

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY

FEBRUARY 7, 2011

+ + + + +

The Regular 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
KONRAD SCHLATER	Vice Chairman
PETER MAY	Commissioner (NPS)
MICHAEL G. TURNBULL	FAIA, Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

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

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
TRAVIS PARKER
ARLOVA JACKSON
ARTHUR JACKSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.

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

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TABLE OF CONTENTS

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

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A. Election of Officers71

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

2 (6:48 p.m.)

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

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

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

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

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

3 Please be advised this proceeding
4 is being recorded by a Court Reporter and is
5 also webcast live. Accordingly, we must ask
6 you to refrain from any disruptive noises or
7 actions in the hearing room. Please turn off
8 all beepers and cell phones.

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

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

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

4 MS. SCHELLIN: No, sir.

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

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

18 Ms. Schellin?

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

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

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

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

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

21 (Pause)

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

3 (No response)

4 All right. So let's look at
5 height, and I think that the NCPC report
6 really addressed three issues -- well,
7 actually four, but three, if you look on page
8 -- I guess this is page 2 of their report,
9 reflecting "The Height Act does not provide a
10 mechanism for relief to be granted by the
11 Board of Zoning Adjustment from the Height Act
12 provisions for maximum building heights."

13 And then, they are also asking us
14 to add "public or private street" at the end
15 of the sentence, 402.2, and then they also are
16 talking about adding, "The height of the
17 building shall not be measured from the human
18 constructed elevation, but shall be measured
19 in 402.4."

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

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

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

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

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

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

5 So let me open it up, colleagues.
6 Any comments on the NCPC report, or -- I
7 think we hashed a lot of this out, but did
8 anybody want to make any comments?
9 Commissioner Turnbull?

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

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

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

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

13 Okay. Any issues?

14 (No response)

15 Okay. Any issues on anything
16 else?

17 (No response)

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

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

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

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

21 CHAIRMAN HOOD: Okay. And I

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

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

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

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

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

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

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

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

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

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

10 COMMISSIONER TURNBULL: Public
11 street.

12 MR. PARKER: -- street.

13 COMMISSIONER TURNBULL: Okay.

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

21 COMMISSIONER MAY: Does the Height

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

3 MR. PARKER: It says curb.

4 COMMISSIONER MAY: It just says
5 curb.

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

9 COMMISSIONER MAY: So,
10 theoretically, that means that even a private
11 street -- they have to comply with the Height
12 Act in terms of being able to measure from
13 that street, right? I mean, a street is a
14 street, is it not, whether it's public or
15 private?

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

19 COMMISSIONER MAY: I see.

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

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

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

17 How do we address that?

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

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

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

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

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

21 COMMISSIONER MAY: I don't know.

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

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

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

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

20 CHAIRMAN HOOD: Any other
21 comments?

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1 (No response)

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

10 COMMISSIONER TURNBULL: Second.

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

14 (No response)

15 Are you ready for the question?
16 All those in favor?

17 (Chorus of ayes)

18 Not hearing any opposition of
19 those present, Ms. Schellin, would you please
20 record the vote?

21 MS. SCHELLIN: Yes. Staff will

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

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

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

14 Ms. Schellin?

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

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

8 So let's open it up. I think --
9 well, I don't want to start like I did at the
10 hearing. I was trying to narrow it down, but
11 let me just open it up and see where everybody
12 is.

13 Vice Chairman Schlater?

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

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

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

7 The recommendation by the Office
8 of Planning is to -- their recommendation is
9 for approval, and that is Square 4509, a
10 portion of Lot 157. and we also have a
11 diagram, as we had before, in the back of your
12 Office of Planning report, and that shows --
13 and that's area one.

14 Are we all on the same page with
15 that?

16 (No response)

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

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

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

9 VICE CHAIRMAN SCHLATER: Mr.
10 Chairman?

11 CHAIRMAN HOOD: Vice Chairman
12 Schlater.

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

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1 And the Maryland Ave stretch there
2 is ripe for redevelopment, and I think when
3 that development goes in it should be friendly
4 to retail uses. So, in general, I am
5 supportive of applying the H Street overlay
6 provisions to the area.

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

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

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1 Any other questions? Let's open
2 it up. Commissioner May?

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

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

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

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

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

3 COMMISSIONER MAY: Yes.

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

7 COMMISSIONER MAY: Yes, I would
8 follow that recommendation.

9 COMMISSIONER TURNBULL: So,
10 Commissioner May, even though it is 3-A now,
11 C-3-A now, you would vote to downzone it?

12 COMMISSIONER MAY: Yes. I mean,
13 we didn't -- there was some concern about
14 downzoning it, but I didn't see a groundswell
15 of opposition, and I think that the essential
16 character of that area is kind of two- or
17 three-story -- mostly two-story --
18 residential. So I'm not -- I'm not convinced
19 that it needs to be -- that it needs to get
20 bigger and denser than that.

21 COMMISSIONER TURNBULL: Well, I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 But, you know, everything else
9 that is alongside there, there are still small
10 lots and small buildings. So I think that's
11 the essential character of it. I'm not
12 inclined to push it into the C-3 or to push
13 the C-3-A plus H Street overlay in that area.

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

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

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

6 COMMISSIONER TURNBULL: Well, I
7 was just going back to looking at our notes
8 here. There was only one property owner, a
9 Mr. Kelty, who was opposed to the downzoning.
10 I think he was the only one that we heard
11 from at our hearing, at our last hearing.

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

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

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

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

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

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

20 COMMISSIONER TURNBULL: Do you
21 mean the alternative?

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

8 And that's actually in the Office
9 of Planning -- if you look in the Office of
10 Planning report, it's on page -- so I guess,
11 Commissioner May, you and I are saying -- will
12 say the same thing.

13 And I think there has been a lot
14 of work, Commissioner Turnbull, and I'm
15 looking at the ANC and what people are trying
16 to achieve. While I think Vice Chairman
17 Schlater's comments are very appropriate, and
18 I think that's going to come to pass, but I'm
19 just not sure right here in this area.

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

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1 CHAIRMAN HOOD: That's what --

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

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

8 (No response)

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

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

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

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

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

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

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

13 Commissioner May?

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

19 CHAIRMAN HOOD: Area three.

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

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

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

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

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

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

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

14 COMMISSIONER TURNBULL: I would
15 concur, too. I'm sort of -- I'm going back to
16 another street, Georgia Avenue, where we have
17 concerns where we were worried about
18 properties turning -- that the -- putting in
19 zones onto side streets that would allow
20 bigger development on Georgia Avenue. And we
21 were very concerned about limiting going down

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1 those side streets.

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

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

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

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

21 All right. So I guess we'll be

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

3 (No response)

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

8 COMMISSIONER MAY: Four.

9 CHAIRMAN HOOD: -- four and seven.

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

12 COMMISSIONER TURNBULL: Yes.

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

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

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1 wouldn't want to change here.

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

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

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

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

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

9 VICE CHAIRMAN SCHLATER: Five.

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

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

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

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

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

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

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

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

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1 COMMISSIONER MAY: Yes, I would
2 agree.

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

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

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

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

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

17 COMMISSIONER TURNBULL: I think
18 that pretty much is what we agreed to. I
19 think that's the consensus.

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

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

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

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

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

18 Okay. So do you want to -- okay,
19 fine.

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

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

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

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

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

16 The recommendation --

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

21 CHAIRMAN HOOD: Okay. All right.

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

3 Did I make the motion, or did --

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

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

8 COMMISSIONER MAY: Second.

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

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

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

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

8 Okay. Now, let me try to do this.
9 All those in favor of area one? All those in
10 favor?

11 (Chorus of ayes.)

12 Any opposed?

13 (No response)

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

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

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1 support by absentee ballot.

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

4 (Chorus of ayes)

5 VICE CHAIRMAN SCHLATER: No.

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

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

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

19 (Chorus of ayes)

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

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

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

11 Hearing Action, Office of
12 Planning, Zoning Commission Case Number 06-11C
13 --

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

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

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

5 My apologies. Thanks.

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

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

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

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1 So that text would require some action.

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

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

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

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

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

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

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

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

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

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

10 CHAIRMAN HOOD: Yes.

11 COMMISSIONER TURNBULL: I would
12 agree with that, too, Mr. Chair. I think that
13 makes the most sense.

14 COMMISSIONER MAY: All right.
15 That was a motion. Do you want to second it?

16 COMMISSIONER TURNBULL: Oh, I'll
17 second it.

18 COMMISSIONER MAY: Okay.

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

21 (Pause)

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

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

5 (No response)

6 All those in favor?

7 (Chorus of ayes)

8 Not hearing any opposition, Ms.
9 Schellin, would you record the vote?

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

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

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1 MR. LAWSON: I guess so. Thank
2 you.

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

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

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

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

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

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

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

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

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

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

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

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

21 The proposed second stage PUD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 COMMISSIONER TURNBULL: Right.

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

2 MS. JACKSON: Right.

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

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

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

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

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

6 COMMISSIONER TURNBULL: Right.

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

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

21 I mean, it -- and maybe they could

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

8 MS. JACKSON: How it will work?

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

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

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

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

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

8 Any other questions? Commissioner
9 May?

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

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1 of having a building on a circle.

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

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

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

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

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

10 And then, the last thing is just
11 -- it's got really big, big signage all the
12 way around it, and not very attractive signage
13 to begin with. I mean, it -- just the very
14 large letters saying what the school is, I
15 mean, I can see having some large building
16 identification, but it seems like it's -- it
17 just seems like it's a bit too much.

18 And for what it is, it's not
19 rendered in a very attractive way. It strikes
20 me as a very sort of '70s, you know, dark,
21 dark brown with big white letters, like

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

6 CHAIRMAN HOOD: Okay. Thank you.

7 Vice Chairman Schlater?

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

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

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

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

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

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

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

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

14 CHAIRMAN HOOD: Okay.
15 Commissioner Turnbull?

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

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

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

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

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

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

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

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

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

5 So any other questions or
6 comments?

7 (No response)

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

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

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

17 COMMISSIONER MAY: Second.

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

20 (Chorus of ayes)

21 Not hearing an opposition, Ms.

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

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

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

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

18 Do I need to vote on this?

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

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

10 CHAIRMAN HOOD: Okay.

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

15 (No response)

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

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

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

7 COMMISSIONER TURNBULL: Second.

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

10 (Chorus of ayes)

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

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

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

3 Commissioners, next on our agenda
4 we have Other Business, Election of Officers.
5 What is your pleasure?

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

9 CHAIRMAN HOOD: Okay.

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

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

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

19 MS. SCHELLIN: We do.

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

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1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay. Since --

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

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

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

12 CHAIRMAN HOOD: Okay.

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

16 COMMISSIONER MAY: Second.

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

20 (No response)

21 All those in favor?

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1 (Chorus of ayes)

2 Not hearing any opposition, Ms.
3 Schellin, would you please record the vote?

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

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

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

19 Anything else, Ms. Schellin, for
20 tonight?

21 MS. SCHELLIN: No, sir.

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

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

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