

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:

Zoning Regulations Rewrite: Case No.

Waterfront 08-06-11

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Thursday,
January 7, 2010

Hearing Room 220 South

441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-06-11 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street,

N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD SCHLATER, Commissioner

MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

JAMISON WEINBAUM, Director of the Office
of Zoning

SHARON S. SCHELLIN, Secretary

DONNA HANOUSEK, Zoning Specialist

ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

JOEL LAWSON

TRAVIS PARKER

STEPHEN VARGA

The transcript constitutes the
minutes from the Public Hearing held on
January 7, 2010.

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

2 6:32 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. Ready?

5 Good evening, ladies and
6 gentlemen. This is a public hearing of the
7 Zoning Commission of the District of Columbia
8 for Thursday, January 7th, 2010.

9 My name is Anthony Hood. Joining
10 me this evening are Commissioner Peter May,
11 Commissioner Konrad Schlater and Commissioner
12 Michael Turnbull. We're also joined by the
13 Office of Zoning Staff under the leadership of
14 Director Weinbaum, the Office of Planning
15 Staff under the leadership of Ms. Steingasser.

16 This 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. I don't think we're going to
21 have too many disruptive noises from what I
22 see in the hearing room.

1 The subject of tonight's hearing
2 is Zoning Commission Case Number 08-06-11.
3 This is a request by the Office of Planning
4 for the Commission to review and comment on
5 proposed concepts for text amendments to the
6 Zoning Regulations. This is one in a series
7 of hearings on various subjects currently
8 under review as part of a broader review and
9 rewrite of the Zoning Regulations.

10 Tonight's hearing will consider
11 regulations applicable to the waterfront.

12 Notice of that hearing was
13 published in the D.C. Register on November
14 20th, 2009 and copies of that announcement are
15 available to my left on the wall near the
16 door.

17 The hearing will be conducted in
18 accordance with the provisions of 11 DCMR 3021
19 as follows: preliminary matters, presentation
20 by the Office of Planning, we expect them to
21 have about ten minutes, reports of other
22 Government agencies, report of the ANCs,

1 organizations and persons in support,
2 organizations and persons in opposition.

3 The following time constraints
4 will be maintained in these proceedings:
5 ANCs, Government agencies and organizations,
6 five minutes; Individuals, three minutes.

7 The Commission intends to adhere
8 to the time limits as strictly as possible in
9 order to hear the cases in a reasonable period
10 of time. The Commission reserves the right to
11 change the time limits for presentations if
12 necessary and notes that no time shall be
13 ceded.

14 All persons appearing before the
15 Commission are to fill out two witnesses
16 cards. These cards are located to my left on
17 the table near the door.

18 The decision of the Commission in
19 this case must be based exclusively on the
20 public record. To avoid any appearance to the
21 contrary, the Commission requests that persons
22 present not engaged members of the Commission

1 in conversation during any recess or anytime.

2 The staff will be available throughout the
3 hearing to discuss procedural questions.

4 Please turn off all beepers and
5 cell phones at this time so not to disrupt
6 these proceedings.

7 At this time, the Commission will
8 consider any preliminary matters. Does the
9 staff have any preliminary matters? Not
10 hearing any. Okay. Okay.

11 Okay. Who's going to start us?

12 MR. PARKER: Sure.

13 CHAIRMAN HOOD: Okay. Mr. Parker.

14 MR. PARKER: Good evening. My
15 name is Travis Parker with the Office of
16 Planning. I'm here with Steve Varga who led
17 our Waterfront Working Group. I'm just going
18 to run through the highlights of our six
19 recommendations tonight and try and keep it
20 short and then we'll have some time for
21 questions.

22 We're here to talk about

1 waterfront zoning tonight. Specifically, the
2 areas in red on your map in front of you are
3 areas that are currently zoned waterfront.
4 Over 90 percent of the city's actual
5 waterfront is federally owned right now and
6 that's the area in yellow.

7 We also want to highlight that our
8 recommendations took into account the blue
9 areas, Poplar Point and Boathouse Row.
10 They're currently federal owned, but are
11 likely sites for future transfer to the
12 District.

13 Really quickly, the W zone was not
14 an original zone. Created in 1974
15 specifically for Georgetown.

16 COMMISSIONER MAY: Can I just
17 correct something for the record?

18 MR. PARKER: Sure.

19 COMMISSIONER MAY: Boathouse Row
20 has been transferred.

21 MR. PARKER: Thank you.

22 COMMISSIONER MAY: And Poplar

1 Point absolutely will be. The Congress has
2 said it will. We just got to finish the
3 process.

4 MR. PARKER: Thank you.

5 The original intention of this
6 district was as a transition zone.
7 Transitioning from industrial -- from
8 Georgetown's industrial past to a more modern
9 commercial mixed-use zone. It was designed to
10 revitalize blighted declining industrial areas
11 along the river. It was originally created in
12 W-1, 2 and 3.

13 In 2004, the Commission added a W-
14 0 zone. This is a significantly different
15 zone than in the other three. The other three
16 are generally just commercial zones, mixed
17 use, commercial and residential zones. The W-
18 0 is actually an open-space zone designed to
19 limit development and protect more natural
20 waterfront areas in the city and generally
21 only allows open space and recreation as a
22 matter of right.

1 Our working group met over the
2 summer. As I mentioned, Mr. Varga led that
3 group and we looked mainly at the policy
4 guidance. Documents that we took guidance
5 from were from the Comp Plan and the AWI and
6 we took away seven aspects that led us to our
7 recommendations. Public access along the
8 waterfront, connectivity to -- excuse me,
9 public access to the waterfront, connectivity
10 along the waterfront, mixed used, visual
11 access, open space and environmental.

12 Really quickly, public access is
13 just being able to get to and front the water
14 for regular people avoiding buildings and
15 other types of development that block that
16 access. Connectivity involves trails or other
17 access along the riverfront. Visual access
18 isn't necessarily, you know, being able to
19 walk to and front the river, but being able to
20 see to and front the river even between
21 buildings and along view of corridors and open
22 space is open space. Our recommendations

1 focus on how to achieve these things in
2 waterfront zones.

3 One thing that we noticed is that
4 our waterfront zones were designed for a
5 particular area and for a particular purpose,
6 but they really didn't address waterfront
7 issues. So, we identified those issues in our
8 guidance documents and our recommendations try
9 to address these seven issues.

10 So, really quickly, recommendation
11 one -- actually, recommendation one and two
12 deal with PUDs in waterfront zones. Three
13 through six are dealing with matter-of-right
14 development. So, that's how they're broken
15 down.

16 Recommendation one is to basically
17 allow PUDs in W zones. Right now, the W-2 and
18 3 zones don't allow any extra height and
19 density for planned-unit developments and W-1
20 allows limited height and density. The
21 recommendation here is that these zones should
22 allow PUDs.

1 We're not recommending additional
2 density through the PUD process. If that's
3 needed, that can be achieved by changing the
4 zone, but extra height and what this can
5 result in is more open space in these areas.
6 Taller, narrower buildings with more open
7 space on the ground and this speaks to a lot
8 of the planning guidance that we have for
9 areas along the waterfront and allows the type
10 of development that a lot of these areas have
11 been looking for.

12 Our current code lacks the
13 flexibility to do this. The matter-of-right
14 situation in our W zones calls for, you know,
15 40 or 50-foot buildings and a high amount of
16 lot occupancy and this would allow some
17 massaging of that for higher buildings with
18 lower lot occupancy and it uses the PUD
19 process and our existing design review to
20 insure that we get the types of development we
21 want and recommendation two speaks more to
22 that as well.

1 Recommendation two takes these
2 seven policy guidance items that we found in
3 the Comp Plan and in the AWI Plan and would
4 make them standards by which PUDs in the
5 waterfront would be reviewed. So, PUDs would
6 be able to achieve greater height in the
7 waterfront, but waterfront PUDs would be
8 reviewed based on these seven criteria:
9 public access to the water, connectivity,
10 mixed use, visual access, open space,
11 environmental considerations and parking
12 controls.

13 Those are our two recommendations
14 on PUDs in the waterfront. The other three
15 again have to do with matter-of-right
16 development.

17 Recommendation three is that we
18 limit surface parking in waterfront zones.
19 Right now, a lot of our waterfront areas are
20 largely surface parking and have vast amounts
21 of surface parking. Our recommendation is
22 that these zones permit surface parking only

1 through a special exception. Obviously, PUDs
2 could go through this process as well.

3 This speaks to our Comp Plan
4 policies of limiting surface parking and
5 limiting runoff and out fall and it's a --
6 provides us a flexible way to provide it when
7 it needs to be provided, but certainly limit
8 surface parking in these areas.

9 Recommendation four is updating
10 performance standards for light industrial.
11 As I mentioned, waterfront was designed as a
12 transition zone. It still has the remnants of
13 that by allowing light-industrial uses as
14 special exceptions. We want to update those
15 special exception criteria and update the
16 current standards much like we talked about in
17 the industrial hearing, but also make sure
18 that those standards address potential green
19 industries and make sure that we're
20 encouraging green industries rather than
21 limiting them through outdated standards.

22 Recommendation five has to do with

1 visual access for matter-of-right projects and
2 what we did on this recommendation is take a
3 look at the street grids around the waterfront
4 areas. The report also shows the southwest I
5 think and Boathouse Row. This is a picture of
6 the southeast.

7 The idea here is to disallow
8 buildings from building across visual street
9 corridors from the L'Enfant Street grid. So,
10 where you have an existing visual access along
11 a street grid, this recommendation would
12 prevent your building from obscuring the
13 existing visual access.

14 In areas like Boathouse Row where
15 you don't -- where you have a highway blocking
16 street grid or you don't have a street grid or
17 in the future Poplar Point, we've recommended
18 that an actual street grid be replaced by a
19 maximum building width of 500 feet. So, it
20 would -- your limitation would be either a
21 street grid if it exists or 500 feet width if
22 there's no existing street grid.

1 The problem that we found that led
2 to this recommendation was that we don't have
3 any regulations that protect or promote visual
4 access and we want to visually integrate our
5 existing neighborhoods with waterfront
6 development and with the waterfront itself.

7 Finally, recommendation six has to
8 do with a setback along the water. In both
9 the Southeast Federal Center and the Capitol
10 Gateway which are the two existing overlays
11 along the waterfront, the Zoning Commission
12 has previously approved respectively a 100-
13 foot and a 75-foot setback continuous along
14 the waterfront. We're recommending that for
15 matter-of-right projects this standard be
16 continued throughout the waterfront zones of
17 a 75-foot passive area setback. Twenty-five
18 feet of that we're recommending be reserved
19 for DDOT trail connections. We think that all
20 of these matter-of-right recommendations could
21 be varied through a special exception process
22 where necessary and, of course, PUDs would be

1 just reviewed to insure that they do have this
2 connectivity and wouldn't necessarily be held
3 to a strict 75-foot standard.

4 So, those are the recommendations
5 in the report and we're here and happy to
6 answer further questions you may have.

7 CHAIRMAN HOOD: Okay. Thank you
8 very much, Mr. Parker. Who would like to
9 start us off? Mr. Turnbull.

10 COMMISSIONER TURNBULL: Thank you,
11 Mr. Chair.

12 Mr. Parker, in NCP's response back
13 in Exhibit 6, I see -- one of their big
14 concerns is number -- is recommendation one.
15 They, of course, mention the Height Act again,
16 but nothing you're proposing obviously negates
17 the Height Act.

18 MR. PARKER: The Height Act would
19 still be the absolute limit on height.
20 Absolutely.

21 COMMISSIONER TURNBULL: The only
22 other concern -- well, they get -- they refer

1 to what they're calling Exhibit A. It's their
2 letter on January 5th, 2009 and on page 7, no.
3 Well, it's actually the second page of the
4 letter, they're concerned -- "A long standing
5 concern of our agency has been the possibility
6 that a combination of site topography on
7 through lots adjacent to streets of different
8 widths could result in buildings with heights
9 that are significantly higher than adjacent
10 development and potentially high enough to
11 negatively impact the horizontal character of
12 the city."

13 What are the widths that we're
14 looking at for street down there? I mean
15 actually your one diagram that you showed of
16 the buildings short of showed a series of like
17 three buildings that are of much differing
18 height.

19 MR. PARKER: Right. Just the
20 blocks. Yes, I'm sorry. So, your question is
21 what potential street widths?

22 COMMISSIONER TURNBULL: Well, I'm

1 just getting back to their -- I think their
2 concern is that we're somehow negatively
3 changing the horizontality of the Washington
4 skyline or of what you see.

5 MR. PARKER: This obviously won't
6 allow, you know, buildings that are higher
7 than nearby buildings that go up to the Height
8 Act and as a matter of fact, these areas are
9 going to be lower. These areas are near the
10 water. So, they're among the lowest elevation
11 in the city. So, they certainly aren't going
12 to impact the horizontality of the city.

13 The problem that we've seen is the
14 existing waterfront zoning encourages long low
15 buildings and we'd like the opportunity
16 through the PUD to encourage taller, narrower
17 buildings.

18 COMMISSIONER TURNBULL: So, you
19 want to break up the horizontality advancing
20 of --

21 MR. PARKER: Break up the visual
22 and actual site lines to the -- yes, the

1 visual barriers to the water.

2 COMMISSIONER TURNBULL: Well, just
3 talking now, what are the street widths around
4 there? Are they looking like 50/60 or --

5 MR. PARKER: I don't know off the
6 top of my head. Yes, the majority of them are
7 probably 90.

8 COMMISSIONER TURNBULL: Okay. The
9 other thing then is on the -- I'm again, going
10 back to the NCP response with surface parking.
11 I'm sort of reading in what they're saying is
12 that they'd like some further definition of
13 how long we would grant a special exception or
14 for -- I mean how many times does a surface
15 lot get renewed and I think they're just
16 concerned that once we grant it it's going to
17 stay that way for awhile.

18 MR. PARKER: The intent is
19 certainly that special exceptions for surface
20 parking in these areas would be limited by
21 time. We are certainly open to your guidance
22 on what that time limit should be. Whether

1 it's two years, five years. We're certainly
2 looking for your input.

3 COMMISSIONER TURNBULL: Okay.

4 Thank you.

5 CHAIRMAN HOOD: Okay. Who'd like
6 to go next? Commissioner May.

7 COMMISSIONER MAY: I'll go next,
8 but I may have further questions yet.

9 Going back to the map for a second
10 in terms of where W zoned land actually is.
11 So, we're -- what we're really talking about
12 is the Anacostia Waterfront in the Capitol
13 Gateway area for lack of another term for it
14 and the Southwest Waterfront. Because
15 Georgetown is either built out or it's Federal
16 land. Children's Island is not going to be
17 built with anything other than what's planned
18 in your plan right now. Poplar Point is
19 likely to get different zoning. Right? Is
20 there going to be some W in Poplar Point do
21 you think?

22 MS. STEINGASSER: It's hard to say

1 whether Poplar Point will come in as a
2 comprehensive PUD or whether we'll write
3 zoning specific to the development response.

4 COMMISSIONER MAY: Yes, I mean I'm
5 imagining that it's going to be something --
6 may not be form based, but it'll be something
7 close to what we went through with Reservation
8 13. No?

9 MS. STEINGASSER: We really don't
10 know.

11 COMMISSIONER MAY: Yes. Okay.

12 MS. STEINGASSER: We really don't
13 know.

14 COMMISSIONER MAY: Or even
15 Southeast Federal Center where there was, you
16 know, a sort of comprehensive mapping of
17 multiple zones.

18 MS. STEINGASSER: It'll be guided
19 by its development plan in that same regard.

20 COMMISSIONER MAY: Right.

21 MS. STEINGASSER: Yes.

22 COMMISSIONER MAY: Yes. Okay.

1 And then when it comes to the Boathouse Row,
2 by the way, you are including some Federal
3 land in your map there that's showing up as
4 blue. The area that's immediately or that's
5 between the waterfront and Congressional
6 Cemetery is actually still Federal land.
7 That's park land and it will stay that way.

8 MR. PARKER: Can't blame us for
9 trying.

10 COMMISSIONER MAY: Yes, I can.
11 No, I won't. So, just out of curiosity, when
12 it comes to the neighboring street grid, the
13 street grid that exists at Congressional
14 Cemetery right now, which I think may actually
15 still include some real right of ways, I mean
16 is it imagined that that's what would be the
17 basis for defining Boathouse Row?

18 MR. PARKER: Are these actual
19 original L'Enfant right of ways? I mean --

20 COMMISSIONER MAY: They might be.

21 MR. PARKER: I would assume so.
22 Then that's sort of what we're looking at. Is

1 protecting those original --

2 COMMISSIONER MAY: Yes.

3 MR. PARKER: -- view corridors.

4 COMMISSIONER MAY: Okay. Because
5 as far as I recall, I mean it's a pretty tight
6 grid and pretty narrow blocks relatively
7 speaking. Okay.

8 I think -- I know that there's
9 been this effort to start to plan Boathouse
10 Row and I'd be interested in knowing kind of
11 the answer to that question. If this is -- if
12 you were to apply these new principles of
13 zoning to what's already kind of in the works
14 there, how does it work out? Does it work
15 out?

16 MS. STEINGASSER: We have plenty
17 of -- we do have a draft of the Boathouse Row,
18 the preliminary plan.

19 As you probably know, Boathouse
20 Row is encumbered with many leases that will
21 keep it from being developed for at least
22 another seven to 12 years.

1 COMMISSIONER MAY: Right.

2 MS. STEINGASSER: So, right now,
3 we're looking at a very kind of preliminary
4 stage of zoning.

5 COMMISSIONER MAY: Right. And I'm
6 not too concerned about -- the plan for the
7 Boathouse zone has gotten, you know, way ahead
8 of things here.

9 MS. STEINGASSER: Um-hum. Yes.

10 COMMISSIONER MAY: I'm just
11 curious. Is it -- in terms of the forms, is
12 it going to be something that's kind of going
13 to work with this principle if you were to --
14 if, in fact, we were to protect these right of
15 ways.

16 Let's talk about the width -- the
17 500-foot width that goes along with that
18 provision. How long are the average buildings
19 along the Southwest Waterfront right now?

20 MR. PARKER: Buildings or blocks?

21 COMMISSIONER MAY: The buildings.
22 The 500-foot width is a maximum block width or

1 a maximum building width.

2 MR. PARKER: We based that on
3 about the 80th or 90th percentile of block
4 widths --

5 COMMISSIONER MAY: Right.

6 MR. PARKER: -- in the southwest
7 and I've lost that recommendation, but --

8 COMMISSIONER MAY: Right. But, I
9 mean the thinking there is that it would be --
10 the idea is that a building would -- you
11 couldn't build out more than the width of a
12 block --

13 MR. PARKER: Correct.

14 COMMISSIONER MAY: -- no matter
15 what.

16 MR. PARKER: Correct.

17 COMMISSIONER MAY: And I'm just --
18 500 feet just seems like something that's a
19 lot bigger than what you'd probably want and
20 I think that the sort of living proof of that
21 is the wall between people or between
22 mainstreet I guess and the waterfront along

1 the southwest waterfront and I think those
2 buildings are probably approaching 500 feet.
3 Maybe they're smaller, but it's still -- you
4 still feel very, very much separated. Now,
5 there are other things that contribute to that
6 I recognize.

7 But, I just think that if you want
8 to try to create a sort of porous building
9 edge as you show in some of the diagrams, I
10 think 500 feet is too big. Particularly when
11 you start looking at things and angles and how
12 they hit the waterfront.

13 And all right. I think I need to
14 think about some of the other things. I might
15 have more questions.

16 CHAIRMAN HOOD: Okay. That's
17 fine.

18 COMMISSIONER MAY: Thanks.

19 CHAIRMAN HOOD: You want to go
20 next, Commissioner Schlater or --

21 COMMISSIONER SCHLATER: Evening,
22 Mr. Parker.

1 MR. PARKER: Good evening.

2 COMMISSIONER SCHLATER: I agree
3 with most of the recommendations. So, I'm not
4 going to go through the ones that I agree
5 with. Particularly the idea of allowing
6 flexibility on height. I think you can get
7 better architecture. Definitely better
8 planning.

9 One thing I would say is I think
10 there are places where it's appropriate to
11 have a park and I think there's places where
12 it's appropriate to have a building and so,
13 the idea that every waterfront parcel should
14 have some waterfront open space connected to
15 it, I don't think that necessarily makes a
16 better waterfront. I think there is a lot of
17 waterfronts around the world where you've got
18 building hugging the water and then occasional
19 places where you have for active and passive
20 open space. But, the idea that every single
21 parcel should be encouraged to have open space
22 on it, I don't necessarily agree with.

1 Likewise, I think it's important
2 to have that 25-foot area for a path along the
3 water and I like the idea of using zoning to
4 enforce that possibility, but I would say that
5 the minimum setback of 75 or 100 feet seems
6 excessive to me. It seems like a one-size
7 fits all. Somebody has a vision of what the
8 waterfront should be, but I don't know if
9 that's necessarily right, correct. There's
10 plenty of places I think of. Off the top of
11 my head, Boston, they have buildings that go
12 right to the water and it's got a nice
13 character with a boardwalk on it. Buenos
14 Aires also does the same thing.

15 So, I would just encourage you to
16 look at that, think about it in that context
17 of is that necessarily the right solution and
18 where did you come up with that?

19 MR. PARKER: Well, there's a
20 couple of things. It is the precedent in the
21 existing two overlays. The Capitol Gateway
22 has 75 foot. Southeast Federal Center has 100

1 feet.

2 When we looked at the waterfronts
3 that are available or that are going to be
4 available for development in the future, so
5 excluding Georgetown, we looked at Southwest.
6 We looked at Southeast. We looked at
7 Boathouse Row. We looked at Poplar Point.
8 All of those with the possible exception of
9 the Southeast, the Capitol Gateway area, are
10 likely to be coming in as larger developments,
11 as planned unit developments. In which case,
12 they would be reviewed for their connectivity
13 which could include buildings up to the water
14 and connectivity in other ways.

15 So, the idea is for projects that
16 aren't reviewed under that standard, for
17 matter-of-right projects, the 75 foot will
18 meet that need. So, projects that come in as
19 a matter of right must provide the 75 feet.
20 Anything that's reviewed either through a
21 special exception or through a PUD can meet
22 that same need in some more creative or

1 different way.

2 COMMISSIONER SCHLATER: And the
3 need, I'm just curious, the 25 feet seems to
4 meet the need. So, what's the need from 25 to
5 75 or 100 feet?

6 MR. PARKER: Both the AWI Plan and
7 the Comp Plan look at this setback along the
8 water. I think the 75 feet was originally
9 from the AWI Plan.

10 COMMISSIONER SCHLATER: Okay.

11 MR. PARKER: So, our planning
12 guidance is calling for this type of setback
13 and we agree with you that it's not
14 appropriate to have a full 75 foot in every
15 place and we think a lot of these places are
16 going to do it -- accomplish it in different
17 ways. But, it's important that it exists --
18 that that connectivity exists in some way,
19 shape and form and this is our strategy for
20 insuring that that happens on the matter-of-
21 right developments.

22 COMMISSIONER SCHLATER: On the

1 recommendation number five on encouraging
2 visual access to the water along the street
3 grid which I support, I just wonder if the way
4 you've recommended it with this 500 square
5 foot limit on blocks, are there other tools
6 that you could use? Maybe more forceful tools
7 to insure that that connectivity is insured?

8 MR. PARKER: That the visual
9 access is insure?

10 COMMISSIONER SCHLATER: Yes.

11 MR. PARKER: We looked at several
12 things. We looked at yards. The problem
13 there was that lot lines can be moved.

14 In looking at our best practice
15 cities, this is the standard. Either limiting
16 access along these street lines or limiting it
17 by square footage. So, both of these are
18 common practice and are generally the best
19 practice for how this is accomplished.

20 We didn't find a lot of examples
21 of other ways that it's done successfully.

22 MS. STEINGASSER: I just want to

1 add. We chose 500 feet knowing it was a very
2 lenient standard compared to what the average
3 block width was. As more of a balloon. Where
4 do people want us to go?

5 We're very comfortable with a
6 narrower or a smaller level with a relief
7 valve if somebody has a spectacular project.

8 MR. PARKER: And keep in mind that
9 number is designed for areas that a street
10 grid doesn't exist.

11 COMMISSIONER SCHLATER: Right.

12 MR. PARKER: So, where the street
13 grid does exist in Southeast, Southwest, other
14 places, that's intended to rule. The 500 feet
15 is just for those areas where we don't have
16 that guidance.

17 COMMISSIONER SCHLATER: Like
18 Southwest -- Southwest has it. Where is the
19 500 for -- where does the 500 feet apply?

20 MR. PARKER: It would apply at
21 places that don't have -- potentially Poplar
22 Point, Boathouse Row. Other places that don't

1 have that street grid. That existing access.
2 Visual access.

3 COMMISSIONER SCHLATER: I think
4 that's it, Mr. Chairman. Thank you.

5 CHAIRMAN HOOD: Let me just say
6 your recommendation number one has already
7 been alluded to by both -- I think most of my
8 colleagues. I would agree.

9 I like the fact of the height and
10 low density. Again, it reminds me -- I think
11 I said this when we were looking at the W
12 zoning. I like the fact that it makes me
13 think about Atlantic City. I don't know why.
14 Because it's slim and, you know, the density.
15 So, I do like that.

16 Let me ask this question. I was a
17 little disappointed, Mr. Parker, when I turned
18 to three and maybe it's just because I don't
19 understand right now the relationship between
20 the Federal Government and the District of
21 Columbia. I know Peter knows whether the
22 land's been transferred on it. So, I was glad

1 he brought that to the table.

2 But, I'm looking at all this work
3 that's getting ready to do into the way the
4 city's going, what they own by the waterfront
5 and I'm sorry. I think it's Mr. Oberlander
6 who's not here. Because he would know what
7 the Federal Government's doing. I'm just
8 wondering how all that -- I'm just trying to
9 visualize. Here the District is coming with
10 certain setbacks and requirements that the
11 Federal Government is not bound by and I'm
12 just trying to figure out how all this is
13 going to work and I'm looking at your map. In
14 particular on page 3, the red areas and you
15 said the yellow areas are the Federal and I
16 know we can only control what's in the
17 District jurisdiction. But, I just -- is
18 there any coordination between Peter's -- I
19 mean, excuse me, the Federal Government and
20 the District? Any coordination?

21 MS. STEINGASSER: Absolutely. The
22 city has four or five -- four seats out of

1 nine, four seats out of nine on the National
2 Capital Planning Commission. We're involved
3 in all coordinated land use planning both from
4 the Federal elements of the Comprehensive Plan
5 to the local elements of the Comprehensive
6 Plan. All of our zoning and PUDs go through
7 National Capital Planning Commission.

8 We meet with them on a regular
9 basis to coordinate larger initiatives
10 throughout the city such as our retail
11 initiative, our arts initiative.

12 I know most of their phone numbers
13 by memory. I mean we deal with these people
14 on a day-to-day basis. We're all on a first-
15 name basis. We have a very strong working
16 relationship. We come from different points
17 of view and we have different interests, but
18 the over-arching interest is a successful city
19 and we do coordinate quite a bit.

20 CHAIRMAN HOOD: I'm thinking in
21 terms of uniformity. Say if the Federal
22 Government decided to build somewhere on the

1 waterfront, I guess since we have NCPC they
2 would -- everybody knows what the city's
3 doing. So, I guess we would try to have a
4 uniform plan.

5 MS. STEINGASSER: We would and we
6 -- the Federal Government has their own review
7 requirements through Section 106 for
8 environmental impact. Part of that involves
9 looking at impacts on local plans and
10 development policies. So, we on several
11 occasions have weighed in on -- through the
12 NEPA process, National Environmental
13 Protection Act, on the impacts of security
14 barriers in our public streets, in our public
15 spaces and how that relates.

16 So, the Federal Government has
17 their review processes even though they're not
18 subject to zoning. They can't unilaterally
19 come in and, you know, close our streets and
20 put all their security barriers in our street.
21 The National Capital Planning Commission staff
22 and the Commission itself is very forceful in

1 reinforcing that same public space, public
2 active streets. You know, an active
3 functioning city both for living and working.

4 CHAIRMAN HOOD: Okay. I think I
5 have one other question and I can't remember
6 exactly when we did the W-0. Is it W-0 or W-
7 0? I know that was a discussion one time.

8 MS. STEINGASSER: It's W-0.

9 CHAIRMAN HOOD: Okay. W-0. I
10 heard W-0.

11 MS. STEINGASSER: We played on
12 words because it was 0 for open space. Zero
13 because it was in front of one and Allen made
14 us stop.

15 CHAIRMAN HOOD: Okay. Okay. But,
16 I think the more restrictive -- I remember
17 when we dealt with this. The more
18 restrictive, the less dense, the less height,
19 the more restrictive the closer you got to the
20 water and I'm trying to figure out the 75.
21 We're going around 75 feet and the setback,
22 what are we trying to accomplish with the

1 setback? Are we trying to accomplish people
2 who want to be walking the trail or running
3 the trail? What are we trying to accomplish
4 with those setbacks?

5 MR. PARKER: A lot of things. I
6 mean that's a big part of it. DDOT's got
7 plans along the entire Anacostia and Potomac
8 for a walking/biking trail. So, that's a big
9 part of it and for that, they need, you know,
10 25 feet for the trail and the areas around it.

11 But, I mean the plan also talks
12 about a lot of things. It talks about, you
13 know, protecting these repairing areas. It
14 talks about having active and passive
15 recreation in these areas. So, I mean all of
16 that comes into play.

17 CHAIRMAN HOOD: The reason I ask
18 because I actually agree with the setback
19 because I believe the more you do by the water
20 and the furthest setback. I'm in favor of
21 more setback than less and I just want to make
22 sure. I don't know if anybody disagrees with

1 me, but I just want to make sure.

2 MS. STEINGASSER: Well, I think we
3 agree with everybody here on the issue.
4 Because the setback in the AWI plan calls for
5 an active activated waterfront and that can be
6 any level of things.

7 As you remember with the Florida
8 Rock PUD, where we finally ended up is there's
9 a large piece that's 75 feet, but there's a
10 lot of it that's a lot closer. That's in the
11 40 and 50-foot range because it's got
12 restaurants in there and it's got a lot of its
13 own plaza and retail that's pushed up taking
14 advantage of being a water adjacent use.

15 So, that's why we built
16 flexibility in there. We understand the 75
17 feet that the AWI's trying to get at,
18 activating. But, that activating can be
19 structural as well as a passive bike trail.
20 So, it's just allowing for that full range.

21 We've also then required that if
22 you go within that 75, it comes before the

1 Commission so that you can review and insure
2 that it is consistent with the plans, that it
3 is good design, good architecture and meets
4 all those goals.

5 CHAIRMAN HOOD: All right. Well,
6 that's all the questions that I have. Anybody
7 else?

8 We do have -- let me thank the
9 Office of Planning. Appreciate that very
10 thorough report.

11 We do have -- I only have one
12 thing -- one letter from ANC-6B, Capital Hill.
13 Let me ask. Mr. Parker, have you had a chance
14 -- I don't know what exhibit it is, but have
15 you had a chance to look at ANC-6B's
16 correspondence?

17 MR. PARKER: I don't know that I
18 have received the ANC's --

19 CHAIRMAN HOOD: Oh. Well, Ms.
20 Schellin, what exhibit is this? It's cutting
21 off the page.

22 COMMISSIONER MAY: I handed him my

1 copy for the moment.

2 CHAIRMAN HOOD: Oh. Okay. Good.

3 COMMISSIONER MAY: So, they're
4 looking at it.

5 CHAIRMAN HOOD: And I was just
6 wondering -- and some of this we've already
7 discussed and I will commend ANC-6B. They did
8 a great job. Especially the polls and, you
9 know, I'm not sure --

10 MS. SCHELLIN: It's Exhibit 4.

11 CHAIRMAN HOOD: Oh. Okay. Thank
12 you. Exhibit 4.

13 MR. PARKER: Yes, we have it.

14 CHAIRMAN HOOD: Okay. I think the
15 recommendation at least for me that stood out
16 is number four. For some reason, industrial.
17 It says the Commission is not in favor of
18 sitting any industrial facilities in Boathouse
19 Row and it's not clear how this recommendation
20 would impact W-0 districts.

21 MR. PARKER: W-0 district doesn't
22 allow any development without a special

1 exception. So, it's really not a concern. W-
2 0 really is an open-space zone. So --

3 CHAIRMAN HOOD: And I'm just
4 trying to see if we can talk about some of
5 their concerns. Recommendation six, I think
6 we're saying 500. Five hundred feet for some
7 reason seems to be that number, but I see here
8 that they're saying lesser setbacks for an
9 area like Boathouse Row that may only be a
10 100-foot side at some points and contains
11 small size buildings such as clubhouses and
12 could be built closer to the water.

13 Anyway, they have submitted their
14 recommendations and I would just ask that, you
15 know, before you -- I guess when you get ready
16 to come back, we kind of take some of this
17 under consideration.

18 MR. PARKER: Um-hum.

19 MS. STEINGASSER: Yes,
20 unfortunately, we're not -- it's been probably
21 a year since I've looked at the Boathouse Row
22 plan. So, I don't want to answer since that

1 seems to be their focus. Is they're concerned
2 only of the Boathouse Row and how these would
3 impact that.

4 CHAIRMAN HOOD: I just wanted to
5 make sure on the record that we did
6 acknowledge and respond to some of their
7 concerns and take it into consideration and
8 advisement.

9 Okay. Thank you. That was all I
10 had. Okay.

11 Well, I see we have a crowd in the
12 audience. So, what I'll just do is anybody
13 wanting to testify in support or opposition
14 I'll just call you up at this time.

15 Mr. Greene and Ms. Zartman, if you
16 can just come on to the table. Both of you.
17 Ms. Zartman, yes.

18 MR. GREENE: Shall I start?

19 CHAIRMAN HOOD: Go right ahead,
20 Mr. Greene.

21 MR. GREENE: Let me say good
22 evening to members of the Commission and also

1 staff and staff on this side.

2 I really don't have a question as
3 much as I guess I'm getting in at the end of
4 this and is there a report, a comprehensive
5 zoning regulation rewrite waterfront report?
6 I have not seen one. I see Travis is raising
7 it.

8 I guess I'm concerned about where
9 do we go from here? Will there be specific
10 regulations that come out -- proposed
11 regulations that come out of this process and
12 will come back to the public and also to the
13 Commission for review and comment? I guess
14 that's my main question and I see a lot of
15 nods, but Mr. Chairman, I have not heard
16 anything from the Chair. Okay.

17 Oh, no, I don't -- I don't really
18 have a statement. I really didn't come here
19 to testify. I have very seldom, if any, come
20 to a Zoning Commission hearing in which I am
21 one of two and that's a fact and I've been to
22 a lot of Zoning Commission hearings.

1 CHAIRMAN HOOD: And I'm sorry.

2 What was your comment or question?

3 MR. GREENE: My question has to do
4 with where do we go from here. Is this a
5 blanket approval of these concepts or will
6 specific regulations follow and be advertised
7 and scheduled for public hearing and review
8 and et cetera?

9 CHAIRMAN HOOD: Well, what we --
10 and I'll let Travis tell you more.

11 MR. GREENE: Okay.

12 CHAIRMAN HOOD: What we've tried
13 to do though is this is just concept, you
14 know, and the concept actually may change.

15 MR. GREENE: Okay.

16 CHAIRMAN HOOD: We're just trying
17 to get some direction. We may get halfway
18 down the street and say okay, well, let's do
19 an about face and come back up the street.

20 MR. GREENE: Okay.

21 CHAIRMAN HOOD: To make an analogy
22 of what is happening and then at that point,

1 then that gives Office of Planning and the
2 powers to be to try to make some text for the
3 Commission to come back and look at.

4 MR. GREENE: Great. So --

5 CHAIRMAN HOOD: And --

6 MR. GREENE: Great and I think
7 that's good and I notice that as a working
8 group -- has been a working group. Is that
9 group still active? Is it still --

10 CHAIRMAN HOOD: Mr. Parker.

11 MR. GREENE: Is not?

12 MR. PARKER: The working group met
13 over the summer and --

14 MR. GREENE: Okay.

15 MR. PARKER: -- actually resulted
16 in these recommendations.

17 MR. GREENE: Okay. And I missed
18 it.

19 And my next point is Jennifer
20 mentioned the Florida Rock PUD and as you
21 know, I'm involved with that project and I
22 would be concerned about what happens to

1 existing PUDs if there was a -- and I see her
2 shaking her head. Nothing?

3 MS. STEINGASSER: There would be
4 no impact on approved PUDs.

5 MR. GREENE: Okay. None. I would
6 say, Jennifer, you brought up the 75-foot
7 setback. You describe extremely well.

8 During our PUD process, we talked
9 about a promenade, a green ribbon connecting
10 the yards, the Navy Yard, the yards, the FRP
11 PUD and perhaps down the river. Is that
12 concept out of the -- is that something you
13 guys have given up?

14 MS. STEINGASSER: No, sir. No,
15 that's still --

16 MR. GREENE: Okay.

17 MS. STEINGASSER: -- envisioned
18 through the AWI and the Comp Plan and would be
19 implemented through the Zoning Regs and any
20 future PUDs.

21 MR. GREENE: Okay. And I guess my
22 last question, I keep saying my last one --

1 CHAIRMAN HOOD: No, that's all
2 right.

3 MR. GREENE: -- has to do with
4 uses that exist. For example, there are some
5 industrial uses there. Perhaps not on the
6 side where the Florida Rock project, but there
7 are a number of concrete operations on the
8 other side of the South Capitol Street and I
9 assume they will become somehow grandfathered.

10 MS. STEINGASSER: They would be
11 legally nonconforming.

12 MR. GREENE: Legally
13 nonconforming.

14 MS. STEINGASSER: And not -- yes.

15 MR. GREENE: Okay.

16 MS. STEINGASSER: Um-hum.

17 CHAIRMAN HOOD: Mr. Parker, could
18 you also add to the process. I know I may
19 have kind of gave Mr. Greene the slight
20 version, but a quick version. Could you also
21 explain the process again?

22 MR. PARKER: The way that we've

1 been proceeding is for each subject in our
2 Zoning Regulations be it waterfront or
3 commercial or parking, what have you, we've
4 held a public working group and collected
5 ideas and shared thoughts and each one of
6 those working groups has resulted in a series
7 of conceptual recommendations like this which
8 have been brought to the Zoning Commission.

9 The Zoning Commission has then
10 given us guidance whether to, you know, move
11 forward with those recommendations, alter them
12 or, you know, change them completely and
13 that'll be the next step here. Is that we'll
14 have a decision making on this subject and
15 they'll give us guidance on these six
16 recommendations.

17 When we've gone through that
18 process further, we'll start returning to the
19 Zoning Commission with proposed text based on
20 what we hear from them and so, sometime in
21 2010 probably, we'll be back with text based
22 on these recommendations.

1 MR. GREENE: Okay. Great. So, do
2 you have like a schedule or what you consider
3 a schedule that would outline which comes on
4 first? Do you know that?

5 MR. PARKER: Not exactly.

6 MR. GREENE: Okay.

7 MR. PARKER: The best way to keep
8 track of that is we've got a website --

9 MR. GREENE: Okay.

10 MR. PARKER: -- process that sets
11 out what meetings are coming up and all of the
12 reports are available and as new work is done,
13 it becomes available there.

14 MR. GREENE: Great and is that
15 website set up yet or is your --

16 MR. PARKER: It sure is. It's
17 www.dczoningupdate.org.

18 MR. GREENE: Okay. Great. It's
19 very good.

20 CHAIRMAN HOOD: Mr. Greene, I
21 could say you were probably in support with
22 some questions.

1 MR. GREENE: I am. I am. I am
2 always in support of planning as you know and
3 I'm always in support of, you know, changes.
4 I think this is good and I say it in a more
5 current way because of my involvement with the
6 Florida Rock Project probably since 1997.
7 We've been going just along.

8 And then I'd say more recent I was
9 invited to be interviewed by an American
10 Planning Association group that started
11 something down there in Buzzard Point. I
12 think it lasted about two or three days, a
13 workshop. You guys probably already know
14 about this. It was sponsored by the American
15 Planning Association. It was also sponsored
16 by the Waterfront BID, the BID. As well as
17 Councilmember -- OP was not? OP did not --
18 okay. As well as Tommy Wells. His office
19 sponsored as, you know, as well. Tommy Wells
20 sponsored as well.

21 So, I would say yes, I do support
22 it and I'm looking forward to following it

1 because we do have two properties in the area.
2 We have Square 664E which for the most part is
3 vacant and we also have the Florida Rock
4 piece. Both are waterfront properties.

5 With that, Mr. Chairman, I really
6 appreciate it.

7 CHAIRMAN HOOD: Thank you.

8 MR. GREENE: Thank you.

9 CHAIRMAN HOOD: Any questions of
10 Mr. Greene? Any questions of Mr. Greene?

11 Thank you very much, Mr. Greene.

12 MR. GREENE: And let me just say
13 go Alabama.

14 CHAIRMAN HOOD: That's where we're
15 trying to go.

16 MR. GREENE: Oh.

17 CHAIRMAN HOOD: So, we're trying
18 to hurry up and get out of here.

19 MR. GREENE: Thank you.

20 CHAIRMAN HOOD: And I want you to
21 look at Blake Ellis. That's the name you look
22 for tonight.

1 MR. GREENE: Alabama or Texas?

2 CHAIRMAN HOOD: Alabama.

3 MR. GREENE: I'm sorry. Thank you
4 all.

5 CHAIRMAN HOOD: All right. His
6 name is Blake Ellis. I want you to look at
7 him. In the family.

8 Anyway, Ms. Zartman, would you
9 like to begin. Now, let me ask you, Ms.
10 Zartman, I was trying to read -- that's why I
11 was caught off guard not paying attention to
12 Mr. Greene because I was really trying to see
13 if you were in support or opposition.

14 MS. ZARTMAN: As I will very
15 shortly tell you, we have no choice but to be
16 in opposition.

17 CHAIRMAN HOOD: Oh. Okay. So,
18 Ms. Zartman's in opposition. Okay. You may
19 begin.

20 MS. ZARTMAN: Actually, it's not
21 Ms. Zartman. It's the Committee of 100.

22 The Committee has long supported

1 the goals that are embodied in a number of the
2 recommendations advertised in the public
3 hearing notice for this hearing. However, too
4 many years experience with overdevelopment
5 through PUDs force us to oppose opening our
6 most protected waterfront lands to the
7 excesses that are possible through PUDs. The
8 almost universal consequence of PUD proposals
9 is upzoning and other special provisions that
10 result in greater burdens on the land.

11 I think we would have no objection
12 in theory to establishing greater heights with
13 the same lot coverage. That's not the issue.
14 It's all of the other things that PUDs enable.

15 Particularly in light of the very
16 small percentage of waterfront lands that are
17 not in the control of local or Federal
18 Government, adopting such sweeping provisions
19 seems especially unwise. Therefore, we
20 strongly oppose recommendations one and two.

21 It's not clear whether
22 recommendations five and six are intended as

1 freestanding provisions or how they would be
2 affected by PUDs. Would/could the proposed
3 75-foot setbacks be amended through PUDs? The
4 maximum building dimension of 500 feet, how
5 would that potentially be affected?

6 We do strongly recommend that the
7 Commission direct OP to create a special rule
8 that would control how W-zoned properties are
9 measured. Which should be from the water side
10 of the property as was discussed at meetings
11 of the working group, but is not among the OP
12 recommendations.

13 Particularly in light of changing
14 elevations in W zones, we seek clear proof
15 that it's possible to construct 100-foot
16 buildings on land zoned W-1. Which at the
17 time carried a 40-foot maximum height. That
18 would be the incinerator building on K Street.

19 Such consequences block views from
20 the water to the land in addition to cutting
21 off views to and of the water. Many concerns
22 have been expressed about how much of this

1 will occur at the Maine Avenue Waterfront
2 including concerns about the Banicor Overlook
3 and the NCPC framework plan.

4 Similarly, special rules should
5 apply to penthouses at the water's edge where
6 their visual impact even at the current limits
7 can be most disruptive.

8 We support recommendation three
9 with regard to special exception requirements
10 for surface parking. Indeed it was leaders of
11 the Committee of 100 who working through the
12 then Zoning Advisory Committee wrangled
13 through an amendment that made it permissible
14 to use permeable paving at a time when it was
15 illegal to use anything but impermeable
16 surfaces. It use to be illegal, guys.

17 Similarly, recommendation four is
18 inoffensive.

19 The bottom line is that we believe
20 some of these proposals will cut off the
21 waterfront from the views that we all say
22 we're trying to reclaim and will reduce

1 enjoyment because of barricade-like buildings
2 providing impressive views for the privileged
3 few. That would be wrong.

4 I'm be happy to answer any
5 questions you might have.

6 CHAIRMAN HOOD: Okay. Thank you
7 very much, Ms. Zartman, and again, you're
8 speaking on behalf of the Committee of 100.
9 I do apologize.

10 MS. ZARTMAN: I surely am.

11 CHAIRMAN HOOD: Okay. I was just
12 trying to understand the first one. The
13 recommendation one and two. Because I think
14 you've heard. I was like recommendation one
15 and I'm just trying to figure out exactly.
16 You say particularly in light of very small
17 percentage of waterfront lands and not in
18 control of local or Federal Government,
19 adopting such sweeping provisions seems
20 especially unwise. Help me to understand
21 that. I don't understand.

22 MS. ZARTMAN: Well, the Federal

1 Government controls 90 percent of the
2 waterfront lands. The District Government
3 some additional percentage. The number of
4 privately-held lands that would be subject to
5 zoning is very small and I cannot believe that
6 this Commission can't handle it without having
7 to create the PUD possibility which is a whole
8 big bag of tricks. I mean this is Pandora's
9 Box for uncontrollable possibilities and it
10 seems to me it's just an awful lot smarter to
11 take them as they come either as individual
12 proposals for places like Boathouse Row or
13 Poplar Point.

14 Don't allow a PUD in the middle of
15 other properties. That could really just blow
16 the orderly development.

17 The established development, I
18 mean somebody could come in for an established
19 property and say well, now, we'd like to
20 change the zoning to a PUD and do this other
21 mega development on-site.

22 For this tiny number of

1 properties, that seems an excessive use of the
2 tools that are at your disposal.

3 CHAIRMAN HOOD: You know, I was
4 kind of in line with what you were saying. I
5 just -- it's just that that's why I asked the
6 question about the coordination with NCPC and
7 it seems like they coordinated and I know
8 you're saying well, take them case by case,
9 but the way I see it is a structure.

10 Now that I know they have such a
11 good working relationship, they have each
12 other's phone numbers, this --

13 MS. ZARTMAN: They do indeed and
14 it's a public process, Mr. Chairman.

15 CHAIRMAN HOOD: Right.

16 MS. ZARTMAN: I mean I can't tell
17 you the number of 106 processes I've been part
18 of. Sometimes to Mr. May's despair.

19 CHAIRMAN HOOD: Okay.

20 MS. ZARTMAN: But, I mean it is
21 very open. It's established. It's rigorous.
22 It's court enforced.

1 CHAIRMAN HOOD: But, to have -- to
2 get what we're trying to accomplish from what
3 I heard previously, it seems like it's
4 achievable as opposed to this -- okay. As
5 this comes, we'll deal with that on its
6 merits, on its own. It seems like this whole
7 concept of what we're trying to envision in
8 the waterfront from the great coordination, it
9 seems like it's achievable whether it's the
10 Federal or the local.

11 MS. ZARTMAN: Well, I think it's
12 achievable through the largely Federal process
13 and the District cooperation with that Federal
14 process.

15 What I'm saying is why enact a new
16 empowerment PUDs and W zones for -- I don't
17 know. How many properties can we be talking
18 about? What percentage of properties can we
19 be talking about?

20 CHAIRMAN HOOD: It's not a whole
21 lot. Because if you look at the -- if you
22 look at page 3, it's not a whole lot.

1 MS. ZARTMAN: Stick with the rules
2 we have and if somebody has a really
3 spectacular project that comes along, there
4 are vehicles. I mean the incinerator building
5 got an additional floor granted by the BZA
6 because, honest, this was the argument,
7 Georgetown was under screened in movie
8 theaters.

9 CHAIRMAN HOOD: Did you like what
10 the BZA did or you did not like it?

11 MS. ZARTMAN: I thought the
12 additional floor on a building that was
13 already 60-feet taller than it was suppose to
14 be was probably excessive.

15 CHAIRMAN HOOD: Oh. I will tell
16 you. I have to give you full disclosure. I
17 sat on that case.

18 MS. ZARTMAN: And you're allowed
19 your judgment.

20 COMMISSIONER MAY: Mr. Chairman --

21 CHAIRMAN HOOD: Okay.

22 COMMISSIONER MAY: -- can I follow

1 on this? Some -- a couple of things very
2 relevant to this.

3 First of that, that case you say
4 was a BZA case.

5 MS. ZARTMAN: Um-hum.

6 COMMISSIONER MAY: So --

7 MS. ZARTMAN: It was not a PUD.

8 COMMISSIONER MAY: It was not a
9 PUD?

10 MS. ZARTMAN: Correct.

11 COMMISSIONER MAY: So, I'm not
12 sure how having -- I mean PUDs are one way of
13 kind of resting control of that kind of -- you
14 know, the over use of the variance or special
15 exception process from, you know, the BZA side
16 and putting it into the Zoning Commission's
17 hands where the balance between the benefits
18 of the -- you know, the added benefit of the
19 design is weighed against the impact of
20 whatever is increased. In this case, it would
21 only be additional height.

22 So, I'm not sure why you're

1 opposing having it, you know, subject to PUDs?

2 MS. ZARTMAN: PUDs can do a whole
3 lot more than additional height.

4 COMMISSIONER MAY: But, that's not
5 what's being proposed here. What's being
6 proposed here is an ability to increase the
7 height as I understand it. Height only.

8 MS. ZARTMAN: We haven't yet seen
9 the proposal changes to PUD regulations.

10 COMMISSIONER MAY: This is the
11 recommendation from -- I mean what is coming
12 out of the Office of Planning is a
13 recommendation that the current PUD capability
14 which is limited to W-1 zones and is limited
15 to an extra 15 feet -- is there density
16 available under that or is it just height?

17 MR. PARKER: If there is, it's
18 very small.

19 COMMISSIONER MAY: Okay. So, it's
20 W-1 and it's only -- and it's an extra 15 feet
21 of height and what they're proposing to do is
22 to explore having that expanded to W-2 and W-3

1 and again, limiting it to only an increase in
2 height. In other words, you couldn't get any
3 extra FAR under a PUD.

4 MS. ZARTMAN: There's a whole tool
5 kit of things available through PUDS.

6 COMMISSIONER MAY: But, they're
7 all defined by the zones. I mean within a
8 given zone, there's a maximum amount of
9 additional FAR that can be granted and an
10 maximum amount of additional height that can
11 be granted.

12 What they're proposing is
13 something where only -- there would be no FAR
14 and the only thing that could be granted would
15 be additional height.

16 MS. ZARTMAN: I don't get that
17 from the reading of the report.

18 COMMISSIONER MAY: Okay. It's
19 pretty clear what the report says. To me it
20 says --

21 MS. ZARTMAN: About two --

22 COMMISSIONER MAY: --

1 recommendation one, allow additional height
2 not density in W-1, 2 and 3 through a PUD
3 process.

4 MS. ZARTMAN: And no other changes
5 in development circumstances? PUDs are a
6 whole lot more than --

7 COMMISSIONER MAY: No, I know what
8 they are. I mean I know what you can do
9 conceivably in a PUD, but in terms of extra
10 development potential, they're saying no
11 additional density. That's what they're
12 recommending. I mean I would -- again, given
13 your concern for having access and visibility
14 through to the water and so on, I would have
15 expected you to be in favor of this kind of a
16 limitation. At least on the limitation of
17 PUDs. Whether it gets expanded beyond W-1 to
18 W-2 and W-3 maybe you'd oppose that, but --

19 MS. ZARTMAN: I think if the
20 language came back that said no other land-use
21 relief would be embodied or possible, that
22 would be another matter.

1 COMMISSIONER MAY: Okay. Well --

2 MS. ZARTMAN: It doesn't say that.

3 COMMISSIONER MAY: Okay. That is
4 the clear message I'm getting from it. So,
5 hopefully that will get clarified in the
6 ultimate recommendations.

7 MS. ZARTMAN: It was sort of like
8 the introduction of PUDs into campus plans.

9 COMMISSIONER MAY: What was that?

10 MS. ZARTMAN: It was like the
11 interaction of PUDs into campus plans. It
12 became a very destabilizing element because
13 there were so many possible cures available
14 through a PUD development and approval
15 process.

16 COMMISSIONER MAY: Okay. Well, I
17 don't think that's -- I think what's
18 contemplated here is a lot more restrictive
19 than I think you're imagining.

20 In recommendation two, it's -- I
21 mean I guess if you're statement is simply
22 that there should never ever be a PUD in a W

1 zone, I can understand why you wouldn't want
2 to have --

3 MS. ZARTMAN: Right.

4 COMMISSIONER MAY: -- waterfront
5 specific criteria for PUDs.

6 MS. ZARTMAN: They go hand in
7 glove.

8 COMMISSIONER MAY: Right.

9 However, I think you want to reexamine that
10 premise because I think that a lot of the
11 things that you would want to accomplish for
12 the benefit of the community and not just for
13 the developer would be accomplished through
14 waterfront specific design review criteria and
15 in PUDs on the waterfront.

16 In other words, I think you can
17 turn this to your advantage, to the
18 community's advantage by embracing the --
19 potentially by embracing the PUD and trying to
20 define it more specifically so that it does
21 the things you want it to do and not the
22 things that you don't want it to do.

1 Anyway, just a thought.

2 Let's see. I was going to make a
3 comment about recommendation four being
4 inoffensive. I think that sounds like a
5 ringing endorsement of recommendation four.
6 Yes, I guess so.

7 MS. ZARTMAN: I do think it's big
8 Ps.

9 COMMISSIONER MAY: Yes, all right.
10 That's about it. Thanks.

11 CHAIRMAN HOOD: Other questions of
12 Ms. Zartman? Okay. Thank you very much, Ms.
13 Zartman.

14 MS. ZARTMAN: Still time for
15 'Bama.

16 CHAIRMAN HOOD: And I had the name
17 wrong. It's Blake Burns. I don't know. I
18 was thinking about his brother. His brother's
19 name is Ellis. But, we're going with Alabama.
20 Right, Mr. Greene? All right. We do have one
21 person who's going with Texas, but I'm going
22 to stop running my mouth so we can get home to

1 see it.

2 Ms. Schellin, do we have anything
3 else?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Okay. I want to
6 thank everyone for their participation in this
7 hearing tonight and with that, this hearing is
8 adjourned.

9 (Whereupon, the hearing was
10 concluded at 7:30 p.m.)

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