

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:           :
                             :
Text Amendment to Create   :
an Additional Exception    :
to the Residential         :
Requirement of the Uptown:Case No. 08-29
Arts Overlay/Commercial   :
Residential (Arts/CR)     :
Zone                       :
=====⌋

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Thursday,  
April 30, 2009

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

The Public Hearing of Case No.  
08-29 by the District of Columbia Zoning  
Commission convened at 6:35 p.m. in the Office  
of Zoning Hearing Room at 441 4th Street,  
N.W., Washington, D.C., 20001, Gregory N.  
Jeffries, Vice-Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
WILLIAM WARREN KEATING, Commissioner  
PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

MATT JESICK

The transcript constitutes the minutes from the Public Hearing held on April 30, 2009.

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

2 6:35 p.m.

3 VICE CHAIRMAN JEFFRIES: Good  
4 evening, ladies and gentlemen. This is the  
5 Public Hearing of the Zoning Commission of the  
6 District of Columbia for Thursday, April 30,  
7 2009. My name is Gregory Jeffries. Joining  
8 me this evening are Commissioners William  
9 Keating, III, and Peter G. May. We are also  
10 joined by the Office of Zoning Staff, Ester  
11 Bushman.

12 This proceeding is being recorded  
13 by a court reporter and is also webcast live.

14 Accordingly, we must ask you to refrain from  
15 any disruptive noises or actions in the  
16 hearing room.

17 The subject of this evening's first  
18 hearing is Zoning Commission Case No. 08-29.  
19 This is a request by the Office of Planning  
20 for text amendments to the Zoning Regulations.

21 Notice of Today's hearing was published in  
22 the D.C. Register on March 6, 2009. And

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1 copies of that announcement are available to  
2 my left in the rear, near the door.

3 This hearing will be conducted in  
4 accordance with provisions of 11 DCMR Section  
5 3021, as follows: First, preliminary matters;  
6 two, presentation by the Office of Planning;  
7 three, reports of other Governmental Agencies,  
8 if any; four, report of the ANCs 1B and 2B;  
9 organizations and persons in support;  
10 organizations and persons in opposition. The  
11 following time constraints will be maintained  
12 in this hearing. Organizations will get five  
13 minutes; individuals three minutes. The  
14 Commission intends to adhere to these time  
15 limits as strictly as possible, in order to  
16 hear the case in a reasonable period of time.

17 The Commission reserves the right to change  
18 the time limits for presentations, if  
19 necessary, and notes that no time shall be  
20 ceded.

21 All persons appearing before the  
22 Commission are to fill out two witness cards.

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1       These cards are located to my left, on the  
2 table near the door. Upon coming forward to  
3 speak to the Commission, please give both  
4 cards to the reporter sitting to my right,  
5 before taking a seat at the table. When  
6 presenting information to the Commission,  
7 please turn on and speak into the microphone,  
8 first stating your name and home address.  
9 When you are finished speaking, please turn  
10 your microphone off so that your microphone is  
11 no longer picking up sound or background  
12 noise.

13               The decision of the Commission, in  
14 this case, will be based exclusively on the  
15 public record. To avoid any appearance to the  
16 contrary, the Commission requests that persons  
17 present not engage the members of the  
18 Commission in conversations during any recess  
19 or at any time. The Staff will be available  
20 throughout the hearing to discuss procedural  
21 questions.

22               Please turn off all beepers and

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1 cell phones at this time, so not to disrupt  
2 these proceedings. At this time, the  
3 Commission will consider any preliminary  
4 matters. Does the Staff have any preliminary  
5 matters?

6 MS. BUSHMAN: No. There are no  
7 preliminary matters.

8 VICE CHAIRMAN JEFFRIES: Okay.  
9 Great. So why don't we start. This is a  
10 rulemaking case, a public hearing, and we'll  
11 start with comments from the Office of  
12 Planning.

13 MR. JESICK: Thank you, Mr. Vice  
14 Chairman and Members of the Commission. My  
15 name is Matt Jesick. The Office of Planning  
16 is proposing a text amendment to Section  
17 1902.3, that would create an additional  
18 exemption from the Residential Use Requirement  
19 in the Arts/CR Zone. And I would just like to  
20 give the Commission a quick update on some of  
21 the refinements that we've made since the time  
22 of the set down meeting.

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1           The Office of Planning worked with  
2 OAG, the Office of the Attorney General, to  
3 update some of the proposed zoning language.  
4 First, we added an FAR requirement to the Arts  
5 use. The originally proposed text had no  
6 minimum size for the Arts venue, for arts  
7 uses. So the new language proposes 0.5 FAR  
8 minimum for arts uses in the proposed project,  
9 and then at least half of that must have  
10 ceiling heights of 20 feet or greater, which  
11 is similar to the original text.

12           Secondly, we also added a reference  
13 to the arts use list, in Section 1908. The  
14 original text just referred to the presence of  
15 arts uses. Now we're simply saying arts uses  
16 from the list in Section 1908, just to add a  
17 little specificity. But, since the goal of  
18 this text amendment is to actually encourage  
19 the provision of real arts uses, we are not  
20 allowing restaurants or bars to trigger the  
21 exemption, in this case, although they are  
22 parts of the use list.

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1           So that was a quick summary of the  
2 updates and refinements since the set down  
3 meeting. The Office of Planning recommends  
4 approval of the text amendment and I'd be  
5 happy to take any questions.

6           VICE CHAIRMAN JEFFRIES: Thank you.  
7 Any questions from my fellow Commissioners?

8           COMMISSIONER MAY: Just so I  
9 understand, if there is a building that is big  
10 enough and has .5 FAR devoted to a restaurant  
11 use, and the restaurant -- half of its space  
12 has a ceiling height of 20 feet, that would  
13 not trigger this exception?

14          MR. JESICK: That's correct.

15          COMMISSIONER MAY: Okay. All  
16 right. Thanks.

17          VICE CHAIRMAN JEFFRIES: Anything?  
18 All right. What's the driver of the 20 feet?  
19 Why 20 feet?

20          MR. JESICK: We wanted to recognize  
21 that uses that occupy a large volume in a  
22 building may present structural or

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1 developmental difficulties if you're going to  
2 add on to that building, in the future. So --

3 VICE CHAIRMAN JEFFRIES: So how  
4 many cases of that do we have in the District?

5 MR. JESICK: There wouldn't be too  
6 many opportunities for that in the Arts/CR  
7 Zone. Certainly, the Lincoln Theater is one  
8 possibility. There's another site that could  
9 potentially be redeveloped, we feel, at the  
10 southeast corner of 14th and U. A lot of the  
11 area within the Arts/CR Zone has been  
12 redeveloped in recent years.

13 VICE CHAIRMAN JEFFRIES: Okay.  
14 Okay. Great. Any more questions? We're all  
15 done? Okay. We're going to move on. I don't  
16 think we have any reports from any  
17 Governmental agencies, or do we? Ms. Bushman,  
18 do we have any?

19 MS. BUSHMAN: No. I have not seen  
20 any.

21 VICE CHAIRMAN JEFFRIES: Okay. And  
22 looking out, I don't see anyone from ANC 1B or

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1 2B. Let's see. Did we receive -- not from  
2 the ANC. I'm just wondering if we got a  
3 letter from the ANC. Okay.

4 MS. BUSHMAN: Excuse me, sir. The  
5 only letter that I've seen in the file is from  
6 the Cardozo/Shaw Neighborhood Association.

7 VICE CHAIRMAN JEFFRIES: Okay.  
8 And, from what I see here, I can read this on  
9 the record. It's from the Cardozo/Shaw  
10 Neighborhood Association. At it's a regularly  
11 scheduled monthly meeting, held April 9th, the  
12 Cordozo/Shaw Neighborhood Association voted to  
13 formally support Case No. 08-28. Members of  
14 CSNA, the acronym, have been attending  
15 community meetings on redevelopment of the  
16 back lot of the Lincoln Theater for a number  
17 of years, and we agree to the flexibility  
18 allowed by this amendment to Chapter 19 of the  
19 Zoning Regulations.

20 I just want to note that, you know,  
21 obviously, this case is not about the Lincoln  
22 Theater. It is a rulemaking case. And so

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1 that doesn't really figure into, you know, our  
2 discussion, in terms of the particular  
3 project.

4 I'm moving on here. I don't think  
5 we have any organizations or persons in  
6 support. And I don't think we have any in  
7 opposition. So the question is, to the  
8 Commission, are we ready to vote on this, this  
9 evening? Yes? Okay. Okay. So I'd like to  
10 make a motion that we approve Case No. 08-29,  
11 Text Amendment to Create an Additional  
12 Exception to the Residential Requirement of  
13 the Uptown Arts Overlay/Commercial Residential  
14 Arts/CR Zone. And I ask for a second?

15 COMMISSIONER KEATING: Second.

16 VICE CHAIRMAN JEFFRIES: Thank you.

17 Any additional comments? Okay. All in  
18 favor, say aye.

19 ALL: Aye.

20 VICE CHAIRMAN JEFFRIES: Opposed?

21 Ms. Bushman?

22 MS. BUSHMAN: I count the vote as

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1 three, zero, two. And I heard Mr. Jeffries  
2 make the motion. I believe that was Mr. May  
3 who seconded the motion? No. It was Mr.  
4 Keating that seconded the motion. My mistake.

5 And Mr. May, in favor, as well. Mr. Hood,  
6 Mr. Turnbull not present, not voting.

7 VICE CHAIRMAN JEFFRIES: Thank you.

8 Okay. Well, I think that's it. I think this  
9 is, obviously, a very straight forward case  
10 and the Office of Planning's report was very  
11 detailed. And I think that's all for the  
12 evening. We are adjourned.

13 (Whereupon, the hearing was  
14 adjourned at approximately 6:45 p.m.)  
15  
16  
17  
18  
19  
20

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