commissioner May has it relates to
6 definition of zones and as it relates to the
7 comprehensive plan and so forth. But I think
8 at some point we all need to get ourselves to
9 a place where we can say yes or we can say no,
10 and just be prepared to do that as opposed to
11 having to think about things.

12 I think that if the case as is
13 really doesn't work for you, I think that's a
14 no. And I think you should be very
15 comfortable with that versus someone here who
16 might think it's a yes.

17 I'm one of the Commissioners. I
18 don't think you always have to have a 5 to 0.
19 I think sometimes we can have a 4 to 1, 3 to
20 2. I think that's the beauty of having five
21 different individuals here.

22 So I side with the Chair. I don't

1 see any additional information here. The case
2 that's in front of us is what it is.

3 I do think that from an economic
4 development point of view, I think that this
5 case is going to be coming back to this
6 Commission a few times with some other
7 variations, and probably to HPRB and everyone
8 else. But at this point, what's in front of
9 us is pretty narrow and I think we vote it up
10 yes or no.

11 So that's where I'm at.

12 CHAIRMAN HOOD: Okay. Anyone
13 else? Anyone else?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay. All right.

16 It's hard being a chairperson,
17 because I like to try to get the 5 to 0 votes.
18 But I don't think it matters. Tonight is just
19 not the night for that.

20 I think this case moves on its
21 own. We've heard the testimony. All we'd be
22 doing as far as I'm concerned is just

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1 prolonging it. If you feel that strong, and
2 we want a 5 to 0 vote, I don't have any
3 problems. I can go either way.

4 COMMISSIONER MAY: Mr. Chairman,
5 it's really not about getting a 5 to 0 vote.
6 It's just that there are things that I heard
7 tonight that I wanted to think through.
8 That's all it was about.

9 CHAIRMAN HOOD: Well, let me ask
10 you this.

11 COMMISSIONER MAY: I'm not asking
12 you to not move --

13 CHAIRMAN HOOD: Well, let me say
14 this.

15 COMMISSIONER MAY: -- as a result
16 of that.

17 CHAIRMAN HOOD: Let me say this.

18 COMMISSIONER MAY: I don't think
19 that anybody is going --

20 CHAIRMAN HOOD: Okay.

21 Commissioner May, can I speak now?

22 I already know I have the votes.

1 I already know I have the votes. I just want
2 to get a word in. I already know I have the
3 votes. But I'm trying to be respectful and
4 give you an opportune time so you can have
5 time to think.

6 COMMISSIONER MAY: Right.

7 CHAIRMAN HOOD: And then we'll
8 probably end up back right here where we are.

9 So all I'm trying to do is -- and
10 I'm sitting here trying to figure out how we
11 can accommodate you as a Commissioner.

12 COMMISSIONER MAY: I'm not looking
13 for accommodation. I'm very happy --

14 CHAIRMAN HOOD: What's your point?

15 COMMISSIONER MAY: I'm sorry.

16 CHAIRMAN HOOD: With that, I will
17 move approval of Zoning Commission Case No.
18 07-31, and also that we approve the
19 recommendation by the Office of Planning to
20 rezone the squares as noted in this
21 application to C-2-A, including 801, and ask
22 for a second.

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1 VICE CHAIRMAN JEFFRIES: Second.

2 CHAIRMAN HOOD: Any further
3 discussion?

4 (No audible response.)

5 CHAIRMAN HOOD: All those in
6 favor?

7 (A chorus of ayes.)

8 CHAIRMAN HOOD: Any opposition?

9 (No audible response.)

10 CHAIRMAN HOOD: So ordered.
11 Staff, would you record the roll?

12 MS. SCHELIN: The staff records
13 the vote 5 to 0 to 0 to approve proposed
14 action in Zoning Commission Case No. 07-31;
15 Commissioner Hood moving, Commissioner
16 Jeffries seconding; Commissioners Etherly, May
17 and Turnbull in support.

18 CHAIRMAN HOOD: All right. I want
19 to thank everyone for their participation on
20 a well done case -- very well done.

21 MS. SCHELIN: Chairman Hood, if I
22 may, if we could leave the record open to

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1 allow the Applicant to file their affidavit of
2 maintenance?

3 CHAIRMAN HOOD: You have it?
4 Okay.

5 MS. SCHELIN: Okay.

6 CHAIRMAN HOOD: He will file it.
7 Is everything else in order?

8 MS. SCHELIN: Yes.

9 CHAIRMAN HOOD: All right. With
10 that, this hearing is adjourned.

11 Thank you.

12 (Whereupon, at 8:03 p.m., the
13 hearing was adjourned.)

14

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