

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 O 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](http://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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