

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

 IN THE MATTER OF:

 ZONING CONSISTENCY CASE TO
 REZONE PORTIONS OF WARD 8

|| Case No.
 || 08-12
 ||
 ||

Monday,
July 28, 2008

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

The Public Hearing of Case No. 08-12 by 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
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
JOHN MOORE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MARY NAGELHOUT, ESQ.

The transcript constitutes the minutes from the Public Hearing held on July 28, 2008.

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1 7:27 p.m.

2 CHAIRPERSON HOOD: Good evening,
3 ladies and gentlemen. This is a public
4 hearing of the Zoning Commission of the
5 District of Columbia for Monday, July 28,
6 2008. My name is Anthony J. Hood.

7 Joining me this evening are Vice
8 Chairman Jeffries, Commissioner Etherly,
9 Commissioner May, and Commissioner Turnbull.
10 We are also joined by the Office of Zoning
11 staff Ms. Schellin and Ms. Hanousek and Ms.
12 Bushman. Also the Office of Attorney General
13 Ms. Nagelhout. Also the Office of Planning
14 staff Ms. Steingasser and I believe Mr.
15 Lawson.

16 The proceeding is being recorded
17 by a court reporter and is also webcast live.
18 Accordingly, we must ask you to refrain from
19 any disruptive noises or actions in the
20 hearing room.

21 There are two hearings tonight.

22 The subject of the first hearing

1 tonight is Zoning Commission Case No. 08-12.
2 This is a request by the Office of Planning
3 for amendment to the zoning map in Ward 8, the
4 new Ward 8.

5 Notice of the hearing was
6 published in the D.C. Register on June 13,
7 2008 and copies of that announcement are
8 available to my left on the wall near the
9 door.

10 The subject of the second hearing
11 tonight is Zoning Commission Case No. 08-18.
12 This is a request by the Office of Planning
13 for amendments to the Zoning Regulations in
14 order to facilitate reuse of the D.C. Public
15 School buildings.

16 Notice of that hearing was
17 published in D.C. Register on June 27, 2008
18 and copies of that announcement are available
19 to my left on the wall near the door.

20 Both hearings will be conducted in
21 accordance with the provisions of 11 DCMR 3021
22 as follows: preliminary matters; presentation

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1 by the Office of Planning; reports of other
2 government agencies, if any; report of the
3 ANC; all the ANCs in Ward 8 for Case 08-12,
4 and all ANCs citywide for Case 08-18;
5 organizations and persons in support;
6 organizations and persons in opposition.

7 The following time constraints
8 will be maintained in these hearings.
9 Organizations five minutes; individuals three
10 minutes. The Commission intends to adhere to
11 the time limits as strictly as possible in
12 order to hear these cases in a reasonable
13 period of time. The Commission reserves the
14 right to change the time limits for
15 presentations if necessary and notes that no
16 time shall be ceded.

17 Upon coming forward to speak to
18 the Commission please give both cards to the
19 reporter sitting to my right before taking a
20 seat at the table. When you are finished
21 speaking, please turn your microphone off so
22 that your microphone is no longer picking up

1 sound or background noise.

2 To avoid any appearance to the
3 contrary, the Commission request that persons
4 present not engage the members of the
5 Commission in conversation during any recess
6 or at any time. The staff will be available
7 throughout the hearing for any procedural
8 questions.

9 Please turn off all beepers and
10 cell phones at this time so not to disrupt
11 these proceedings. At this time the
12 Commission will consider any preliminary
13 matters. Does the staff have any preliminary
14 matters?

15 MS. SCHELLIN: I'm sorry. I
16 believe the Office of Planning was going to as
17 a preliminary matter clarify the property that
18 was included or actually state that when they
19 do their presentation.

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: I think the issue
22 was that we had a map and we had a listing,

1 some text, and there was some misunderstanding
2 about what was out and what was in. There was
3 a little bit of an amendment and I believe the
4 Office of Planning was going to clarify that
5 at the hearing.

6 CHAIRMAN HOOD: Okay. Let me ask
7 this, Ms. Schellin. Do we have any
8 preliminary matters for the second case?

9 MS. SCHELLIN: Not that I'm aware
10 of.

11 CHAIRMAN HOOD: Okay. What we'll
12 do then we'll turn it over to Mr. Lawson and
13 Mr. Moore, or Mr. Moore and Mr. Lawson,
14 whoever is going to speak, and maybe do the
15 clarification which Ms. Schellin was talking
16 about.

17 Again, let me just say this, Mr.
18 Moore. We have a very well done report other
19 than the addition that you all may have to add
20 and we can move at that point.

21 Mr. Moore.

22 MR. MOORE: Good evening, Mr.

1 Chair and members of the Zoning Commission.
2 I'm John Moore of the Office of Planning. I
3 will be brief while Ms. Lawson is researching
4 the issue raised by staff.

5 I believe that the Commission is
6 quite familiar with this case. This is the
7 second of three rezoning cases east of the
8 Anacostia River, Wards 7 and 8. The first one
9 was specifically in the Marshall Heights
10 community in ANC-7E.

11 This one takes into consideration
12 all of Ward 8, all of the ANC districts in
13 Ward 8. The third one that was set for public
14 hearing the 12th of last month -- actually
15 this month, is the remaining portions of Ward
16 7, ANC-7A, 7B, 7C, and 7D.

17 The Office of Planning recommended
18 the Board approve the proposed application to
19 rezone certain R-5-A districts or squares or
20 portions of squares in Ward 8 from R-5-A to R-
21 2, R-3, or R-4.

22 The comp plan history that guides

1 this initiative is in your report if you want
2 to look through those again. The basis for
3 this was a survey we did in 2007 where we
4 looked at all the R-5-A districts in both Ward
5 7 and 8. That was used as the basis for
6 analysis and recommendation came out of the
7 analysis.

8 Mr. Chairman, it may be out of the
9 norm for this body but if I am permitted, I
10 would like to introduce to this body the young
11 man who is sitting in the audience who was
12 heavily involved in the collection of this
13 data, synthesizing it and even developing the
14 map to be used to make decisions from.

15 This is Clarence Lacey. Clarence
16 Lacey, stand up. He is, I believe, a junior
17 at Iowa State University and hopefully in two
18 years he will be sitting at this table here
19 addressing this body. He is an excellent
20 employee, very gifted with computers coming
21 from a guy who knows little about computers.

22 VICE CHAIRMAN JEFFRIES: Did you

1 say Ames, Iowa?

2 MR. MOORE: No. He's a junior at
3 Iowa State University.

4 VICE CHAIRMAN JEFFRIES: Which is
5 in Ames, Iowa.

6 MR. MOORE: I don't know.

7 VICE CHAIRMAN JEFFRIES: You could
8 have said Ohio State.

9 MR. MOORE: Thank you, Clarence.
10 That's his sister -- I mean, his mother with
11 him.

12 CHAIRMAN HOOD: Mr. Moore, if I
13 could, I hate to interrupt your presentation
14 but anytime you have young folks who are doing
15 a great job you always want to bring them to
16 the table. I know this may be out of the norm
17 but I hope my colleagues would indulge me.

18 I'm going to ask him to come up
19 and tell us what his experience was and give
20 us some insight. I am sure that I for one can
21 learn something. We're not even going to put
22 you on the clock. You can come up and

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1 introduce yourself and welcome to the D.C.
2 Zoning Commission. Hit your mic. Just press
3 your mic and introduce yourself. Repeat to us
4 what all you did.

5 MR. LACEY: My name is Clarence
6 Lacey. I am a junior at Iowa State
7 University. Last year working with the Office
8 of Planning I did a windshield survey with all
9 of the properties in Wards 7 and 8 that are
10 currently zoned R-5-A.

11 I looked at the housing type, the
12 housing condition, and the number of units, as
13 well as the number of stories to get an
14 analysis of the condition of the residences in
15 R-5-A in Wards 7 and 8.

16 R-5-A was chosen in particular
17 because it allows anything from single family
18 dwellings all the way to apartment buildings.
19 One thing that I found was that there was a
20 huge mix-up in a lot of the housing types you
21 would have, a one-story single-family dwelling
22 next to a two-story 16 unit apartment

1 building. It's pretty bad and it looked
2 pretty neglected because there was such a
3 disparity in the zoning.

4 CHAIRMAN HOOD: Okay. Colleagues,
5 any questions? We're not going to do that to
6 you but any questions of Mr. Lacey?

7 COMMISSIONER TURNBULL: I would
8 just like to comment that I think it was a
9 tremendous amount of work because I've sat on
10 any number of VCA cases with Mr. Moore and
11 we've had any number of applicants come before
12 us with sites they wanted to develop.

13 VICE CHAIRMAN JEFFRIES: Sometimes
14 the same application.

15 COMMISSIONER TURNBULL: Sometimes
16 the same application.

17 VICE CHAIRMAN JEFFRIES: Over and
18 over.

19 COMMISSIONER TURNBULL: Everybody
20 wants to see development and growth but we
21 really saw some very abusive situations where
22 there was nothing from a zoning standpoint

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1 that you could really do. I think doing
2 something like this and getting into this is
3 going to help that.

4 We really have had some situations
5 where we saw those rather abominations develop
6 and people taking advantage of either
7 abandoned lots, lots that were under-developed
8 and saying, "Hey, look what I can do." Thank
9 you very much for all your work.

10 CHAIRMAN HOOD: Any other comments
11 for Mr. Lacey? Vice Chair, did you want to
12 say something?

13 VICE CHAIRMAN JEFFRIES: Just what
14 a tremendous job you've done and service to
15 the city. You should be very happy.

16 CHAIRMAN HOOD: Again, we want to
17 thank you and also thank you for coming up and
18 giving us those few words of educational
19 wisdom and continue to keep going the good
20 work you're doing. Thank you very much.

21 MR. LACEY: Thank you for inviting
22 me.

1 COMMISSIONER ETHERLY: Mr. Chair,
2 if I could. Just very quickly, Mr. Lacey,
3 because we don't want to lose this
4 opportunity. What are you majoring in at Iowa
5 State?

6 MR. LACEY: Right now I am
7 majoring in community and regional planning.

8 COMMISSIONER ETHERLY: Okay. All
9 right. Excellent. So we may very well indeed
10 see you back here in a professional capacity.
11 Excellent. Thank you, sir. Thank you for all
12 your hard work.

13 CHAIRMAN HOOD: Good job. Thank
14 you.

15 VICE CHAIRMAN JEFFRIES: It is
16 Ames, Iowa. Right?

17 MR. LACEY: Yes.

18 CHAIRMAN HOOD: Mr. Moore, do you
19 want to add too much more to that?

20 MR. MOORE: Not more, just in
21 conclusion.

22 CHAIRMAN HOOD: Okay.

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1 MR. MOORE: The Office of Planning
2 recommends that the proposed zoning changes be
3 approved by this body. I want to make one
4 other comment on behalf of the ANCs. There
5 are none present this evening, although they
6 may be watching on the TV, but we did go to
7 many of the ANCs in Ward 8 and the support was
8 overwhelming when we went to them so on behalf
9 of those who were not here, they did support
10 this initiative.

11 With that, and Mr. Lawson is going
12 to continue with his research, I would be glad
13 to address any questions independent of that
14 research.

15 CHAIRMAN HOOD: Okay. Mr. Lawson,
16 are you ready?

17 MR. LAWSON: As ready as I'll ever
18 be. I had to remind myself what the issues
19 were here and it is true there were a couple
20 of properties that were identified after the
21 set down that we subsequently realized they
22 probably shouldn't be included and the public

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1 hearing notice reflected that.

2 I think of more concern is there
3 was one property. Even though it's a very
4 minor issue there was one square which shows
5 kind of right in the center of Map 2 that is
6 attached. There is a portion in kind of the
7 center left-hand portion that we recommended
8 to go to R-2 and there is a little kind of
9 purple arm sticking out the bottom of it.

10 We had neglected to include those
11 small properties that are in Square 5973 on
12 our list. They were always shown on the map
13 but they weren't included on the list and so
14 we went ahead with the notice and included
15 them in the notice but noted in the notice
16 that the Zoning Commission would be resolving
17 at the Zoning Commission hearing whether to
18 continue to include those properties in the
19 rezoning and we definitely recommend that you
20 do.

21 VICE CHAIRMAN JEFFRIES: There is
22 an appendage here that moves into 5973.

1 MR. LAWSON: That's correct. It's
2 because there's portions of lots right now
3 that it made sense for the entire lot to go
4 over to the new zone as opposed to staying in
5 the existing R-5-A zone so they wouldn't be
6 split zoned.

7 CHAIRMAN HOOD: Okay. Let me ask
8 my colleagues any questions of Mr. Moore or
9 Mr. Lawson? Any questions? Okay. Do we have
10 anyone here that is here to testify in
11 opposition or support for Zoning Commission
12 Case No. 08-12? Seeing none.

13 Colleagues, what I would like to
14 do is -- let me make sure I've covered
15 everything. Again, I want to thank Mr. Moore
16 for telling us also what the ANCs did in Ward
17 8 and the overwhelming response in support of
18 this action.

19 Again, organizations and persons
20 in support, organizations and persons in
21 opposition? Seeing none. What I would like
22 to do, colleagues, is move approval with the

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1 amendment so stated tonight, the inclusion of
2 the properties in square 5973 as recommended
3 by the Office of Planning and ask for a
4 second.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: Any further
7 discussion? All those in favor?

8 ALL: Aye.

9 CHAIRMAN HOOD: Any opposition?
10 So ordered. Staff, will you record the vote.

11 MS. HANOUSEK: Staff records the
12 vote in Case 08-12 approved for proposed
13 action. The vote is five to zero with
14 Chairman Hood making the motion and
15 Commissioner Turnbull seconding.

16 CHAIRMAN HOOD: Thank you, Ms.
17 Hanousek.

18 (Whereupon, at 7:42 p.m. the
19 public hearing was adjourned.)
20
21
22