GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

PUBLIC HEARING

IN THE MATTER OF:
Zoning Regulations Rewrite: Case No.
Waterfront 08-06-11

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

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

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

This proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room. I don't think we're going to have too many disruptive noises from what I see in the hearing room.
The subject of tonight's hearing is Zoning Commission Case Number 08-06-11. This is a request by the Office of Planning for the Commission to review and comment on proposed concepts for text amendments to the Zoning Regulations. This is one in a series of hearings on various subjects currently under review as part of a broader review and rewrite of the Zoning Regulations.

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

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

The hearing will be conducted in accordance with the provisions of 11 DCMR 3021 as follows: preliminary matters, presentation by the Office of Planning, we expect them to have about ten minutes, reports of other Government agencies, report of the ANCs,
organizations and persons in support,
organizations and persons in opposition.
The following time constraints will be maintained in these proceedings:
ANCs, Government agencies and organizations, five minutes; Individuals, three minutes.
The Commission intends to adhere to the time limits as strictly as possible in order to hear the cases in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded.
All persons appearing before the Commission are to fill out two witnesses cards. These cards are located to my left on the table near the door.
The decision of the Commission in this case must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engaged members of the Commission
in conversation during any recess or anytime. The staff will be available throughout the hearing to discuss procedural questions.

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

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

Okay. Who's going to start us?

MR. PARKER: Sure.

CHAIRMAN HOOD: Okay. Mr. Parker.

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

We're here to talk about
waterfront zoning tonight. Specifically, the areas in red on your map in front of you are areas that are currently zoned waterfront.

Over 90 percent of the city's actual waterfront is federally owned right now and that's the area in yellow.

We also want to highlight that our recommendations took into account the blue areas, Poplar Point and Boathouse Row.

They're currently federal owned, but are likely sites for future transfer to the District.

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

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

MR. PARKER: Sure.

COMMISSIONER MAY: Boathouse Row has been transferred.

MR. PARKER: Thank you.

COMMISSIONER MAY: And Poplar
Point absolutely will be. The Congress has said it will. We just got to finish the process.

MR. PARKER: Thank you.

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

In 2004, the Commission added a W-0 zone. This is a significantly different zone than in the other three. The other three are generally just commercial zones, mixed use, commercial and residential zones. The W-0 is actually an open-space zone designed to limit development and protect more natural waterfront areas in the city and generally only allows open space and recreation as a matter of right.
Our working group met over the summer. As I mentioned, Mr. Varga led that group and we looked mainly at the policy guidance. Documents that we took guidance from were from the Comp Plan and the AWI and we took away seven aspects that led us to our recommendations. Public access along the waterfront, connectivity to -- excuse me, public access to the waterfront, connectivity along the waterfront, mixed used, visual access, open space and environmental.

Really quickly, public access is just being able to get to and front the water for regular people avoiding buildings and other types of development that block that access. Connectivity involves trails or other access along the riverfront. Visual access isn't necessarily, you know, being able to walk to and front the river, but being able to see to and front the river even between buildings and along view of corridors and open space is open space. Our recommendations
focus on how to achieve these things in waterfront zones.

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

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

Recommendation one is to basically allow PUDs in W zones. Right now, the W-2 and 3 zones don't allow any extra height and density for planned-unit developments and W-1 allows limited height and density. The recommendation here is that these zones should allow PUDs.
We're not recommending additional density through the PUD process. If that's needed, that can be achieved by changing the zone, but extra height and what this can result in is more open space in these areas. Taller, narrower buildings with more open space on the ground and this speaks to a lot of the planning guidance that we have for areas along the waterfront and allows the type of development that a lot of these areas have been looking for.

Our current code lacks the flexibility to do this. The matter-of-right situation in our W zones calls for, you know, 40 or 50-foot buildings and a high amount of lot occupancy and this would allow some massaging of that for higher buildings with lower lot occupancy and it uses the PUD process and our existing design review to insure that we get the types of development we want and recommendation two speaks more to that as well.
Recommendation two takes these seven policy guidance items that we found in the Comp Plan and in the AWI Plan and would make them standards by which PUDs in the waterfront would be reviewed. So, PUDs would be able to achieve greater height in the waterfront, but waterfront PUDs would be reviewed based on these seven criteria: public access to the water, connectivity, mixed use, visual access, open space, environmental considerations and parking controls.

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

Recommendation three is that we limit surface parking in waterfront zones. Right now, a lot of our waterfront areas are largely surface parking and have vast amounts of surface parking. Our recommendation is that these zones permit surface parking only
through a special exception. Obviously, PUDs could go through this process as well.

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

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

Recommendation five has to do with
visual access for matter-of-right projects and what we did on this recommendation is take a look at the street grids around the waterfront areas. The report also shows the southwest I think and Boathouse Row. This is a picture of the southeast.

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

In areas like Boathouse Row where you don't -- where you have a highway blocking street grid or you don't have a street grid or in the future Poplar Point, we've recommended that an actual street grid be replaced by a maximum building width of 500 feet. So, it would -- your limitation would be either a street grid if it exists or 500 feet width if there's no existing street grid.
The problem that we found that led to this recommendation was that we don't have any regulations that protect or promote visual access and we want to visually integrate our existing neighborhoods with waterfront development and with the waterfront itself.

Finally, recommendation six has to do with a setback along the water. In both the Southeast Federal Center and the Capitol Gateway which are the two existing overlays along the waterfront, the Zoning Commission has previously approved respectively a 100-foot and a 75-foot setback continuous along the waterfront. We're recommending that for matter-of-right projects this standard be continued throughout the waterfront zones of a 75-foot passive area setback. Twenty-five feet of that we're recommending be reserved for DDOT trail connections. We think that all of these matter-of-right recommendations could be varied through a special exception process where necessary and, of course, PUDs would be
just reviewed to insure that they do have this connectivity and wouldn't necessarily be held to a strict 75-foot standard.

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

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

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

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

MR. PARKER: The Height Act would still be the absolute limit on height.

Absolutely.

COMMISSIONER TURNBULL: The only other concern -- well, they get -- they refer
to what they're calling Exhibit A. It's their letter on January 5th, 2009 and on page 7, no.
Well, it's actually the second page of the letter, they're concerned -- "A long standing concern of our agency has been the possibility that a combination of site topography on through lots adjacent to streets of different widths could result in buildings with heights that are significantly higher than adjacent development and potentially high enough to negatively impact the horizontal character of the city."

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

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

COMMISSIONER TURNBULL: Well, I'm
just getting back to their -- I think their concern is that we're somehow negatively changing the horizontality of the Washington skyline or of what you see.

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

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

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

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

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

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

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

MR. PARKER: The intent is certainly that special exceptions for surface parking in these areas would be limited by time. We are certainly open to your guidance on what that time limit should be. Whether
it's two years, five years. We're certainly looking for your input.

COMMISSIONER TURNBULL: Okay.

Thank you.

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

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

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

MS. STEINGASSER: It's hard to say
whether Poplar Point will come in as a comprehensive PUD or whether we'll write zoning specific to the development response.

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

MS. STEINGASSER: We really don't know.

COMMISSIONER MAY: Yes. Okay.

MS. STEINGASSER: We really don't know.

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

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

COMMISSIONER MAY: Right.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: Yes. Okay.
And then when it comes to the Boathouse Row, by the way, you are including some Federal land in your map there that's showing up as blue. The area that's immediately or that's between the waterfront and Congressional Cemetery is actually still Federal land. That's park land and it will stay that way.

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

COMMISSIONER MAY: Yes, I can.

No, I won't. So, just out of curiosity, when it comes to the neighboring street grid, the street grid that exists at Congressional Cemetery right now, which I think may actually still include some real right of ways, I mean is it imagined that that's what would be the basis for defining Boathouse Row?

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

COMMISSIONER MAY: They might be.

MR. PARKER: I would assume so.

Then that's sort of what we're looking at. Is
protecting those original --

COMMISSIONER MAY: Yes.

MR. PARKER: -- view corridors.

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

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

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

As you probably know, Boathouse Row is encumbered with many leases that will keep it from being developed for at least another seven to 12 years.
COMMISSIONER MAY: Right.

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

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

MS. STEINGASSER: Um-hum. Yes.

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

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

MR. PARKER: Buildings or blocks?

COMMISSIONER MAY: The buildings.

The 500-foot width is a maximum block width or
a maximum building width.

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

COMMISSIONER MAY: Right.

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

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

MR. PARKER: Correct.

COMMISSIONER MAY: -- no matter what.

MR. PARKER: Correct.

COMMISSIONER MAY: And I'm just --

500 feet just seems like something that's a lot bigger than what you'd probably want and I think that the sort of living proof of that is the wall between people or between mainstreet I guess and the waterfront along
the southwest waterfront and I think those buildings are probably approaching 500 feet. Maybe they're smaller, but it's still -- you still feel very, very much separated. Now, there are other things that contribute to that I recognize.

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

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

CHAIRMAN HOOD: Okay. That's fine.

COMMISSIONER MAY: Thanks.

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

COMMISSIONER SCHLATER: Evening,

Mr. Parker.
MR. PARKER: Good evening.

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

One thing I would say is I think there are places where it's appropriate to have a park and I think there's places where it's appropriate to have a building and so, the idea that every waterfront parcel should have some waterfront open space connected to it, I don't think that necessarily makes a better waterfront. I think there is a lot of waterfronts around the world where you've got building hugging the water and then occasional places where you have for active and passive open space. But, the idea that every single parcel should be encouraged to have open space on it, I don't necessarily agree with.
Likewise, I think it's important to have that 25-foot area for a path along the water and I like the idea of using zoning to enforce that possibility, but I would say that the minimum setback of 75 or 100 feet seems excessive to me. It seems like a one-size fits all. Somebody has a vision of what the waterfront should be, but I don't know if that's necessarily right, correct. There's plenty of places I think of. Off the top of my head, Boston, they have buildings that go right to the water and it's got a nice character with a boardwalk on it. Buenos Aires also does the same thing.

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

MR. PARKER: Well, there's a couple of things. It is the precedent in the existing two overlays. The Capitol Gateway has 75 foot. Southeast Federal Center has 100
When we looked at the waterfronts that are available or that are going to be available for development in the future, so excluding Georgetown, we looked at Southwest. We looked at Southeast. We looked at Boathouse Row. We looked at Poplar Point. All of those with the possible exception of the Southeast, the Capitol Gateway area, are likely to be coming in as larger developments, as planned unit developments. In which case, they would be reviewed for their connectivity which could include buildings up to the water and connectivity in other ways.

So, the idea is for projects that aren't reviewed under that standard, for matter-of-right projects, the 75 foot will meet that need. So, projects that come in as a matter of right must provide the 75 feet. Anything that's reviewed either through a special exception or through a PUD can meet that same need in some more creative or
COMMISSIONER SCHLATER: And the need, I'm just curious, the 25 feet seems to meet the need. So, what's the need from 25 to 75 or 100 feet?

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

COMMISSIONER SCHLATER: Okay.

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

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

MR. PARKER: That the visual access is insure?

COMMISSIONER SCHLATER: Yes.

MR. PARKER: We looked at several things. We looked at yards. The problem there was that lot lines can be moved. In looking at our best practice cities, this is the standard. Either limiting access along these street lines or limiting it by square footage. So, both of these are common practice and are generally the best practice for how this is accomplished.

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

MS. STEINGASSER: I just want to
add. We chose 500 feet knowing it was a very lenient standard compared to what the average block width was. As more of a balloon. Where do people want us to go?

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

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

COMMISSIONER SCHLATER: Right.

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

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

MR. PARKER: It would apply at places that don't have -- potentially Poplar Point, Boathouse Row. Other places that don't
have that street grid. That existing access.

Visual access.

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

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

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

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

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

MS. STEINGASSER: Absolutely. The city has four or five -- four seats out of
nine, four seats out of nine on the National
Capital Planning Commission. We're involved
in all coordinated land use planning both from
the Federal elements of the Comprehensive Plan
to the local elements of the Comprehensive
Plan. All of our zoning and PUDs go through
National Capital Planning Commission.

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

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

CHAIRMAN HOOD: I'm thinking in
terms of uniformity. Say if the Federal
Government decided to build somewhere on the
waterfront, I guess since we have NCPC they would -- everybody knows what the city's doing. So, I guess we would try to have a uniform plan.

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

So, the Federal Government has their review processes even though they're not subject to zoning. They can't unilaterally come in and, you know, close our streets and put all their security barriers in our street. The National Capital Planning Commission staff and the Commission itself is very forceful in
reinforcing that same public space, public
active streets. You know, an active
functioning city both for living and working.

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

MS. STEINGASSER: It's W-0.

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

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

CHAIRMAN HOOD: Okay. Okay. But,
I think the more restrictive -- I remember
when we dealt with this. The more
restrictive, the less dense, the less height,
the more restrictive the closer you got to the
water and I'm trying to figure out the 75.
We're going around 75 feet and the setback,
what are we trying to accomplish with the
setback? Are we trying to accomplish people who want to be walking the trail or running the trail? What are we trying to accomplish with those setbacks?

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

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

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

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

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

So, that's why we built flexibility in there. We understand the 75 feet that the AWI's trying to get at, activating. But, that activating can be structural as well as a passive bike trail.

So, it's just allowing for that full range.

We've also then required that if you go within that 75, it comes before the
Commission so that you can review and insure that it is consistent with the plans, that it is good design, good architecture and meets all those goals.

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

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

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

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

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

COMMISSIONER MAY: I handed him my
copy for the moment.

CHAIRMAN HOOD: Oh. Okay. Good.

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

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

MS. SCHELLIN: It's Exhibit 4.


MR. PARKER: Yes, we have it.

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

MR. PARKER: W-0 district doesn't allow any development without a special
exception. So, it's really not a concern. W-
0 really is an open-space zone. So --

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

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

MR. PARKER: Um-hum.

MS. STEINGASSER: Yes,

unfortunately, we're not -- it's been probably
a year since I've looked at the Boathouse Row
plan. So, I don't want to answer since that
seems to be their focus. Is they're concerned
only of the Boathouse Row and how these would
impact that.

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

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

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

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

Ms. Zartman, yes.

MR. GREENE: Shall I start?

CHAIRMAN HOOD: Go right ahead,

Mr. Greene.

MR. GREENE: Let me say good
evening to members of the Commission and also
I really don't have a question as much as I guess I'm getting in at the end of this and is there a report, a comprehensive zoning regulation rewrite waterfront report? I have not seen one. I see Travis is raising it.

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

Oh, no, I don't -- I don't really have a statement. I really didn't come here to testify. I have very seldom, if any, come to a Zoning Commission hearing in which I am one of two and that's a fact and I've been to a lot of Zoning Commission hearings.
CHAIRMAN HOOD: And I'm sorry.

What was your comment or question?

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

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

MR. GREENE: Okay.

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

MR. GREENE: Okay.

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

MR. GREENE: Okay.

CHAIRMAN HOOD: To make an analogy of what is happening and then at that point,
then that gives Office of Planning and the
powers to be to try to make some text for the
Commission to come back and look at.

MR. GREENE: Great. So --

CHAIRMAN HOOD: And --

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

CHAIRMAN HOOD: Mr. Parker.

MR. GREENE: Is not?

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

MR. GREENE: Okay.

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

MR. GREENE: Okay. And I missed
it.

And my next point is Jennifer
mentioned the Florida Rock PUD and as you
know, I'm involved with that project and I
would be concerned about what happens to
existing PUDs if there was a -- and I see her shaking her head. Nothing?

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

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

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

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

MR. GREENE: Okay.

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

MR. GREENE: Okay. And I guess my last question, I keep saying my last one --
CHAIRMAN HOOD: No, that's all right.

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

MS. STEINGASSER: They would be legally nonconforming.

MR. GREENE: Legally nonconforming.

MS. STEINGASSER: And not -- yes.

MR. GREENE: Okay.

MS. STEINGASSER: Um-hum.

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

MR. PARKER: The way that we've
been proceeding is for each subject in our
Zoning Regulations be it waterfront or
commercial or parking, what have you, we've
held a public working group and collected
ideas and shared thoughts and each one of
those working groups has resulted in a series
of conceptual recommendations like this which
have been brought to the Zoning Commission.

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

When we've gone through that
process further, we'll start returning to the
Zoning Commission with proposed text based on
what we hear from them and so, sometime in
2010 probably, we'll be back with text based
on these recommendations.
MR. GREENE: Okay. Great. So, do you have like a schedule or what you consider a schedule that would outline which comes on first? Do you know that?

MR. PARKER: Not exactly.

MR. GREENE: Okay.

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

MR. GREENE: Okay.

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

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


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

CHAIRMAN HOOD: Mr. Greene, I could say you were probably in support with some questions.
MR. GREENE: I am. I am. I am always in support of planning as you know and I'm always in support of, you know, changes. I think this is good and I say it in a more current way because of my involvement with the Florida Rock Project probably since 1997. We've been going just along.

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

So, I would say yes, I do support it and I'm looking forward to following it
because we do have two properties in the area. We have Square 664E which for the most part is vacant and we also have the Florida Rock piece. Both are waterfront properties.

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

CHAIRMAN HOOD: Thank you.

MR. GREENE: Thank you.

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

Thank you very much, Mr. Greene.

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

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

MR. GREENE: Oh.

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

MR. GREENE: Thank you.

CHAIRMAN HOOD: And I want you to look at Blake Ellis. That's the name you look for tonight.
MR. GREENE: Alabama or Texas?

CHAIRMAN HOOD: Alabama.

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

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

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

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


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

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

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

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

It's not clear whether
recommendations five and six are intended as
freestanding provisions or how they would be affected by PUDs. Would/could the proposed 75-foot setbacks be amended through PUDs? The maximum building dimension of 500 feet, how would that potentially be affected?

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

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

Such consequences block views from the water to the land in addition to cutting off views to and of the water. Many concerns have been expressed about how much of this
will occur at the Maine Avenue Waterfront including concerns about the Banicor Overlook and the NCPC framework plan.

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

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

Similarly, recommendation four is inoffensive.

The bottom line is that we believe some of these proposals will cut off the waterfront from the views that we all say we're trying to reclaim and will reduce
enjoyment because of barricade-like buildings providing impressive views for the privileged few. That would be wrong.

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

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

MS. ZARTMAN: I surely am.

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

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

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

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

For this tiny number of
properties, that seems an excessive use of the tools that are at your disposal.

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

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

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

CHAIRMAN HOOD: Right.

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

CHAIRMAN HOOD: Okay.

MS. ZARTMAN: But, I mean it is very open. It's established. It's rigorous.

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

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

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

CHAIRMAN HOOD: It's not a whole lot. Because if you look at the -- if you look at page 3, it's not a whole lot.
MS. ZARTMAN: Stick with the rules we have and if somebody has a really spectacular project that comes along, there are vehicles. I mean the incinerator building got an additional floor granted by the BZA because, honest, this was the argument, Georgetown was under screened in movie theaters.

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

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

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

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

COMMISSIONER MAY: Mr. Chairman --

CHAIRMAN HOOD: Okay.

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
opposing having it, you know, subject to PUDs?

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

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

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

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

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

COMMISSIONER MAY: Okay. So, it's W-1 and it's only -- and it's an extra 15 feet of height and what they're proposing to do is to explore having that expanded to W-2 and W-3
and again, limiting it to only an increase in height. In other words, you couldn't get any extra FAR under a PUD.

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

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

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

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

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

MS. ZARTMAN: About two --

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

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

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

MS. ZARTMAN: I think if the language came back that said no other land-use relief would be embodied or possible, that would be another matter.
COMMISSIONER MAY: Okay. Well --

MS. ZARTMAN: It doesn't say that.

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

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

COMMISSIONER MAY: What was that?

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

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

In recommendation two, it's -- I mean I guess if you're statement is simply that there should never ever be a PUD in a W
zone, I can understand why you wouldn't want
to have --

MS. ZARTMAN: Right.

COMMISSIONER MAY: -- waterfront specific criteria for PUDs.

MS. ZARTMAN: They go hand in
glove.

COMMISSIONER MAY: Right.

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

In other words, I think you can
turn this to your advantage, to the
community's advantage by embracing the --
potentially by embracing the PUD and trying to
define it more specifically so that it does
the things you want it to do and not the
things that you don't want it to do.
Anyway, just a thought.

Let's see. I was going to make a comment about recommendation four being inoffensive. I think that sounds like a ringing endorsement of recommendation four.

Yes, I guess so.

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

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

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

MS. ZARTMAN: Still time for 'Bama.

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

Ms. Schellin, do we have anything else?

MS. SCHELLIN: No, sir.

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

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