

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

FEBRUARY 7, 2011

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD SCHLATER	Vice Chairman
PETER MAY	Commissioner (NPS)
MICHAEL G. TURNBULL FAIA	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
JOEL LAWSON  
TRAVIS PARKER  
ARLOVA JACKSON  
ARTHUR JACKSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

The transcript constitutes the minutes from the Regular Meeting held on February 7, 2011.

## TABLE OF CONTENTS

PAGE

I.	Preliminary Matters .....	--
II.	Consent Calendar .....	--
III.	Final Action	
A.	Z.C. Case No. 08-06, Office of Planning - Comprehensive Zoning Regulations Review: Height Text .....	6
B.	Z.C. Case No. 08-06, Office of Planning - Comprehensive Zoning Regulations Review: Use Text .....	6
IV.	Proposed Action	
A.	Z.C. Case No. 10-19, Office of Planning & ANC-6A, Zoning Consistency Map Amendment @ Square 1050, et al. ....	19
V.	Hearing Action	
A.	Z.C. Case No. 06-11C/06-12C, George Washington University - 2nd Stage PUD @ Square 39 .....	52
VI.	ZRR Guidance .....	--
VII.	Correspondence	
A.	Z.C. Case No. 08-34, Letter from ANC-6C - Request to extend deadline to file their response to March 10th .....	69
VIII.	Report of the Secretary .....	--
IX.	Status Report .....	--
X.	Other Business .....	--

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A. Election of Officers ..... 71

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

2 (6:48 p.m.)

3 CHAIRMAN HOOD: This meeting will  
4 please come to order.

5 Good evening, ladies and  
6 gentlemen. This is the February 7, 2011,  
7 public meeting of the Zoning Commission for  
8 the District of Columbia.

9 My name is Anthony Hood. Joining  
10 me are Vice Chairman Schlater, Commissioner  
11 May, and Commissioner Turnbull. We are also  
12 joined by the Office of Zoning staff, Ms.  
13 Sharon Schellin, Ms. Donna Hanousek, and Ms.  
14 Esther Bushman. Also, from the Office of  
15 Attorney General, Mr. Bergstein. The Office  
16 of Planning is represented by Ms. Steingasser,  
17 Mr. Lawson, and Mr. Parker, and Ms. Jackson is  
18 in the audience.

19 Copies of today's meeting agenda  
20 are available to you and are located in the  
21 bin near the door. We do not take any public

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1 testimony at our meetings unless the  
2 Commission requests someone to come forward.

9 I'm going to ask at this time, so  
10 this will be on the record, I'm going to ask  
11 my colleagues to join me in taking a moment of  
12 silence for a member of the -- a former  
13 employee of the Office of Zoning, Mr. Cecil  
14 Tucker, who passed several weeks ago. And I  
15 meant to do this at a prior meeting, but it  
16 slipped my mind or slipped our minds, and I  
17 wanted to make sure we do this. He was a  
18 great asset. A lot of things that we see here  
19 and do now are because of the works that he  
20 has done. So I would ask you to join me in a  
21 moment of silence.

1 (Whereupon, a moment of silence was observed.)

2                   Thank you. Okay. Does the staff  
3 have any preliminary matters?

4                   MS. SCHELLIN: No, sir.

5                   CHAIRMAN HOOD: Okay. If not, let  
6 us proceed with the agenda.

7                   Okay. Colleagues, under Final  
8 Action -- we can actually do these I think  
9 together -- Zoning Commission Case Number 08-  
10 06, Office of Planning Comprehensive Zoning  
11 Regulations Review: Height Text. The second  
12 one is Zoning Commission Case Number 08-06,  
13 Office of Planning Comprehensive Zoning  
14 Regulations Review: Use Text. I think for  
15 the sake of the discussion we will start with  
16 height, and then, if there's anything else, we  
17 will move on to -- we will go to use.

18                   Ms. Schellin?

19                   MS. SCHELLIN: Staff would just  
20 advise that we did receive an NCPC report. It  
21 is at Exhibit 117. It does cover both height

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1 and use, and staff would just ask the  
2 Commission to consider final action on this --  
3 on both of these issues, and staff would also  
4 advise that we do have an absentee ballot from  
5 Commissioner Selfridge.

6 CHAIRMAN HOOD: Thank you very  
7 much, Ms. Schellin.

8 Commissioners, I think Exhibit 117  
9 is the NCPC report, and they do raise a few  
10 issues. And let me just touch on the one  
11 that's the easiest right now. It says for the  
12 use -- "The Commission advised the Zoning  
13 Commission that the proposal language  
14 establishing a set of use categories as  
15 described in the rulemaking will not adversely  
16 affect any federal interest."

17 Any comments? I know we discussed  
18 a lot of this at the hearing, but let's open  
19 it up. Any comments on the use version that  
20 is presented to us tonight? Any comments?

21 (Pause)

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1 Any comments? Do you want to take  
2 your time and -- okay.

3 || (No response)

20 Also, the Subtitle -- I think it's  
21 Subtitle M, they want us to hold out on.

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1 They're asking to see a copy of Subtitle -- I  
2 think it's Subtitle -- is it Subtitle M?

3 MR. BERGSTEIN: Yes, but they're  
4 actually asking DCRA. That is a request to  
5 DCRA, not to the Commission.

6 CHAIRMAN HOOD: Right. But  
7 they're asking to see -- they're asking us to  
8 hold off -- well, not necessarily hold off.  
9 Hold on. Let me stop trying to remember off  
10 the top of my head and look at what I note  
11 that "The recommendations of the Office of  
12 Planning set down report dated August 12,  
13 2010, concerning the following street  
14 frontage," okay, instead of "They will be  
15 considered by the -- therefore, request that  
16 DCR provide a draft of Subtitle M" -- you're  
17 exactly right, Mr. Bergstein -- "for NCPC's  
18 review as soon as it is available." Okay.  
19 Subtitle M.

20 But we also -- I think Vice  
21 Chairman Schlater has also -- is that the same

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1 request? You also asked for that? Okay. All  
2 right. Now it's all coming together. They  
3 asked for it, and I think Vice Chairman  
4 Schlater has also asked for it.

5 So let me open it up, colleagues.

6 Any comments on the NCPC report, or -- I  
7 think we hashed a lot of this out, but did  
8 anybody want to make any comments?  
9 Commissioner Turnbull?

10 COMMISSIONER TURNBULL: Well, I  
11 think there are three points. They have --  
12 sort of conflict with what OP has written so  
13 far. I think that the -- if we start at the  
14 very end, I mean, the last point is  
15 contradictory to one of the four points where  
16 you can determine a measuring point.

17 So I think there is a question  
18 about adding that in such a way that later on  
19 it refers to another point where it does talk  
20 about using a human constructed elevation. So  
21 it's one of the options.

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1                   So I think we get into a little  
2 bit of a conundrum here of putting in  
3 language, and then you add another section  
4 changing it, where it could be confusing to  
5 people.

6                   CHAIRMAN HOOD: Okay. Thank you,  
7 Mr. Turnbull. I would agree. We are trying  
8 to maybe solve one problem, may be creating  
9 another. So I would suggest that we lead it  
10 as it is already presented to us, "Shall not  
11 be measured from the human constructed  
12 elevation."

13                   Okay. Any issues?

14                   (No response)

15                   Okay. Any issues on anything  
16 else?

17                   (No response)

18                   Now, let me -- what about the  
19 Subtitle M? I know that Commissioner -- Vice  
20 Chairman Schlater had mentioned about seeing  
21 that, and I don't know if there is a process

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1 or is that still on -- still an issue for you?

2 VICE CHAIRMAN SCHLATER: I think  
3 our proposed action -- and at the hearing I  
4 had asked -- I was hopeful that we would have  
5 a draft of the Subtitle M regulations before  
6 us before we took final action tonight. The  
7 reality is is that process is lagging behind,  
8 but everybody seems to expect that it will be  
9 completed before we take final action on the  
10 entirety of the zoning rewrite package.

11 So if we get a copy of that  
12 Subtitle M before then, we can review it and  
13 make sure that there aren't conflicts or  
14 problems, and so I -- I guess I'm comfortable  
15 addressing those conflicts when we take final  
16 action on the entire zoning rewrite. I think  
17 it would be good to understand how the Zoning  
18 Administrator is interpreting the Height Act  
19 before we wrap up the whole zoning rewrite  
20 process.

21 CHAIRMAN HOOD: Okay. And I

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1 think, Vice Chairman, your comments are  
2 exactly in line with what I read here in the  
3 NCPC report, because they are not able to give  
4 us any comment, naturally, because they don't  
5 have it in front of them either, so -- okay.  
6 Any other comments? Commissioner May?

7 COMMISSIONER MAY: Yes. I just  
8 wanted to note on the -- you know, one of the  
9 other comments from NCPC was that they are  
10 recommending that in paragraph 404 that the --  
11 it should reflect that the Height Act does not  
12 provide a mechanism for relief to be granted  
13 by the Board of Zoning Adjustment from the  
14 Height Act provisions for maximum building  
15 heights.

16 All that may be true, but that's  
17 not really relevant. I mean, basically, in  
18 the -- in our treatment of height measurement,  
19 we are dealing with height solely from the  
20 perspective of zoning, so, you know, what is  
21 or is not within the Height Act, and what --

1 how it affects -- I mean, if anything, some of  
2 this might show up in the -- in Subtitle M.  
3 But it's just not really relevant for the  
4 revised zoning regs. So --

5 CHAIRMAN HOOD: All right. Any  
6 other comments?

7 COMMISSIONER TURNBULL: No. Mr.  
8 Chair, the only other comment -- and maybe  
9 it's a comment -- it's -- maybe OP should  
10 weigh in on this -- and that's their second  
11 item where we are adding "public or private  
12 street."

13 MR. PARKER: That's something that  
14 we have talked about with OAG. It is not  
15 something that is done now. Right now, a  
16 public street is used for measuring height.  
17 It is a precedent that we aren't sure of the  
18 impact, the full impacts of making that change  
19 in terms of, you know, subdivisions without --  
20 with private streets or buildings built on  
21 private streets.

1                   So in the absence of some analysis  
2 of what that change would mean, we weren't  
3 comfortable making that change.

4                   COMMISSIONER TURNBULL: How would  
5 people in those areas measure the height,  
6 then, if there was a proliferation of private  
7 streets?

8                   MR. PARKER: To the best of my  
9 knowledge, it is the nearest public --

10                  COMMISSIONER TURNBULL: Public  
11 street.

12                  MR. PARKER: -- street.

13                  COMMISSIONER TURNBULL: Okay.

14                  MS. STEINGASSER: I would also  
15 like to add that one of the issues we have is  
16 in the zoning regulations now, in Section 199,  
17 a street is defined, and it is defined as a  
18 public right of way. So it would require a  
19 complete reorientation of the zoning regs if  
20 we started distinguishing private from public.

21                  COMMISSIONER MAY: Does the Height

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1       Act make any -- distinguish at all?    It just  
2       says street.

3 MR. PARKER: It says curb.

4 COMMISSIONER MAY: It just says  
5 curb.

6 MR. PARKER: Curb, yes. You  
7 measure from the curb, but it doesn't give a  
8 distinction.

16 MS. STEINGASSER: No, that's not  
17 the case. In our zoning regulations, a street  
18 is, by definition, public.

19 | COMMISSIONER MAY: I see.

20 MR. BERGSTEIN: The Height Act  
21 limitation refers to "shall not exceed a

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1 height above the sidewalk the width of the  
2 street, avenue, or highway at its front by  
3 more than 20 feet." But, again, street --  
4 although not defined in the Height Act, in the  
5 street -- an alley opening/closing at -- a  
6 street is a street as shown on the surveyor's  
7 records as a public street. So --

8 COMMISSIONER MAY: Well, I'm  
9 imagining a circumstance where you might have  
10 a sloped site, and the only public way is at  
11 the top of the slope. And so you could have  
12 private streets with inappropriately tall  
13 buildings, because we are only measuring them  
14 all from -- you know, from that public way  
15 that's up here, even though the buildings are  
16 down here. I mean, how do we reconcile that?  
17 How do we address that?

18 MS. STEINGASSER: The only way  
19 that could happen would be either through a  
20 theoretical lot subdivision, which requires  
21 BZA review, or through a planned unit

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1 development, which requires Zoning Commission  
2 review. So there would be some type of  
3 oversight to make sure that that height, no  
4 matter where it's measured from, would be  
5 appropriate.

6 MR. PARKER: I think you also need  
7 to take into account that that situation is  
8 much less likely than someone creating a  
9 public street or a private street specifically  
10 to measure from it in the case where they can  
11 create a private street on the higher part of  
12 their lot.

13 COMMISSIONER MAY: Well, that's a  
14 good point. Somehow I'm feeling like this  
15 whole issue has not been fully figured out as  
16 a result of this discussion.

17 MR. PARKER: It has never been a  
18 problem, I mean, before today. This comment  
19 from NCPC is sort of the first indication that  
20 there were --

21 COMMISSIONER MAY: I don't know.

1 I mean, this is enough discussion that it  
2 doesn't make me feel totally comfortable at  
3 this moment. Do you feel totally comfortable  
4 at this moment?

5 MR. PARKER: I feel comfortable  
6 that it has not been a problem in 50 years.

7 MS. STEINGASSER: We're only  
8 carrying forward the practice. We are not  
9 changing the practice, we are not introducing  
10 new definitions, we are carrying forward  
11 everything that has been.

12 COMMISSIONER MAY: Yes. Okay. I  
13 was just saying in a meeting today that I  
14 spend a lot of my time worrying about all of  
15 the things that could possibly go wrong in a  
16 given circumstance. And so that tendency, you  
17 know, shows up in circumstances like this.  
18 So, anyway, I will try to not be nervous about  
19 this.

20 CHAIRMAN HOOD: Any other  
21 comments?

1 (No response)

2                       Okay.     I   don't   think   we   have  
3                       changed   anything   or   recommended   any   changes.  
4                       I   think   all   of   the   discussion   of   the   --   what  
5                       was   in   the   NCPC   report   has   been   discussed.    So  
6                       what   I   would   like   to   do   is   to   move   approval   of  
7                       Zoning   Commission   Case   Number   --   no,   wait   a  
8                       minute   --   08-06,   Text   --   I   mean,   Height   Text,  
9                       and   08-06,   Use   Text,   and   ask   for   a   second.

10 || COMMISSIONER TURNBULL: Second.

11 CHAIRMAN HOOD: Okay. It has been  
12 moved and properly seconded. Any further  
13 discussion?

14 (No response)

17 || (Chorus of ayes)

21 MS. SCHELLIN: Yes. Staff will

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1 record the vote five to zero to zero to  
2 approve final action in Zoning Commission Case  
3 Numbers 08-6 for the Height Text and the Use  
4 Text. Commissioner Hood moving, Commissioner  
5 Turnbull seconding, Commissioners May and  
6 Schlater in support, Commissioner Selfridge in  
7 support by absentee ballot.

8 CHAIRMAN HOOD: Okay. Thank you,  
9 Ms. Schellin.

10 Next, Proposed Action, Zoning  
11 Commission Case Number 10-19, Office of  
12 Planning and ANC-6A, Zoning Consistency Map  
13 Amendment at Squares 1050, et al.

14 Ms. Schellin?

15 MS. SCHELLIN: Yes, sir. On this  
16 case, the Office of Planning provided a  
17 supplemental report. You'll have that at  
18 Exhibit 21, and staff also has an absentee  
19 ballot from Commissioner Selfridge. He read  
20 the record, so that he could participate in  
21 this case.

1 CHAIRMAN HOOD: Okay. Let's open  
2 it up. First, let me just say that I want to  
3 applaud ANC-6A for their work that they put  
4 into this, along with Office of Planning. And  
5 I remember in the hearing we were trying to  
6 narrow the scope, and it seemed like the scope  
7 just kept getting larger and larger.

13 Vice Chairman Schlater?

14 VICE CHAIRMAN SCHLATER: Mr.  
15 Chairman, I think it might be helpful just to  
16 go through each individual area and see if we  
17 can come to a consensus on the approach for  
18 each of the areas, and then move forward that  
19 way.

20 CHAIRMAN HOOD: Okay. Why don't  
21 -- thank you very much, Vice Chairman

1       Schlater. Let's try that. Let's look at area  
2       one. Proposed change -- and I'm taking it  
3       right from the Office of Planning's  
4       supplemental report. "The proposed change to  
5       rezone from C-2-B to R-5-C, as proposed by  
6       OP."

16 || (No response)

17                   Okay. Good. Thank you. That's a  
18 good suggestion, Vice Chairman Schlater.

19                       Okay.    Area two, proposed change  
20 from C-3-A to HS/ -- no, I'm sorry, -A/C-2-A  
21 as proposed by the Office of Planning, or, in

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1 the alternative, HS-A/C-3-A. And the Office  
2 of Planning -- they actually have more of a  
3 detailed explanation. It ends up, though,  
4 however, OP is not opposed to HS-A/C-3-A or to  
5 not amend the zoning -- or to not amending the  
6 zoning at all and retaining the existing C-3-A  
7 zoning. So, and that's option two. I mean,  
8 that's area two.

9 VICE CHAIRMAN SCHLATER: Mr.  
10 Chairman?

11 CHAIRMAN HOOD: Vice Chairman  
12 Schlater.

13 VICE CHAIRMAN SCHLATER: I think  
14 in the hearing that we had a pretty compelling  
15 case was made as to why you would want to  
16 extend the H Street overlay provisions to this  
17 area. It seems like in the recent past there  
18 have been some retail that has been put in  
19 this area, and it hasn't conformed to the H  
20 Street overlay provisions. It wasn't required  
21 to. But it is detrimental to the area.

7                   I was not convinced, however, that  
8 the area should be rezoned from C-3-A to C-2-  
9 A.    I personally think that with the street  
10 car coming through this area it is not the  
11 right time to be downsizing this particular  
12 zone.  So I would propose that we rezone this  
13 area to the H Street overlay C-3-A.

14 CHAIRMAN HOOD: Okay. Any other  
15 -- let me ask, is this the -- we had a  
16 property owner come down. Was this the area  
17 that they were against us downzoning or -- and  
18 I'm trying to look through my notes. This was  
19 the area they were against us downzoning.  
20 Okay. So that would fall in line with Vice  
21 Chairman Schlater's comments.

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3 COMMISSIONER MAY: Yes, I was -- I  
4 actually was persuaded that C-2-A was the  
5 right zone. So -- and I wasn't -- you know, I  
6 guess the overall character of the area to me  
7 lends itself to the lower density zone, and, I  
8 mean, it is decidedly residential in  
9 character.

10 So going from C-2-A to C-3-A for  
11 me, which means buildings up to 70 feet tall  
12 and up to four and a half FAR, it's -- that's  
13 a lot, and especially if we're -- if we change  
14 the overlay we get some protections, but we  
15 also get some additional density. So I'm not  
16 sure that's the right thing to do. I think  
17 I'm in the C-2-A camp.

18 CHAIRMAN HOOD: And also keeping  
19 it in the H Street overlay, right?

20 COMMISSIONER MAY: Putting it in  
21 the H Street overlay.

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1 CHAIRMAN HOOD: Putting it in the  
2 H Street overlay.

3 COMMISSIONER MAY: Yes.

4 CHAIRMAN HOOD: Okay. So you  
5 would go with the Office of Planning's  
6 recommendation.

21 COMMISSIONER TURNBULL: Well, I

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1 guess, I was just looking at the map, and  
2 there's H -- there is C-3-A across the street,  
3 and you've got it going up on Florida Avenue.

4 I mean, it's sort of a hodgepodge of --  
5 you've got C-2-C, C-3-A, C-2-A, and this  
6 already was C-3-A.

7 I just -- I've just been -- I  
8 guess I'd just like to hear a little bit more  
9 from Mr. -- from Commissioner -- from the Vice  
10 Chair why the subway going -- I mean, the  
11 trolley going up here is going to make a  
12 difference.

13 VICE CHAIRMAN SCHLATER: I think  
14 in general we are trying to promote transit-  
15 oriented development, and we're trying to  
16 leverage major investments in transportation  
17 infrastructure that are made.

18 And as far as -- I think there has  
19 been discussion that I have heard about  
20 actually increasing density along the H Street  
21 line to take advantage of that investment,

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1 because it is going to be -- you know, H  
2 Street is growing in popularity. I think it's  
3 exactly the wrong move to reduce density,  
4 particularly at this end of the -- of H  
5 Street.

6 Diagonally across the street  
7 you've got an area that's C-3-A that's going  
8 to have a lot of density on it. I know  
9 there's a fair amount of density planned for  
10 it, residential density, trying to promote  
11 more residents in the District, more housing  
12 options. It seems to me that --

13 COMMISSIONER TURNBULL: But I  
14 guess -- I mean, I think the ANC is --

15 VICE CHAIRMAN SCHLATER: Is  
16 already C-3-A, so I just don't -- I haven't  
17 heard a compelling case as to why the area  
18 should be downzoned.

19 COMMISSIONER TURNBULL: Well, I  
20 think we heard testimony from the ANC that  
21 they were concerned about excessive

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1 development along their -- that they were  
2 worried about it getting to be too big. I  
3 mean, am I mistaken, or do I recall that, or  
4 --

5 CHAIRMAN HOOD: I actually think  
6 you're exactly correct. I'm just hoping I got  
7 the right area, but I think you're exactly  
8 correct. That was one of the reasons that --  
9 I think this is one of the areas where both  
10 ANC-6A and -- is it 6A? Yes, 6A and the  
11 Office of Planning both agreed.

12 I think this is that area. And I  
13 think they were trying to look for some  
14 protection or something, so it won't be  
15 harmful encroachment upon their -- the  
16 residential areas that are somewhere behind.  
17 And so I think that's kind of where we were,  
18 and I hope I'm just in the right area. I  
19 think I am, though.

20 So, Mr. Turnbull, I think your  
21 recollection is exactly correct, I believe.

1                   COMMISSIONER MAY: You know, I  
2 think that there's something about Maryland  
3 Avenue that's inherently different from H  
4 Street. I mean, I know we're in close  
5 proximity to H Street, and the streetcar line  
6 will run through there. But that doesn't mean  
7 that the commercial development and density  
8 that is appropriate on H Street is appropriate  
9 for every street that intersects with it.

10                  There's a lot of commercial  
11 development potential within close proximity,  
12 and the -- certainly, going further down  
13 Benning Road or further up Bladensburg Road in  
14 close proximity, so -- and we're talking about  
15 an area that right now is really -- has not  
16 seen that much development so far. So there  
17 isn't really that booming pressure on it at  
18 this moment.

19                  And I just -- I have this -- you  
20 know, the essential nature of Maryland Avenue  
21 all the way from the Capitol to this point is

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1 two-, three-story residential, and I think  
2 that to -- you know, to change it at this  
3 point. And even now it -- even at this end it  
4 has that character, even though there are a  
5 couple of anomalies like the drive-thru  
6 restaurant and the -- you know, the potential  
7 gas station site.

14 VICE CHAIRMAN SCHLATER: One thing  
15 I would say is if you don't want the gas  
16 station, or you don't want the drive-thru  
17 restaurant, you are much more likely to get  
18 rid of it if you promote density in that area  
19 as opposed to low density. It just won't  
20 create the land value necessary to push those  
21 undesirable uses off of it.

1                   COMMISSIONER MAY:       I don't  
2 disagree, but that's -- that isn't really the  
3 essential objective at this moment, so --

4                   CHAIRMAN HOOD:       Okay.       Mr.  
5 Turnbull, I'm going to go back to you.

6                   COMMISSIONER TURNBULL:   Well, I  
7 was just going back to looking at our notes  
8 here. There was only one property owner, a  
9 Mr. Kelty, who was opposed to the downzoning.

10          I think he was the only one that we heard  
11 from at our hearing, at our last hearing.

12          CHAIRMAN HOOD:   That was from the  
13 Playhouse project.

14          COMMISSIONER TURNBULL:   Right.  
15          Well, I'm sort of leaning to giving great  
16 weight to the ANC's concerns. I do see the  
17 Vice Chair's points, though, but it's a mixed  
18 bag I think, changing it. So I'm willing to  
19 hear more arguments pro or con on this.

20          CHAIRMAN HOOD:   Okay. I think we  
21 probably have heard from our two colleagues.

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1 I think it's time for you and I, so I -- since  
2 nobody has heard from me. I think that, while  
3 I understand what the ANC is trying to  
4 achieve, and I also understand what Vice  
5 Chairman Schlater -- he brought up a very good  
6 point, an excellent point actually, is the  
7 streetcars, and we're looking at TOD areas.

8                   But I don't know if the ANC is  
9 going to actually achieve what they are trying  
10 to achieve here, keeping the gas stations and  
11 trying to control. But I think what they are  
12 trying -- what they are getting here is being  
13 able to keep the character of the neighborhood  
14 from not -- start eventually graduating and  
15 going into other areas.

16                   I would be in favor -- even though  
17 Mr. Kelty has expressed opposition, I would be  
18 in favor of adopting the Office of Planning's  
19 recommendation, along with Commissioner May.

20                   COMMISSIONER TURNBULL: Do you  
21 mean the alternative?

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1 CHAIRMAN HOOD: The alternative,  
2 but also -- hold on. Let me -- let me tell  
3 you exactly. It's always not good sometimes  
4 to go off the top of your head. Let me see.  
5 I would be in favor of the H Street overlay-  
6 A/C-2-A. I think that's where my vote is  
7 going to go down.

20 COMMISSIONER TURNBULL: I think  
21 that's consistent with the ANC.

1 CHAIRMAN HOOD: That's what --

2 COMMISSIONER TURNBULL: And I was  
3 saying -- I said I'm leaning toward giving  
4 great weight to the ANC on this, and I think I  
5 would vote the same.

6 CHAIRMAN HOOD: Okay. Okay. Any  
7 more discussion?

8 (No response)

9 Okay. So area -- do we need to  
10 take a vote on that, or do we just do general  
11 consensus? Okay. Just general consensus.

12 Okay. Do we have a proxy on that  
13 area?

14 MS. SCHELLIN: Yes. For the whole  
15 thing.

16 CHAIRMAN HOOD: Oh, for the whole  
17 thing. Okay. Not just area by area. Okay.  
18 So we're okay.

19 Let's move to area -- so that  
20 makes it area three. What did I say, area  
21 three?

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1 Okay. Area -- yes, okay, area three, proposed  
2 change options, rezone from C-2-A to H Street-  
3 A/C-2-A, as proposed by ANC-6A. And this is  
4 one where I think ANC and the Office of  
5 Planning do not agree, and also it's mentioned  
6 that this is -- this property falls within the  
7 area designated for mixed use moderate --  
8 mixed use moderate density residential.

9 And I think this is the part where  
10 initially Office of Planning did not recommend  
11 that we set this down, I believe. Okay. So  
12 let me open it up for discussion.

13 Commissioner May?

14 COMMISSIONER MAY: Well, the  
15 Office of Planning has recommended that we not  
16 change the zoning. I've got to make sure I'm  
17 looking at the right one. We're looking at  
18 area three, right? Yes.

19 CHAIRMAN HOOD: Area three.

20 COMMISSIONER MAY: Area three.  
21 All right. I somehow got flipped to area

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1 five. Okay. So Office of Planning  
2 recommendation is that we not change this and  
3 subject it to the -- add the H Street overlay  
4 to this particular set of three, four -- four  
5 properties.

6 And the report that they provided  
7 to us really didn't give me any reason for  
8 concern if we were to apply it. I mean,  
9 basically, the only thing that I saw that was  
10 a potential negative is that there were other  
11 design-related requirements specifically  
12 targeted to buildings fronting H Street that  
13 would require additional text amendment to be  
14 applied to these lots.

15 So I'm a little confused by that,  
16 because we were ready to have the H Street  
17 overlay wrap around the corner and cover  
18 Maryland Avenue, even though that's not on H  
19 Street, but now we are concerned that if we go  
20 a little bit up 14th Street -- sorry, up 13th  
21 Street, that it was going to be a problem.

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1 So I'm just not buying that  
2 there's not a good reason to apply the H  
3 Street overlay here. It may not give the same  
4 advantages, because there are not existing  
5 buildings there, but I don't see a harm in it  
6 and it adds some protection. So I'm inclined  
7 not to go with the Office of Planning on this  
8 one.

9 CHAIRMAN HOOD: Okay. Let's open  
10 it up. Any other comments? Vice Chairman  
11 Schlater?

12 VICE CHAIRMAN SCHLATER: I agree  
13 with Commissioner May.

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1                   those side streets.

2                   I think here it's a little bit  
3                   different. I think you've got -- there's a  
4                   little different feel. The context is  
5                   different. There is no single-family homes  
6                   being turned into something else. So I would  
7                   agree here.

8                   CHAIRMAN HOOD: Okay. And then,  
9                   when I look in the report, Office of  
10                   Planning's report, as Commissioner May has  
11                   already looked at, you know, they were  
12                   mentioning about the focus being on H Street.

13                   I think we heard that at the hearing, and I  
14                   think if we are to do this we shift the focus.

15                   \                   But I think you bring up a good  
16                   point. I am not terribly wedged to the point  
17                   where I would not be amenable to change that  
18                   zoning also. Well, not really change the  
19                   zoning. What are we doing here? For three,  
20                   we're just adding the H Street overlay. Okay.

21                   All right. So I guess we'll be

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1 fine with area three? We know what we're  
2 doing?

3 (No response)

4 Okay. Let's go to four. Is it  
5 area four? I don't want to bring up the area  
6 that is not -- that we got rid of, so -- okay,  
7 six is off the table. Let's go to --

8 COMMISSIONER MAY: Four.

9 CHAIRMAN HOOD: -- four and seven.

10 Can we do four and seven together? Because I  
11 think this is dealing with the county lots.

12 COMMISSIONER TURNBULL: Yes.

13 CHAIRMAN HOOD: And I think Mr.  
14 Turnbull had asked for a little more argument  
15 or a little more information from the Office  
16 of Planning. And the Office of Planning is  
17 consistent; they just really got into why they  
18 think we should wait until we finish the ZRR  
19 process.

20 COMMISSIONER TURNBULL: Yes. I'm  
21 fine with the Office of Planning position. I

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1       wouldn't want to change here.

2                   COMMISSIONER MAY: Yes. You know,  
3       I think one could make a slightly stronger  
4       argument for area four than area seven,  
5       because it doesn't have the existing buildings  
6       on it, and it's most likely to be consolidated  
7       into a larger development. But there's  
8       probably no sense at this moment in, you know,  
9       sort of assuming that that's going to happen.

10                  If it's going to happen, and they  
11       need to -- there needs to be a further change  
12       in the zoning as a result, or it's a PUD or  
13       something like that, you know, we can always  
14       grapple with it at that point. So for right  
15       now I don't think it -- there is any great  
16       harm in simply leaving it out of the overlay  
17       in four.

18                  Seven has got lots of extenuating  
19       circumstances, basically having to do with  
20       those existing buildings. And I don't believe  
21       that the protections that are imagined would

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1 be bestowed by the H Street overlay are  
2 actually going to do very much here. I think  
3 it's actually just going to make life very  
4 complicated. So I don't think it's really a  
5 good idea.

6 CHAIRMAN HOOD: Okay. I guess I  
7 -- I'm trying to figure out how to make the  
8 motion here. Which one do we have?

9 VICE CHAIRMAN SCHLATER: Five.

10 CHAIRMAN HOOD: Five. Okay. I'm  
11 sorry, area five. Okay. Proposed change  
12 options, rezone from C-3-A to the H Street-  
13 A/C-2-A as proposed by ANC-6A. But this is  
14 also not supported by the Office of Planning,  
15 and then there is an alternative -- retain the  
16 C-3-A, but apply the H Street overlay,  
17 resulting in the zoning of the H Street-A/C-3-  
18 A. And that's area five.

19 VICE CHAIRMAN SCHLATER: I'm just  
20 going to read the OP recommendation. "OP is  
21 opposed to downzoning to HS-A/C-2-A. OP also

1 does not support a rezoning to HS-A/C-3-A, as  
2 this is not consistent with either the intent  
3 of the H Street plan or comprehensive plan  
4 guidance, but acknowledges that this  
5 alternative would have fewer detrimental  
6 impacts on these properties.

7 I think from my point of view I  
8 would oppose downzoning the area again from C-  
9 3-A to C-2-A. I could be convinced that  
10 applying the H Street overlay is a good idea  
11 to those properties. Although they are  
12 existing properties, it's not as neat as the  
13 other circumstance.

14 COMMISSIONER MAY: Yes, I would  
15 agree. There's a case to be made that it  
16 makes sense to apply the overlay to these  
17 properties, but not downzone it. I don't  
18 agree with the downzoning of these in this  
19 circumstance, because I do believe that the  
20 density is -- a greater density is appropriate  
21 at that -- at those properties.

1                   You know, the one complication  
2 with applying the overlay is that it does give  
3 them potentially another .5 FAR and another  
4 five feet if you save the facades of the  
5 existing buildings and those sorts of things.

6                   So it's not -- actually adding the  
7 overlay might increase the density, potential  
8 density on the site. I don't think it's a  
9 terrifically -- I don't think it's  
10 terrifically likely that we are going to wind  
11 up with something that's a lot -- you know,  
12 well, let's say too dense for that site. So I  
13 don't think it's a huge risk, but there's  
14 definitely something to it.

15                  VICE CHAIRMAN SCHLATER: And I  
16 think if the area was free developed  
17 ultimately, as a larger redevelopment, to  
18 preserve the facade where it didn't -- I think  
19 you would want to apply the overlay  
20 requirements just to make sure it's of a  
21 higher quality.

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1 COMMISSIONER MAY: Yes, I would  
2 agree.

3 VICE CHAIRMAN SCHLATER: The idea  
4 would be to apply the H Street overlay, but  
5 not downzone from C-3-A to C-2-A.

6 CHAIRMAN HOOD: Okay. I'm going  
7 to start with a motion. I'm going to start,  
8 and we're going to correct it as we go along.

9 I want to start with a motion. This is like  
10 the discussion. And I think Ms. Schellin can  
11 help me frame this. Or would somebody else  
12 like to make the motion.

13                           Okay.    Let me move to approve  
14 areas one, two, three, and five, as discussed.

15 5A? As discussed, and to deny four and  
16 seven. Let's start from there.

20 CHAIRMAN HOOD: I hope you  
21 remember, because I --

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1 COMMISSIONER TURNBULL: No, I  
2 think you've got it all.

3 CHAIRMAN HOOD: Okay. Well,  
4 actually, everybody needs some help. Okay.  
5 So let's -- let me -- okay, let me mention it  
6 again. I move to approve areas one, two,  
7 three, and five, and deny four and seven, and  
8 5A.

9 MS. SCHELLIN: It's five, as  
10 discussed. Forget about the "A," you're good.

11 CHAIRMAN HOOD: I'm thinking about  
12 ANC-5A. Okay. 5A, okay. And I'm looking to  
13 everyone up here on the dais to see if we  
14 captured everything and that motion is in  
15 line. I'm even looking at you, Ms.  
16 Steingasser. Never say you didn't participate  
17 in a vote.

20 COMMISSIONER MAY: All right. I'm  
21 making an attempt to state this very

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1 specifically. Area one, Square 4509, portion  
2 of Lot 157, rezone from C-2-B to R-5-C; area  
3 two, portions of Squares 1027, 1049, and 1050,  
4 rezone from C-3-A to HS-A/C-2-A; area three,  
5 Square 1026, lots fronting 13th Street, N.E.,  
6 rezone from C-2-A to HS-A/C-2-A.

7 I'm going to skip to area five,  
8 and that's Square 1026 at Florida Ave and 14th  
9 Street, N.E., rezone from C-3-A to HS-A/C-3-A.

10 And those are all of the rezonings. And  
11 then, deny any rezoning of area four and area  
12 seven.

13 CHAIRMAN HOOD: So the only  
14 discrepancy is area five, because I don't  
15 think -- because I moved to approve area five.

16 The recommendation --

17 MS. SCHELLIN: You were correct.  
18 It was not discussed. It was just in the  
19 alternative. It was -- your motion was  
20 perfect.

21 CHAIRMAN HOOD: Okay. All right.

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1       Thank you, Ms. Schellin.    Okay.    And thank  
2       you, Commissioner May.

3               Did I make the motion, or did --

4               COMMISSIONER MAY:    I believe you  
5       made the motion, and I was just --

6               CHAIRMAN HOOD:    Okay.    Can I get a  
7       second?

8               COMMISSIONER MAY:    Second.

9               CHAIRMAN HOOD:    It has been moved  
10       and properly seconded.        Any further  
11       discussion?        No further -- any further  
12       discussion?

13               VICE CHAIRMAN SCHLATER:        Mr.  
14       Chairman, I just want you to know I am going  
15       to oppose this motion, just on the basis of  
16       the downzoning of area two from C-3-A to C-2-  
17       A, although I do support the other elements of  
18       the rezoning.

19               CHAIRMAN HOOD:    And you know what?  
20       And I think -- I think for one -- can we  
21       single that out and take each one motion by

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1 motion? So that at least what we do -- we'll  
2 show that we have either four or five people  
3 in support? It won't take but a moment. Let  
4 me do it that way, because I would hate to  
5 have Vice Chairman Schlater in the -- voting  
6 against the whole thing when there are some  
7 things that he is agreeable to.

8                   Okay. Now, let me try to do this.

9                   All those in favor of area one? All those in  
10 favor?

11                   (Chorus of ayes.)

12                   Any opposed?

13                   (No response)

14                   Ms. Schellin, would you record the  
15 vote?

16                   MS. SCHELLIN: Yes. Staff would  
17 record the vote five to zero to zero to  
18 approve Case Number 10-19 with regard to area  
19 one. Commissioner Hood moving, Commissioner  
20 May seconding, Commissioners Schlater and  
21 Turnbull in support, Commissioner Selfridge in

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1 support by absentee ballot.

2 CHAIRMAN HOOD: Okay. All those  
3 in favor of area two?

4 (Chorus of ayes)

5 VICE CHAIRMAN SCHLATER: No.

6 CHAIRMAN HOOD: Okay. Ms.  
7 Schellin, would you record the vote?

8 MS. SCHELLIN: Staff would record  
9 the vote four to one to zero to approve Zoning  
10 Commission Case Number 10-19 with regard to  
11 area two. Commissioner Hood moving,  
12 Commissioner May seconding, Commissioner  
13 Turnbull in support, Commissioner Selfridge in  
14 support by absentee ballot, Commissioner  
15 Schlater opposed.

16 CHAIRMAN HOOD: Okay. All those  
17 in favor of areas three and five, and to deny  
18 areas four and seven. All those in favor?

19 (Chorus of ayes)

20 Not hearing any opposition, Ms.  
21 Schellin, would you record the vote?

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1 MS. SCHELLIN: Yes. Staff would  
2 record the vote five to zero to zero to  
3 approve areas three and five, and deny areas  
4 four and seven. Commissioner Hood moving,  
5 Commissioner May seconding, Commissioners  
6 Schlater and Turnbull in support, Commissioner  
7 Selfridge in support by absentee ballot.

8 CHAIRMAN HOOD: Okay. Let's move  
9 right on to the next case. I thank everyone  
10 for their patience on that one.

14 MR. LAWSON: Excuse me, sorry.  
15 Chairman Hood, if I may interrupt for a  
16 second. I should note that we also  
17 recommended a number of text amendments as  
18 part of this -- as part of the last proposal.

19 I think that you would need to  
20 take action on those text amendments and  
21 possibly give the Office of Planning some

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1 direction for additional text amendments  
2 related to the properties that you did place  
3 in the H Street overlay that we had not  
4 recommended being placed in the overlay.

5 My apologies. Thanks.

6 CHAIRMAN HOOD: Mr. Lawson, could  
7 you repeat that?

8 MR. LAWSON: I'd be happy to. I'm  
9 sorry. Our proposal included, in addition to  
10 the map amendments, we had proposed a number  
11 of text amendments, to put those map  
12 amendments into effect to say, you know, which  
13 of the H Street guidelines would apply in  
14 different areas, for example, as well as to  
15 change the text of the H Street overlay to  
16 include some technical changes, to include the  
17 lots and squares.

18 It is noted in Mr. Jackson's  
19 latest report, it is Attachment -- or, sorry,  
20 Exhibit 7, is the text and with the dark text,  
21 the bolded text, being what OP had proposed.

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1                   So that text would require some action.

2                   In addition, the Zoning Commission  
3                   tonight elected to include some properties in  
4                   the H Street overlay that the Office of  
5                   Planning had not originally proposed, and so I  
6                   believe that additional text amendments would  
7                   be necessary to enact that.

8                   So we would be looking for some  
9                   direction from the Zoning Commission to  
10                  incorporate those additional necessary text  
11                  amendments to bring that about.

12                  CHAIRMAN HOOD: Okay. Here's what  
13                  I'm going to do. We're going to hold that in  
14                  abeyance. We're going to go to the Hearing  
15                  Action, and then we're going to come back to  
16                  it. Okay? Unless you all are ready now,  
17                  because I'm actually not.

18                  MR. BERGSTEIN: Let me help. The  
19                  hearing notice had text that assumed that you  
20                  were going to do exactly what OP wanted, and  
21                  then it had alternative text that would assume

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1 you were going to do exactly what the ANC  
2 wanted. And you did something in between, and  
3 what we would be asking for is the ability to  
4 propose our action with text that would  
5 conform to what your decisions are. That's  
6 essentially what is being requested of you.  
7 If that helps.

8 VICE CHAIRMAN SCHLATER: Mr.  
9 Chairman, I think we should tonight approve  
10 the text that OP submitted associated with  
11 this map amendment, and ask them to modify it,  
12 to conform it to the set of approvals we gave  
13 tonight.

14 CHAIRMAN HOOD: They're asking us  
15 for -- are you all asking us for --

16 MR. LAWSON: That's sufficient  
17 direction, actually, yes.

18 COMMISSIONER MAY: Yes, I was just  
19 going to make a motion that -- in support of  
20 the previous map amendment that we approve the  
21 related text amendments as proposed by the

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1 Office of Planning in support of the actions  
2 that we have taken with regard to the map  
3 amendment, and would further direct the Office  
4 of Planning to develop or to conform the text  
5 amendments to the modifications, or, rather,  
6 to the zoning changes that we -- the map  
7 amendments that we approved tonight that were  
8 contrary to their recommendations. Does that  
9 make sense?

10 | CHAIRMAN HOOD: Yes.

14 COMMISSIONER MAY: All right.

15 || That was a motion. Do you want to second it?

18 | COMMISSIONER MAY: Okay.

19 CHAIRMAN HOOD: Okay. Just give  
20 me a moment, please.

21 (Pause)

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1                           All right.    Thank you.    I think  
2                           I'm on the same page now.

3 So it has been moved and properly  
4 seconded. Any further discussion?

5 (No response)

6 All those in favor?

7 (Chorus of ayes)

8 Not hearing any opposition, Ms.

9 Schellin, would you record the vote?

10 MS. SCHELLIN: Yes. Staff records  
11 the vote five to zero to zero to approve the  
12 proposed text amendment -- or the text  
13 amendment that supports the map amendments  
14 that were approved earlier. Commissioner May  
15 moving, Commissioner Turnbull seconding,  
16 Commissioners Schlater and Hood in support,  
17 Selfridge in support by absentee ballot.

18 CHAIRMAN HOOD: Okay. Let's move  
19 into Hearing Action. Mr. Lawson, is it okay  
20 if we go to Hearing Action now? Are we  
21 finished with that one?

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3 CHAIRMAN HOOD: Hurry up and get  
4 away from that one.

5                       Okay. Let's go to Hearing Action,  
6                       Zoning Commissioner Case Number 06-11C/06-12C,  
7                       George Washington University, Second Stage PUD  
8                       at Square 39. Ms. Jackson?

9 MS. JACKSON: Good evening, Chair,  
10 members of the Commission. For the record, my  
11 name is Arlova Jackson with the Office of  
12 Planning. Just to give a bit of background,  
13 the Zoning Commission approved the George  
14 Washington University Foggy Bottom Campus Plan  
15 in March 2007, which required that all future  
16 development projects be reviewed as second  
17 stage PUDs.

18                   This is the third such second  
19 stage PUD request which addresses development  
20 within Square 39. Square 39 is bounded by K  
21 Street and the K Street underpass to the

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1                   north, Washington Circle to the northeast, New  
2                   Hampshire Avenue to the east, and 24th Street  
3                   to the west, and is located within the R-5-E  
4                   zone.

5                   The square was identified as an  
6                   academic, administrative, or medical  
7                   development site, or, alternatively, as a  
8                   commercial investment development site in the  
9                   campus plan.

10                  The proposed project would be the  
11                  only building in the square. Existing  
12                  improvements include the Warwick Building, a  
13                  24-space surface parking lot, and a triangular  
14                  public park located south of the site at the  
15                  corner of New Hampshire and 24th Street.

16                  The proposed second stage PUD  
17                  would allow demolition of the existing  
18                  structures and construction of a new public  
19                  health and health sciences building. The  
20                  building would consolidate seven existing  
21                  departments currently housed in various

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1 buildings on and off campus into a single  
2 facility.

3                   The seven-story structure would  
4 have approximately 115 -- 542,000 square feet  
5 of academic, office, classroom, and  
6 administrative space.

7                   The proposed building would have a  
8 maximum height of 90 feet, as well as two  
9 below-grade levels containing additional  
10 program space.

11                  The existing surface parking lot  
12 and New Hampshire Avenue curb cut would be  
13 eliminated as anticipated by and improved in  
14 the first stage PUD and campus plan. Access  
15 to the loading facilities, which would now be  
16 internalized within the building, would be  
17 accommodated via a wider curb cut along 24th  
18 Street. The triangular public park located  
19 south of the site would be improved and  
20 expanded as part of this project.

21                  The proposed second stage PUD

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1       meets the requirements of the R-5-E zone with  
2       the exception of requested flexibility from  
3       lot occupancy requirements.     However, the  
4       project meets the lot occupancy limits  
5       established by the approved campus plan and  
6       first stage PUD.

7                   OP finds that the applicant has  
8       addressed and met the review criteria relevant  
9       to the proposed development of the site,  
10      including review standards for PUDs, further  
11      processing standards for university use as  
12      found in Section 201, and a general special  
13      exception criteria in Section 3104.

14                  The public benefits and amenities  
15      proposed were initially identified and  
16      approved as part of the campus plan and first  
17      stage PUD.     These generally include a  
18      commitment to sustainability, efficient site  
19      design, and transportation management efforts.

20                  To this end, the proposed LEED  
21      Silver Building would include a green roof

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1 around the perimeter, a below-grade sand  
2 filter to manage stormwater runoff, a rain  
3 screen wall system, pervious paving, and full  
4 height atriums designed to bring natural light  
5 into the building's interior.

6 The applicant would also provide  
7 54 bicycle spaces onsite.

8 To conclude, the Office of  
9 Planning recommends that the Zoning Commission  
10 set down the proposed second stage planned  
11 unit development for public hearing, and we  
12 will take any questions you have at this time.

13 CHAIRMAN HOOD: Okay. Thank you,  
14 Ms. Jackson.

15 Commissioners, any questions? I  
16 think this is like our third second stage that  
17 we have seen recently. Anyway, let me open it  
18 up. Any questions?

19 COMMISSIONER TURNBULL: Yes, thank  
20 you, Mr. Chair. Ms. Jackson, do you know what  
21 the population of this building is going to

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1 be? Faculty, staff, students, what --

2 MS. JACKSON: Not off the top of  
3 my head I don't.

4 COMMISSIONER TURNBULL: All right.

5 I would like to know that. I mean, we are  
6 getting 54 bikes. Across the street on --  
7 what is it? 18th, 14th, there's City Hall,  
8 which is a leased dormitory space. I'm just  
9 looking at the overall transportation on  
10 students getting around.

11 I know they oriented this with the  
12 main entrance. I think OP had some concerns  
13 about where the entrance is on New Hampshire.

14 MS. JACKSON: I think it's in the  
15 right location. We --

16 COMMISSIONER TURNBULL: Just don't  
17 know if there is enough of it, enough  
18 entrances.

19 MS. JACKSON: We're still talking  
20 about the design of the ground floor.

21 COMMISSIONER TURNBULL: Right.

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1       It's got an arcade, which is --

2                   MS. JACKSON: Right.

3                   COMMISSIONER TURNBULL: I'm just  
4       curious why they have the arcade there, too,  
5       but I'd like to know what the population is.  
6       I'd like to know -- to look at the bicycles,  
7       because there is a dorm across the street  
8       which is rented or leased until 2016 I think.

9                   So there is going to be a lot of  
10      students hanging around here now, at least I  
11      think. I mean, there is -- what is there now  
12      is minimal. You've got a parking lot, and  
13      you've got a small building, so now you're  
14      going to be putting a lot more students,  
15      faculty, in this area. So I'm just looking at  
16      how students are getting around and what kind  
17      of an impact we are suddenly putting at this  
18      end here.

19                  There's no parking. I mean, we're  
20      getting rid of the 24 parking, and I know that  
21      there was -- I think they have -- by the plan,

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1       they have to allow 2,800 cars. They have  
2       more. They have about 3,000-something.

3                   MS. JACKSON: At the end of --  
4       there's three projects going on at different  
5       levels.

6                   COMMISSIONER TURNBULL: Right.

7                   MS. JACKSON: I believe at the  
8       buildout of all of them they are anticipating  
9       to have over 3,300 spaces.

10                  COMMISSIONER TURNBULL: Okay. The  
11       delivery -- when they showed the delivery  
12       diagrams, they looked complicated. I mean,  
13       it's a one-way street. You've got City Hall  
14       across the street. There's parking, I'm  
15       assuming, on both sides of that one-way  
16       street, and they -- although they do have the  
17       turning radiiuses and they show it, it looks --  
18       and although -- and I know they have said  
19       there's no deliveries from 7:00 to 9:00 a.m.,  
20       or from 5:00 to 7:00 a.m., it looks tight.

21                  I mean, it -- and maybe they could

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1 just go into that a little bit more in depth  
2 when they present to us. I mean, I'm -- they  
3 are only allowing -- I mean, I think we are  
4 only expecting 30-foot trucks to go in there  
5 anyways. But I would just like to have  
6 somebody walk us through that and show us --  
7 and --

8 MS. JACKSON: How it will work?

9 COMMISSIONER TURNBULL: Yes. I  
10 would like to know a lot more about this rain  
11 screen terra cotta, the horizontal and  
12 vertical versions of this, and how it actually  
13 fits together and works and what it -- what it  
14 does when the water gets down to the bottom of  
15 the building, what are they looking at.

16 Let me go back to my notes here.  
17 They are using the atrium. I guess I'd like  
18 to know a little bit more about the interior  
19 atrium and how that environmentally is  
20 working. It looks like they're -- I mean,  
21 they're going for LEED Silver, which I

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1 compliment them on. I think that's very  
2 commendable. I think we'd really like to see  
3 that.

4 And I guess those are my questions  
5 right now.

6 CHAIRMAN HOOD: Thank you, Mr.  
7 Turnbull.

8 Any other questions? Commissioner  
9 May?

10 COMMISSIONER MAY: Yes. This  
11 looks like it's an interesting and kind of  
12 unusual building. I think one of the things  
13 that just seems a little bit odd is how this  
14 building addresses the circle, and I just -- I  
15 am not questioning it so much as trying to  
16 understand the rationale for sort of doing  
17 that kind of gradual -- you know, sort of an  
18 -- a concave section and then a convex section  
19 to that facade, and then further muddying the  
20 waters by putting in these facets of windows.

21 It just seems like it's a very confusing way

1 of having a building on a circle.

2                   Again, it's not -- I mean, maybe I  
3 just need to understand it and see the  
4 presentation when the architect explains why  
5 this is -- you know, makes sense and how  
6 wonderful it is going to be. And maybe it is  
7 just because the images that we have don't  
8 really capture what it is supposed to be and  
9 why it's -- why it should be this way. It  
10 just seems rather odd.

11                  The next thing is that the  
12 building itself seems to be trying to do too  
13 many things in too many directions. I mean,  
14 you have -- I don't even know how many facades  
15 it has, but they are all different. I mean,  
16 it's like one, two, three, four, five. I  
17 mean, there are five sections, and they're all  
18 just very different from each other, and I'm  
19 not sure, you know -- it makes sense.

20                  I often wind up being concerned  
21 about buildings being -- trying to be a little

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1       bit too complex in their treatment and too  
2       different. And this is just another case I  
3       think where -- I mean, the design ideas may be  
4       just fine. It just feels like they are trying  
5       to do too much with it, too many different  
6       treatments on the various facades.

I share some of the concerns that  
Commissioner Turnbull brought up understanding  
the arcade and entrance issues, and so forth.

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1 something the Park Service might have done  
2 back then. I don't know. But it just doesn't  
3 look as good as I think it should, because the  
4 building otherwise I think has a lot of  
5 potential, so -- and I think that's it.

6 CHAIRMAN HOOD: Okay. Thank you.

7 Vice Chairman Schlater?

8 VICE CHAIRMAN SCHLATER: Thank  
9 you, Mr. Chairman. I think overall it is  
10 clear that the applicant is using very high  
11 quality materials here and is trying to pull  
12 together a good design. I think it's early in  
13 the process. I do have a few comments on the  
14 design.

15 I think the first thing I would  
16 focus on is how -- how the back of this  
17 building meets the residential -- the more  
18 residential character, and there is a couple  
19 of things going on there. There is the  
20 location of the loading dock, and I'm not  
21 saying it's in the wrong place for sure, but

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1 it's right across from the entrance of that  
2 residential building. I wonder if it would be  
3 better placed where the alley terminates  
4 there. I don't know, but I'd just like the  
5 applicant to address that in their next  
6 submission.

7 I think that the facade on that  
8 side, I like the terra cotta and the  
9 materials. The windows themselves look a  
10 little prison-like. They are tall and narrow,  
11 and I don't know if that's a great look. I  
12 understand -- I read the submission, and the  
13 applicant said that they are trying to reduce  
14 the number of windows on that side to actually  
15 improve the experience for the residential  
16 units across the street. I just don't know if  
17 that's the right solution.

18 I think another overall comment is  
19 how this building meets the street. I have  
20 some concerns about the arcade. Also, some of  
21 the renderings show the windows along the

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1 street recessed, and the base is a heavy, high  
2 quality stone. But I think it comes off  
3 feeling kind of brutal and not pedestrian-  
4 friendly and open. So I would ask the  
5 applicant to take a look at that.

6 And then, I think -- I share  
7 Commissioner Turnbull's concerns about the  
8 bicycle parking. I want to make sure there's  
9 enough there. There is no facilities inside  
10 the building, so there need to be adequate  
11 facilities outside of the building.

12 And I think that covers my  
13 comments. Thank you.

14 CHAIRMAN HOOD: Okay.  
15 Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Yes. Mr.  
17 Chair, I guess I would just like to echo the  
18 words of Commissioner May about the signage.  
19 And I'm looking on Sheet A20, which is a  
20 perspective view looking southwest from  
21 Washington Circle. And it -- but it's like

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1 the signage repeats on every facade, and it's  
2 big. It's -- it is a little cumbersome-  
3 looking. So I would just like to echo his  
4 words on that also.

5 CHAIRMAN HOOD: Okay. I have more  
6 of a process question, and I probably should  
7 have done this early on when we started doing  
8 our first of the 16 additional sites. I am  
9 just curious, we are approving -- we approved  
10 the first stage. We are doing second stage  
11 approvals, and I think this is our third one.

12 And this is -- the applicant can  
13 maybe help me understand it at the hearing, if  
14 it's set down. But we are going to have -- it  
15 looks to me like we're going to have a lot of  
16 PUDs, and I know that Square 54 is an  
17 incompletion, or it may be complete, and some  
18 other things that we approved in the past.

19 But I am looking at the amount of  
20 PUDs that will be in the pipeline with  
21 approval, and I think, what is it, two years

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1 or three years before you file for permit  
2 three -- after the second year? And I  
3 understand all of that.

4 I'm just concerned if we are --  
5 I'm sure we're not going to see all 16 like  
6 once a month. I mean, we get a different case  
7 every month. And I'm just concerned that, I  
8 don't know, years from now when the Commission  
9 sometime does not look that favorable on  
10 continuing PUDs or extending them, and I'm  
11 just wondering -- I don't want us to get so  
12 many in the pipeline that it's not doable.

13 So I guess that's one of the  
14 questions I want to ask George Washington, is  
15 some of this that we're doing -- this is our  
16 third one. I'm just -- you know, I don't want  
17 to wait until I get -- we get to number 10 and  
18 want to know, is this doable, this is going to  
19 happen, because I don't know what the makeup  
20 of the Commission will be at that time when  
21 you start asking for a PUD extension.

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1                   So that's just something I wanted  
2 to put out there. I don't know -- it may make  
3 sense, it may not, but I'm going to ask it,  
4 and we can talk about it at the hearing.

5                   So any other questions or  
6 comments?

7                   (No response)

8                   Okay. Commissioners, what's your  
9 pleasure? Vice Chairman Schlater?

10                  VICE CHAIRMAN SCHLATER: Mr.  
11 Chairman, I move that we set down Zoning  
12 Commission Case Number 06-11C/06-12C, George  
13 Washington University, Second Stage PUD at  
14 Square 39.

15                  CHAIRMAN HOOD: Okay. It has been  
16 moved. Can I get a second?

17                  COMMISSIONER MAY: Second.

18                  CHAIRMAN HOOD: It has been moved  
19 and properly seconded. All those in favor?

20                  (Chorus of ayes)

21                  Not hearing an opposition, Ms.

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1 Schellin, would you record the vote and the  
2 proxy I think you --

3 MS. SCHELLIN: Yes. Staff would  
4 record the vote five to zero to zero to set  
5 down Zoning Commission Case Number 06-11C/06-  
6 12C as a contested case. Commissioner  
7 Schlater moving, Commissioner May seconding,  
8 Commissioners Hood and Turnbull in support,  
9 Commissioner Selfridge in support by absentee  
10 ballot.

11 CHAIRMAN HOOD: Okay. Thank you,  
12 Ms. Schellin.

13 Next on the agenda is  
14 Correspondence. Zoning Commission Case Number  
15 08-34, and we have a written letter, and I  
16 think staff has done an excellent job in  
17 working it out.

18 Do I need to vote on this?

19 MS. SCHELLIN: Yes, sir.  
20 Initially, we, as you said, had a letter from  
21 the ANC asking for a postponement, but today

1 we received a letter from the applicant asking  
2 for a postponement also, which would also  
3 change the date for the ANC and the Office of  
4 Planning's response, and those dates are  
5 spelled out in the applicant's letter that  
6 came in today. And we would then move this to  
7 our April 11th meeting, and, yes, we would  
8 need the Commission to vote on that this  
9 evening.

10 CHAIRMAN HOOD: Okay.

11 Commissioners, we have in front of us a  
12 schedule, and I want to thank the staff for  
13 really trying to pull all of this together.  
14 Any comments? Any discussion?

15 (No response)

16 I will move that we adopt the time  
17 schedule which is on Exhibit Number 54.  
18 Again, this is a Commission -- on behalf of  
19 the applicant in the above-referenced case,  
20 which is Case Number 08-34. They are asking  
21 for an extension, and there is a time

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1 schedule, as so articulated from Ms. Schellin,  
2 that they are asking us to follow, and staff  
3 has worked this out.

4 So I would move that we approve  
5 the time schedule on Exhibit Number 54 as  
6 noted and ask for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRMAN HOOD: It has been moved  
9 and properly seconded. All those in favor?

10 (Chorus of ayes)

11 Not hearing any opposition, Ms.  
12 Schellin, would you record the vote?

13 MS. SCHELLIN: Yes. Staff would  
14 record the vote five to zero to zero to  
15 approve the time extension on the filings in  
16 Zoning Commission Case Number 08-34, as  
17 requested in the applicant's letter filed  
18 today. Commissioner Hood moving, Commissioner  
19 Turnbull seconding, Commissioners May and  
20 Schlater in support, Commissioner Selfridge in  
21 support by absentee ballot.

1                   CHAIRMAN HOOD: Okay. Thank you,  
2 Ms. Schellin.

3                   Commissioners, next on our agenda  
4 we have Other Business, Election of Officers.

5                   What is your pleasure?

6                   COMMISSIONER TURNBULL: Mr. Chair,  
7 I would propose that we keep the officers the  
8 same.

9                   CHAIRMAN HOOD: Okay.

10                  COMMISSIONER TURNBULL: Or do we  
11 have to actually talk to each position?

12                  CHAIRMAN HOOD: I think we could  
13 -- I just want to open it up. I think we can  
14 do exactly what you mentioned. I wanted to  
15 see if everyone is in agreeance with moving in  
16 that fashion. Okay? It looks like we are.

17                  Ms. Schellin, do we have an  
18 absentee vote?

19                  MS. SCHELLIN: We do.

20                  CHAIRMAN HOOD: So do we need to  
21 vote?

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay. Since --

3 MS. SCHELLIN: And the absentee  
4 vote is actually in that same manner actually.

5 CHAIRMAN HOOD: I think it would  
6 be better coming from those who are not  
7 participating.

8 COMMISSIONER TURNBULL: Well, Mr.  
9 Chair, I would like to make a motion. I would  
10 like to move that we retain Anthony Hood as  
11 Chair of the Zoning Commission.

12 CHAIRMAN HOOD: Okay.

13 COMMISSIONER TURNBULL: And Mr.  
14 Konrad Schlater as Vice Chair of the Zoning  
15 Commission.

16 COMMISSIONER MAY: Second.

17 CHAIRMAN HOOD: Okay. It has been  
18 moved and properly seconded. Any further  
19 discussion?

20 (No response)

21 All those in favor?

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1 || (Chorus of ayes)

4 MS. SCHELLIN: Yes. Staff would  
5 record the vote five to zero to zero to vote  
6 Chairman -- or Commissioner Hood as Chairman  
7 and Commissioner Schlater as Vice Chairman.  
8 Commissioner Turnbull making the motion,  
9 Commissioner May seconding, Commissioners Hood  
10 and Schlater in support, Commissioner  
11 Selfridge in support by absentee ballot.

12 CHAIRMAN HOOD: I think on behalf  
13 of Commissioner -- Vice Chairman Schlater and  
14 myself, we really appreciate your confidence.

15 I mean, we know you had a whole selection,  
16 but we appreciate it and are looking forward  
17 to continue working together as we move  
18 forward.

21 || MS. SCHELLIN: No, sir.

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1                   CHAIRMAN HOOD: Okay. I want to  
2 thank everyone for their participation, and  
3 this meeting is adjourned.

4 (Whereupon, at 8:00 p.m., the proceedings in  
5                   the foregoing matter were  
6 adjourned.)

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