

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

FEBRUARY 22, 2010

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- WILLIAM WARREN KEATING, Vice Chairman
- PETER MAY, Commissioner (NPS)
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- KONRAD W. SCHLATER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
MATT JESICK
TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN H. BERGSTEIN, ESQ.
JACOB RITTING, ESQ.
MARY NAGELHOUT, ESQ.
LORI MONROE, ESQ.

OFFICE OF ZONING STAFF PRESENT:

JAMISON WEINBAUM, Director

The transcript constitutes the minutes from the Regular Meeting held on February 22, 2010.

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

2 6:30 p.m.

3 CHAIRMAN HOOD: Okay. We're going
4 to go ahead and get started. This meeting
5 will please come to order. Good evening,
6 ladies and gentlemen. This is the February
7 22, 2010 Public Meeting of the Zoning
8 Commission.

9 Joining me are Vice Chairman
10 Keating, Commissioner May, Schlater, and
11 Turnbull.

12 We are also joined by the Office of
13 Zoning Staff under leadership of Mr. Weinbaum,
14 Office of Attorney General, and Office of
15 Planning Staff under leadership of Ms.
16 Steingasser.

17 Copies of today's meeting agenda
18 are available to you and are located in the
19 bin near the door. We do not take any public
20 testimony at our meetings unless the
21 Commission requests someone to come forward.

22 Please be advised that this

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1 proceeding is being recorded by a court
2 reporter and is also webcast live.
3 Accordingly, we must ask you to refrain from
4 any disruptive noises or actions in the
5 hearing room. Please turn off all beepers and
6 cell phones.

7 Does the staff have any preliminary
8 matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRMAN HOOD: If not, let us
11 proceed with the agenda. I have one agenda
12 change. We will be taking correspondence,
13 which is item 7, before the ZRR guidance. And
14 we will end with the ZRR guidance which was
15 item 6; that will be the next to the last
16 thing we will take up in this meeting.

17 Let's go right into final action,
18 Zoning Commission Case No. 05-15B. This is
19 the RIK DC Investments, LLC, Two-Year PUD Time
20 Extension at Square 775.

21 Ms. Schellin?

22 MS. SCHELLIN: Yes. As you stated,

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1 this is a request for a two-year time
2 extension. And staff has nothing further to
3 add.

4 CHAIRMAN HOOD: Commissioners,
5 let's open it up. As it's stated in the
6 Office of Planning report as well as the
7 submittal from the applicant, basically it
8 talks about the reason for this request is to
9 allow adequate time for a new property owner
10 to study the highest and best use of the
11 property. And I believe, going off the top of
12 my head, I think they acquired the property
13 like five months ago; I think this is the one,
14 about five months ago.

15 Also, the applicant would like to
16 report that it has removed the razor wire from
17 the fence, and it has signed an Assessment
18 Management Contract with the Ideal Realty
19 Group. So that shows some sign of progress.

20 Also, when we look at the good
21 cause on page 4, it talks about the applicant
22 seeks an extension pursuant to 2408.11 because

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1 there is a condition, circumstance, or factor
2 beyond the applicant's reasonable control.
3 The applicant acquired the property just five
4 months ago, and thus has had very limited
5 amount of time to study the property and apply
6 for a building permit before the PUD expires.

7 Let me open up for any comments.
8 Any questions, any problems?

9 Not hearing anything, I would move
10 that we approve time extension on Zoning
11 Commission Order No. 05-15 and 05-15A for the
12 property located at 318 I Street NE, and ask
13 for a second.

14 VICE CHAIRMAN KEATING: Second.

15 CHAIRMAN HOOD: Moved and properly
16 seconded. Any further discussion?

17 All those in favor?

18 ALL: Aye.

19 CHAIRMAN HOOD: Not hearing any
20 opposition, so staff, would you record the
21 vote?

22 MS. SCHELLIN: The staff records

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1 the vote 5-0-0 to approve Zoning Commission
2 Case No. 05-15B. Commissioner Hood moving;
3 Commissioner Keating seconding; Commissioners
4 May, Schlater, and Turnbull in support.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Next, let's move to Zoning
7 Commission Case No. 07-13B, Trustees of the
8 Corcoran Gallery of Art, two-year PUD time
9 extension at Square 643S.

10 Ms. Schellin?

11 MS. SCHELLIN: This, too, is a
12 request for a two-year PUD time extension.
13 And staff has nothing further to add.

14 CHAIRMAN HOOD: Again,
15 Commissioners, we have Exhibit 1 which is
16 previous orders. Also, we have the
17 supplemental extension request or Office of
18 Planning Report which comments on the request
19 of the extension.

20 Let me open it up for discussion.
21 Any questions, comments, concerns, issues?

22 Commissioner Schlater?

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1 COMMISSIONER SCHLATER: Mr.
2 Chairman, I would just note that we do have a
3 letter from the ANC as well. They passed a
4 resolution. I think to summarize, what
5 they're asking for is that we try to put some
6 more teeth into the order with respect to some
7 of the conditions. My sense is that the order
8 stands on its own. We didn't put conditions
9 on the timing at that point for the provision
10 of the applied amenities. And I don't think
11 just because we're approving a time extension
12 tonight that means we should be changing the
13 order and the conditions within the order.

14 CHAIRMAN HOOD: Anybody else? I
15 would probably go to Mr. Bergstein and ask
16 legally, are we in the right area? But I will
17 tell you that I think the order, as I reviewed
18 it, I think they captured most if not all of
19 some of the requests. I might not have saw
20 all of them but some of the ones I reviewed
21 and looked at I thought were captured in the
22 order.

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1 And again, the applicant is still
2 the Corcoran. So I think they still are bound
3 by the agreement, and I know that the order
4 points to that agreement.

5 But let me go to Mr. Bergstein and
6 ask.

7 MR. BERGSTEIN: Well, the point is
8 that there's been no material change that the
9 ANC has pointed to. The order indicated, as
10 part of its public benefits, that certain
11 amenities would be provided that were included
12 within this agreement. The agreement was
13 signed by Corcoran; Corcoran is still the
14 owner. And so nothing has changed that would
15 warrant the Commission taking any action to
16 modify the original PUD order.

17 COMMISSIONER TURNBULL: And
18 although they have stated on page 3, it says
19 they're looking for a new partner and they may
20 revise it through the modification process.

21 MR. BERGSTEIN: Well, if they came
22 and said: Our new partner doesn't want to

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1 provide this public amenity anymore, even
2 though it wasn't put in the condition; it was
3 something that the Commission relied upon in
4 granting the PUD relief. In other words, it
5 was put in as part of the number of public
6 benefits that were proffered and as a
7 rationale for the grant of the zoning
8 flexibility.

9 So if the Corcoran Gallery were to
10 come in and say those remaining public
11 benefits aren't going to be provided, I would
12 think that they would have to come up with a
13 PUD modification to provide a substitute
14 benefit of equal value. But that has not
15 happened yet. And I think that's the point,
16 that the ANC's concerns seem to be preemptory
17 in nature and not yet ripe.

18 CHAIRMAN HOOD: Thank you very
19 much, Mr. Bergstein and my colleagues. And
20 I'm glad Commissioner Turnbull mentioned page
21 3 because I think page 3, at least the way I
22 read it, it really makes the case for me.

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1 Okay. Any other comments,
2 questions?

3 COMMISSIONER TURNBULL: Mr. Chair,
4 I move that we approve final action for Case
5 No. 07-13B, Trustees of Corcoran Gallery of
6 Art for a two-year PUD time extension at
7 Square 643S.

8 CHAIRMAN HOOD: Thank you. Mr.
9 Turnbull has moved; can I get a second?

10 COMMISSIONER MAY: Second.

11 CHAIRMAN HOOD: Moved and properly
12 seconded. Any further discussion?

13 All those in favor?

14 ALL: Aye.

15 CHAIRMAN HOOD:

16 Not

17 heari

18 ng

19 any

20 oppos

21 ition

22 , Ms.

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1 Schel
2 lin,
3 would
4 you
5 recor
6 d the
7 vote?

8 MS. SCHELLIN: Yes. Staff records
9 the vote 5-0-0 to approve final action in
10 Zoning Commission Case No. 07-13B.
11 Commissioner Turnbull moving; Commissioner May
12 seconding; Commissioners Hood, Keating, and
13 Schlater in support.

14 CHAIRMAN HOOD: Okay. Let's go to
15 proposed action, Zoning Commission Case No.
16 09-10. This is the Office of Planning Text
17 Amendment regarding the Water Tower at St.
18 Elizabeth's Campus.

19 Ms. Schellin?

20 MS. SCHELLIN: Yes, sir. If you'll
21 recall, the Zoning Commission had deferred
22 proposed action on this case to allow OP to

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1 come back with some text that would allow the
2 Zoning Commission design review of the
3 proposed WASA water tower.

4 And the Office of Planning has
5 provided a second supplemental report that you
6 have before you, along with a letter from
7 WASA.

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

10 And I just wanted to commend the
11 Office of Planning. Some of the requests we
12 have, they've been very creative.

13 I thought this was one of the ones
14 that I had asked for, but I think that will be
15 coming real soon, Mr. Lawson.

16 But let's open it up for any
17 comments, any concerns.

18 The submissions we have are also
19 Exhibit 11 from WASA, the updated letter from
20 WASA which also has support for the reason.
21 Design review application will be accompanied
22 by a request for a minor modification of PUD

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1 boundaries to exclude the site of the water
2 tower which comprises approximately 5 percent
3 of the PUD site area. And I think adequately
4 this has been fully addressed, at least some
5 of the concerns that we have raised throughout
6 this process.

7 But let me open it up, especially
8 to some of my colleagues who may have raised
9 some of those issues.

10 Commissioner Schlater?

11 COMMISSIONER SCHLATER: Mr.
12 Chairman, I just want to say that I'm happy
13 with the way the text is written now. I think
14 the Office of Planning has been very
15 responsive and they've worked together with
16 WASA to get the text tight. And I think it's
17 ready to go tonight.

18 So I move that we approve Zoning
19 Case No. 09-10, Office of Planning Text
20 Amendment regarding the Water Tower at St.
21 Elizabeth's Campus.

22 CHAIRMAN HOOD: It's been moved.

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1 Can we get a second?

2 VICE CHAIRMAN KEATING: Second.

3 CHAIRMAN HOOD: It's moved and
4 properly seconded. Any further discussion?

5 All those in favor?

6 ALL: Aye.

7 CHAIRMAN HOOD: Ms. Schellin, could
8 you record the vote, not hearing any
9 opposition?

10 MS. SCHELLIN: I'm sorry, I was
11 helping OP out and I didn't -- I heard
12 Commissioner Schlater moved it --

13 CHAIRMAN HOOD: Commissioner
14 Schlater moved it, Vice Chairman Keating
15 seconded.

16 MS. SCHELLIN: Okay. I'm sorry.

17 CHAIRMAN HOOD: All of us voted in
18 affirmative.

19 MS. SCHELLIN: Staff records the
20 vote 5-0-0 to approve proposed action in
21 Zoning Commission Case No. 09-10.
22 Commissioner Schlater moving; Commissioner

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1 Keating seconding; Commissioners Hood, May,
2 and Turnbull in support.

3 CHAIRMAN HOOD: Okay. Thank you
4 very much. Again, hearing action, we will not
5 be taking up hearing action tonight.

6 Let me switch. I want to go to
7 correspondence, Zoning Commission Case No. 06-
8 11 and 06-12, George Washington University.
9 We have a letter from Hitchcock Law Firm, also
10 a letter from Pillsbury Winthrop Shaw Pittman.

11 Let me acknowledge that we have the
12 correspondence. The order has been issued
13 addressing the correspondence and it will be
14 served tomorrow.

15 All right. Let's move right along
16 with the ZRR Guidance. Zoning Commission Case
17 No. 08-06-11. We have a worksheet. Are the
18 worksheets to the left? The worksheets are to
19 my left on the wall bin.

20 And we will turn it over to Mr.
21 Parker. Or no -- yes, you know what? It's
22 been so long since we did a ZRR. We will turn

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1 it over to Mr. Parker and we can kind of go
2 through it quickly. Isn't that the way we
3 usually do? Okay. Let's do that. Some
4 people are saying yes and Mr. Parker is saying
5 no. So let's do it that way.

6 I think we did start doing that as
7 opposed to me doing it, because you were able
8 to expedite some time.

9 MR. PARKER: Sure. Good evening,
10 I'm Travis Parker with the Office of Planning.
11 Yes, I'm happy to give a short recap of each
12 recommendation, if you'd like, and then run
13 through the different options.

14 Recommendation one regarding PUDs
15 in waterfront zones. Right now, with the
16 exception of W-1, there is no additional
17 density or height available in PUDs in
18 waterfront zones. The recommendation from the
19 Waterfront Working Group from OP was to allow
20 additional height through waterfront PUDs but
21 not additional density. So PUDs could allow
22 height up to the Height Act based on Zoning

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1 Commission review, but not additional density.

2 Option two would be allow
3 additional height and density in these zones
4 through the PUD process.

5 Option three would be to not change
6 the existing regulations and not allow either
7 height or density.

8 CHAIRMAN HOOD: Okay. Thank you
9 very much, Mr. Parker.

10 Commissioners, let's start right
11 off with our worksheet, which is Exhibit 10.
12 Any comments on any one of the options?
13 Option one is Office of Planning's
14 recommendation. Any comments?

15 Looks like we are all going to
16 accept option one. We will take the Office of
17 Planning's recommendation.

18 COMMISSIONER TURNBULL: Mr. Chair,
19 I just have one question. NCPC had a comment
20 about maintaining existing height limits for
21 matter-of-right. Did you see that?

22 MR. PARKER: Yes. We aren't

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1 proposing changing matter-of-right height
2 limits or anything to do with the Height Act.

3 All parties would still be limited by the
4 Height Act even with a PUD, and matter-of-
5 right limits wouldn't change at all.

6 COMMISSIONER TURNBULL: Okay.

7 CHAIRMAN HOOD: Thank you for
8 bringing that up, Mr. Turnbull.

9 And I do need to acknowledge we
10 also have some correspondence. I think we had
11 asked for Ms. Barbera Zartman's testimony,
12 Committee of 100 on the Federal City. So
13 tonight we have both of those in front of us.

14 Okay. So we're going with option
15 one.

16 Can we go to two, Mr. Parker?

17 MR. PARKER: Certainly. The second
18 one also has to do with PUDs. Right now
19 there's really no distinction in PUDs between
20 waterfront zone and other zones. Really there
21 are no PUDs in the waterfront zone. But based
22 on allowing PUDs in the waterfront zone, we

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1 also thought it would be appropriate to have
2 the Zoning Commission review waterfront
3 specific issues in reviewing projects in the
4 waterfront zones. So criteria including
5 public access, connectivity, mixed-use, visual
6 access, open space, environmental
7 considerations, and surface parking would be
8 listed as criteria of PUDs in the waterfront
9 zone under our recommendation.

10 The other option is to just not add
11 any new criteria to waterfront zones.

12 A third option could be to amend
13 the criteria that we've recommended.

14 CHAIRMAN HOOD: Okay. Thank you,
15 Mr. Parker.

16 And I was looking here also at Ms.
17 Zartman. The Committee of 100 strongly
18 opposed recommendations one and two. But,
19 anyway. And it doesn't really say why, at
20 least I'm not clear why.

21 Colleagues, again, option one for
22 me would be the option I would like to see.

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1 Because we do want to have some kind of
2 review, especially when you start getting near
3 the waterfront, I believe, if it's a PUD in
4 that area.

5 So anything, anybody? Okay.

6 COMMISSIONER SCHLATER: I vote for
7 option one.

8 CHAIRMAN HOOD: Okay. That's kind
9 of what I was waiting for. Okay. So we will
10 go with option one.

11 Mr. Parker, we can keep moving.

12 MR. PARKER: Fair enough. Option
13 three has to do with surface parking. Right
14 now there are a few limited restrictions on
15 surface parking in the w-zones. This
16 recommendation would make basically a blanket
17 limitation on new surface parking lots in the
18 waterfront zone. It would make new surface
19 parking only allowable through special
20 exception by the BZA. And likely, in the text
21 this will also include a time limit on new
22 surface parking lots in the w-zones.

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1 Option two is clearly to just not
2 accept this recommendation and leave things as
3 they are now.

4 COMMISSIONER SCHLATER: Mr. Parker,
5 I can't recall from the hearing, but are these
6 limitations similar to what's existing in the
7 CG overlay, or is that a different construct
8 altogether?

9 MR. PARKER: I believe it's a
10 little different. It's similar to what's
11 happening in the DD.

12 COMMISSIONER SCHLATER: In the DD?

13 MR. PARKER: In the downtown.
14 There's limitations similar to this on surface
15 parking. The CG has location specific rules.

16 This would not be location specific. I think
17 that's the main difference here. But certain
18 locations in the CG, this would be the same
19 process where you apply to the BZA and you can
20 get maybe a five-year permit to do a surface
21 parking lot.

22 COMMISSIONER SCHLATER: Okay.

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1 Thank you.

2 Mr. Chairman, I certainly support
3 option one.

4 CHAIRMAN HOOD: Okay. Thank you.
5 Any other comments?

6 If that's the case, Mr. Parker and
7 OP, we will go with option one.

8 MR. PARKER: Okay. Recommendation
9 four has to do with light industrial uses. If
10 you'll recall, light industrial uses are
11 allowed through a special exception in the w-
12 zones. We had a similar recommendation in the
13 Industrial Zone Working Group and in the
14 industrial zone recommendations to update our
15 standards for industrial uses. So we'd likely
16 use the same text that we use in the
17 industrial uses to update the standards for
18 industrial uses and try to encourage green
19 technologies, and especially here, marine
20 industrial uses. So updating those special
21 exception criteria for marine uses
22 specifically and for green technologies.

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1 Option two is just not to make any
2 changes.

3 CHAIRMAN HOOD: Thank you very
4 much, Mr. Parker.

5 Colleagues, I would encourage us,
6 especially with this light industrial, that we
7 would definitely take option one.

8 All right. Thank you, Mr. Parker.
9 We can move right on.

10 MR. PARKER: Recommendation five
11 has to do with visual access. And again, all
12 of these recommendations three through six are
13 dealing with matter-of-right projects. PUDs
14 would be negotiated and would be reviewed for
15 their specific conditions. But for matter-of-
16 right projects in the waterfront zones, we'd
17 establish visual access requirements where
18 existing street grid would be protected. So
19 existing streets that don't extend to the
20 waterfront, that visual access would have to
21 be maintained. New buildings could not build
22 across that visual access.

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1 Where that existing street grid
2 does not exist, places like Boat House Row and
3 Poplar Point, the limitation that we
4 recommended in our report was maximum building
5 within 500 feet, to sort of replicate that
6 visual access. There was a lot of discussion
7 in the hearing about whether a different
8 standard than 500 feet was appropriate. New
9 York uses 300.

10 We haven't made an additional
11 recommendation, but option two is for you to
12 say we like the idea, but we suggest a smaller
13 number.

14 Option three is we don't like this
15 recommendation and we shouldn't limit the
16 building limits.

17 CHAIRMAN HOOD: Okay. Let's have a
18 discussion on that.

19 COMMISSIONER TURNBULL: Mr. Parker,
20 what would the space between the buildings be?

21 MR. PARKER: Well, in those areas
22 where there is an existing visual corridor,

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1 the space between the buildings would have to
2 be equivalent to the right of way that we're
3 protecting.

4 That's an interesting question for
5 the areas where there's not that space. I'd
6 look back to our best practices in New York
7 and Norfolk, and some other places that do
8 that, and we can give you some suggestions.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 CHAIRMAN HOOD: Okay. Commissioner
12 May?

13 COMMISSIONER MAY: I was trying to
14 see if I could go through the whole meeting
15 and do nothing but vote and make motions and
16 second motions. But I have to say something
17 here, which is that I'm not comfortable with
18 500 feet as a maximum. And I think we should
19 be looking seriously at lower numbers; 300
20 sounds pretty good to me. But I'm not sure
21 that we necessarily need to make that judgment
22 tonight. I just think we should be looking at

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1 something lower.

2 COMMISSIONER SCHLATER: Mr.
3 Chairman, I agree with Commissioner May.

4 CHAIRMAN HOOD: Yes. And I guess
5 since that's already been said, I was going to
6 ask again how did we get the 500?

7 MR. PARKER: The 500 was based on
8 our survey of existing street grid in the
9 Southeast and Southwest. We had a wide range
10 of existing square widths, anywhere from like
11 250 on the very small end up to well over 500.
12 There's a few, two or three, that are well
13 over 500. The vast majority, 90 percent, were
14 500 or less. And that's why we went with that
15 number, is that it was a number that made
16 matter-of-right development basically on any
17 existing square where we had an existing
18 street grid. Some of our best practice
19 studies did have widths that were less than
20 500. So I think that's certainly appropriate,
21 and we'd be willing to look at that and make
22 you a different suggestion.

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1 CHAIRMAN HOOD: Okay. I think we
2 are going with option two.

3 MR. PARKER: Okay.

4 CHAIRMAN HOOD: Pretty much. And
5 that way you can come back. If you come back
6 with 500 and come back and say this is it, or
7 this is what we've come up with, but we just
8 ask you to relook at it. And I think option
9 two allows you to be able to do that.

10 MR. PARKER: We'll look at a lower
11 standard. Absolutely.

12 CHAIRMAN HOOD: Okay. Number six?

13 MR. PARKER: Finally, number six.
14 This has to do with a required open space
15 setback from the waterfront. Right now in
16 Southeast Federal Center we have a 100 foot
17 setback in the CG was havea 75 foot setback.
18 We have recommended a 75 foot setback, with 25
19 feet of that reserved for future trail
20 connections.

21 Keep in mind again that this is
22 just for matter-of-right projects. Projects

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1 that come in for review under PUD could
2 negotiate this and provide that connectivity
3 in some other way. But for matter-of-right
4 projects we felt that we needed to have a
5 standard applicable to get that open space and
6 that connectivity. So our recommendation is a
7 75 foot.

8 Option two is to establish a
9 minimum setback of greater or lesser width.

10 And option three is not to have a
11 minimum setback.

12 CHAIRMAN HOOD: Okay. Let's open
13 it up for discussion. Any comments?

14 COMMISSIONER TURNBULL: I would
15 recommend one.

16 CHAIRMAN HOOD: One?

17 COMMISSIONER SCHLATER: Mr.
18 Chairman, I certainly agree with the minimum
19 25 foot setback for rail connections. I think
20 that's important that there's connectivity
21 along the waterfront and that there's the
22 ability to put the trails along the water, and

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1 that the public have access to the water. All
2 of that's important.

3 I'm not sure that a 75 foot setback
4 for matter-of-right projects is actually going
5 to benefit development along the waterfront.
6 I think it can create a pretty large buffer
7 between the buildings and the water, and can
8 actually serve to reduce animation of the
9 waterfront. And so I'm just a little hesitant
10 to say that 75 feet is the right number.

11 I actually think there's a lot of
12 great waterfronts around the world where the
13 buildings come up pretty close to the
14 waterfront, right next to the trails.

15 And I agree with what Mr. Parker
16 said. It's great that there's flexibility in
17 the PUD standards where you could bring those
18 buildings closer up. But I think you're
19 setting yourself up for, you know, if the
20 developer chooses the path of least resistance
21 and does matter-of-right projects, that you're
22 going to end up with buildings 75 feet away

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1 from the water. And I'm not sure that that's
2 a good thing.

3 There's so little of the waterfront
4 in the District that actually is developable.
5 Most of it is either federally owned or open
6 space.

7 My feeling is that we should bring
8 those buildings closer to the water. I may be
9 in the minority on that.

10 CHAIRMAN HOOD: Thank you.

11 Commissioner May?

12 COMMISSIONER MAY: Yes. I would
13 say I'm pretty comfortable with 75 feet. I
14 mean, 75 feet isn't that big; it's not that
15 much bigger than the width of this room, the
16 long way of this room. From here to the back
17 wall is 30-35 feet. It's really not a huge
18 space and it's, I think, easy enough to
19 activate something on that scale.

20 The street right-of-way that I live
21 on is, I don't know, probably 90 feet,
22 something like that. So the water would be

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1 closer than my neighbor's door across the
2 street. That's pretty close in my book. And
3 I think as a minimum, I'm comfortable with 75.

4 I agree that there are great
5 waterfronts where the buildings are right
6 there upon the water. But I'm not sure that
7 when we're talking about something that is
8 still to be created, whether we are looking
9 for that sort of almost medieval relationship
10 between buildings and water, or whether we can
11 do something that's a little bit more wide
12 open, a little bit more spacious. And we're
13 still only talking about 75 feet. It just
14 doesn't feel that big to me. But I might be
15 in the minority.

16 CHAIRMAN HOOD: I would -- here is
17 my suggestion, because I actually thought 75
18 feet was great. But I want to be considerate
19 of all my colleagues. And I think the out for
20 me tonight is to go to B, option two.

21 And again, we'll do like we did
22 previously. We'll ask you to just -- I know

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1 you've probably looked at it a million times;
2 you're probably going to come back with 75
3 feet. But with the comments that Commissioner
4 Schlater has mentioned, if you could just look
5 at it.

6 I'm actually in agreeance with
7 option one, too. But I would think so we can
8 -- and I think it's three, I'm not sure --
9 option one. But we're going to be nice. I
10 would hope my colleagues would join me; we're
11 going to be real nice to you tonight. We're
12 going to ask that even though the majority of
13 us agree with option one, if we could just
14 look at seeing if there are other setbacks.
15 But you'r keying up, so you must already have
16 done that.

17 MR. PARKER: Well, can you give me
18 a little more. We have a lot of examples of
19 other cities that have, you know, no setback
20 or large setbacks. What criteria would you --
21 what would you like us to bring you back?
22 Just a list of best practices and how they

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1 have materialized on the water? What would
2 you like to see?

3 COMMISSIONER SCHLATER: I'd like to
4 know what's going to be going on between the
5 25 foot boardwalk and the building face, for
6 one.

7 MR. PARKER: What would be
8 permitted in that space?

9 COMMISSIONER SCHLATER: Yes.

10 COMMISSIONER MAY: I was imagining,
11 like, we often see street sections that show
12 us the sort of layers of what's happening
13 between building face and street. Something
14 like that for the waterfront, I think,
15 dioramatically would be helpful. I think
16 examples would be helpful, too.

17 COMMISSIONER SCHLATER: Also, I
18 would like to see examples of green space
19 between the building and the water that are
20 considered successful in terms of animating
21 the waterfront.

22 MR. PARKER: So maybe looking at

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1 cities that have a 75 foot or equivalent
2 requirement, and see what they've done in that
3 space?

4 COMMISSIONER SCHLATER: Yes.

5 MR. PARKER: Perfect.

6 COMMISSIONER SCHLATER: I think
7 that would be great. And with those examples
8 I could certainly be convinced.

9 MR. PARKER: And of course,
10 regardless of this, we could always and would
11 be certainly willing to have a special
12 exception release valve for any requirement
13 like this, too.

14 CHAIRMAN HOOD: Was that helpful?
15 We're good?

16 MR. PARKER: Yes.

17 COMMISSIONER TURNBULL: Mr. Chair,
18 I guess I'm trying to think of -- I look at
19 some cities. I mean, San Antonio is kind of
20 on its own. It's a rich urban river and all
21 the development along it. But I look at
22 Chicago where they've built up right to it and

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1 it's devastating for a lot of it. There's
2 parts that are opened up that are nice, but
3 there's other parts where just buildings line
4 the river. New York, I guess, has got a
5 little bit of both; you've got development
6 that's open and along it.

7 And looking back what we got out
8 of, I think they have a new name now, what was
9 Florida Rock. And we had that plaza all the
10 way along. Which I think after many, many
11 revisions with them, they finally got that as
12 an animated, and it's a pathway and fountains
13 and things along it.

14 So I guess the Anacostia, I guess
15 you've got to look at the whole thing. And
16 what can you really do? I don't know how
17 tight you can make it without a connection
18 across the river. And will anybody really --
19 how do you feel that? Is it too wide to have
20 them too close? I don't know. In certain
21 instances, it works. I mean, San Antonio,
22 it's great. But it's a little different

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1 relationship; the river's not that wide.

2 The Anacostia is pretty wide along
3 there. Maybe there's areas that you -- I
4 guess I'm just trying to -- and you're the
5 ones that are going to be the ones looking at
6 this. I was looking at rivers and widths and
7 what seems to work in different areas.

8 MR. PARKER: Yes. We're happy to -
9 - I think we can come up with a number of
10 examples of places, both rivers and
11 oceanfront, that have a 50-100 foot setbacks
12 pretty consistently. And we can both diagram
13 and show some examples of what happens in that
14 space.

15 COMMISSIONER TURNBULL: I mean, I'm
16 looking at -- getting back to Chicago, the
17 river doesn't work at all. But the lakefront
18 is great.

19 MR. PARKER: Yes.

20 COMMISSIONER TURNBULL: But it's a
21 whole different kind of feeling.

22 CHAIRMAN HOOD: Any other comments,

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1 questions? Okay.

2 Commissioner May?

3 COMMISSIONER MAY: I think
4 regardless, the minimum 25 feet for the trail
5 connections ought to be preserved. So it's
6 not like we're jumping straight to option two.

7 CHAIRMAN HOOD: Okay. So we are
8 all in agreeance? Great. Okay. Let's move
9 right along.

10 Thank you, Mr. Parker.

11 Do we have an OP status report?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: Okay. Next, we've
14 come to our election of officers.

15 Colleagues, I'll open it up and see
16 what your pleasure is.

17 COMMISSIONER SCHLATER: Mr.
18 Chairman, I feel like things are working quite
19 well. And I would be hesitant to upset our
20 good momentum. I think for now it's a good
21 idea to maintain you as Chairman and
22 Commissioner Keating as Vice Chairman.

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1 CHAIRMAN HOOD: All right. Any
2 other comments or questions? Okay.

3 Thank you very much, Commissioner
4 Schlater.

5 Unless someone objects, I don't
6 think we need to make a vote. That's the way
7 we'll leave it for now. All right. Thank you
8 all.

9 Let me just say this before I
10 adjourn. I really want to thank the staff.
11 The staff does an excellent job in helping us
12 to make sure we make the -- and I always
13 probably say this a lot, but I don't think I
14 can say it enough. Under leadership of
15 Director Weinbaum, the way they help make sure
16 that we're prepared. They really do go above
17 and beyond the call of making sure that we
18 have all the information and resources we need
19 so we can come out and make an informed
20 decision for the best interests of the city.

21 And that goes to Ms. Schellin, Ms.
22 Hanousek, and Ms. Bushman. And Office of

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1 Attorney General's Mr. Ritting -- I like to
2 call names -- Mr. Ritting and Mr. Bergstein.
3 Also Office of Planning who gives us the
4 information so we can make those informed
5 decisions, under the leadership of Ms.
6 Steingasser. And tonight we have Mr. Parker
7 and Mr. Lawson. And everybody, you all do a
8 great job; I can't say it enough and I'm sure
9 my colleagues would agree. And we appreciate
10 all the hard work that you do.

11 And if anybody is coming to any of
12 those oversight hearings and they're watching
13 this webcast live, come down and say what good
14 service you get from Office of Planning,
15 Office of Attorney General, and of course the
16 Office of Zoning.

17 So with that, I will adjourn this
18 meeting. Good night. Thank you.

19 (Whereupon, at 7:11 p.m. the
20 meeting was adjourned.)

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