The Regular Public 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 W. SCHLATER  Vice Chairman
   GREG SELFRIDGE      Commissioner
   PETER G. MAY        Commissioner (NPS)
   MICHAEL G. TURNBULL Commissioner FAIA, (AOC)

OFFICE OF ZONING STAFF PRESENT:

   SHARON S. SCHELLIN  Secretary
   DONNA HANOUSEK, Zoning Specialist
   ESTHER BUSHMAN, General Counsel
OFFICE OF PLANNING STAFF PRESENT:

    JENNIFER STEINGASSER
    TRAVIS PARKER

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

    ALAN BERGSTEIN, ESQ.

This transcript constitutes the minutes from the Regular Public Meeting held on February 28, 2011.
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CHAIRMAN HOOD: This meeting will, please, come to order. Good evening, ladies and gentlemen. This is the February 28, 2011 Public Meeting of the Zoning Commission of the District of Columbia.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Turnbull, Commissioner Selfridge and Commissioner May.

We are also joined by the Office of Zoning staff, Ms. Schellin, Ms. Hanousek and Ms. Bushman.

Office of Attorney General, Mr. Bergstein. Office of Planning staff, under the leadership of Ms. Steingasser.

Copies of today's meeting agenda are available to you and are located in the bin near the door. We do not take any public testimony unless the Commission requests someone to come forward.
Be mindful that this is being webcast live. Please, turn off all beepers and cell phones.

Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

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

Okay. Consent Calendar item Zoning Commission Case No. 08-30A, West Half 1, LLC, et al, Minor Modification of Capitol Gateway Overlay Review in Square 700. Ms. Schellin?

MS. SCHELLIN: Yes, sir. The applicant is asking to refine some exterior architecture elements, to reduce the retail space from 69 percent to 68 percent, to address the outdoor amenity space and to replace some of the green roof with white roofs.

So Commissioner Hood asked the -- or staff would ask the Commission to consider
this case for action.

CHAIRMAN HOOD: Okay.

Commissioners, if you look at the submissions, particularly Exhibit No. 1, Consent Calendar items, they basically talk about primary modifications as Mrs. Schellin has already articulated, minor adjustments to the building of elevations, minor modifications on amount of ground floor area dedicated to retail use and a modest adjustment to the roof plan. And that can be found on page 2 and 3.

I'm sure we have already reviewed it. Any questions or comments? Also, if you look behind Tab B, it shows what was approved and what they revised it to and I thought that was very well, at least, laid out for us, very well done.

Okay. Do I hear any comments or questions? Not hearing, I would approve the modification, minor modification and I consider this actually minor, a minor modification.
It also mentions in the Office of Planning report it says it finds that the application consists of minor changes to the original design consistent with 30/30 as being of little or no importance or consequence and would be consistent with the original approval. And I would agree with that analysis.

The Office of Planning has encouraged the applicant to seek community input about the proposed changes. As of this writing, OP had received no phone calls, but as of today, we did receive, we can't give it great weight, but we did receive, a letter from the Single Member District Commissioner wholeheartedly endorsing these minor modifications.

So with that, I would move approval of the minor modifications as requested in Exhibit 1 of Case No. 08-30A and ask for a second.

COMMISSIONER TURNBULL: Second.
CHAIRMAN HOOD: It has been moved and properly seconded. Any further discussion? Are you ready for the question?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you, please, record the vote?

MS. SCHELLIN: Yes. Staff would record the vote 5-0-0 to approve the final action in Zoning Commission Case No. 08-30A. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners Schlater, Selfridge and May in support.

CHAIRMAN HOOD: Okay. Thank you.

Next on the agenda is Zoning Commission Case No. 08-08A. This is the Georgia Avenue Associates LPs, I-A & II, Minor Modification to a PUD at Square 2906. Ms. Schellin?

MS. SCHELLIN: Yes, sir. The applicant has requested to revise Condition No. 2 of the order which would allow them or
allow for the installation of a mural on the
south elevation of the proposed building.
Staff would ask the Commission to consider
this for action.

CHAIRMAN HOOD: Okay.
Commissioners, we have the request in front of
us. Let me open it up for any questions or
any comments. And this was a piece, I think,
that we left out previously from a previously
approved PUD and we actually asked them to
come back and they are back.

So I'll open it up for any
comments then. Okay. Not hearing any, I
would go ahead and move approval of Zoning
Commission Case No. 08-08A as stated in the
request for the mural as a minor modification
to PUD at Square 2906 and ask for a second.

COMMISSIONER SELFRIDGE: Second.

CHAIRMAN HOOD: Moved and
seconded. Any further discussion? Are you
ready for the question?

All those in favor?
ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, so ordered. Staff would you record the vote?

MS. SCHELLIN: Staff records the vote 5-0-0 to approve final action in Zoning Commission Case No. 08-08A. Commissioner Hood moving, Commissioner Selfridge seconding, Commissioners Schlater, Turnbull and May in support.


MS. SCHELLIN: Staff would just add that at Exhibit 13 we have an NCPC report that states that there are no impacts to federal interests.

CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin. We have the final order in
front of us. We have discussed a lot of this, but let me open it up, are there any questions? Any comments?

Not seeing any, would somebody like to make a motion?

COMMISSIONER MAY: I would like to move approval of Zoning Case No. 10-22, Map Amendment & Related Text Amendment to allow expansion of an ice rink and construction of a youth baseball academy at Fort Dupont Park.

CHAIRMAN HOOD: Thank you. Can I get a second?

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It has been moved and properly seconded, any further discussion?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you, please, record the vote?

MS. SCHELLIN: Yes, staff records the vote as 5-0-0 to approve Final Action in
Zoning Commission Case No. 10-22.
Commissioner May moving, Commissioner Turnbull seconding, Commissioners Hood, Schlater and Selfridge in support.

CHAIRMAN HOOD: Okay. The next case I'm going to ask Vice Chairman Schlater to proceed. Commissioner Selfridge and myself did not participate. Vice Chairman?

VICE CHAIRMAN SCHLATER: We're considering Final Action on Zoning Case No. 10-25, Urban Investment Partners - Map Amendment at Square 2843. This is a Map Amendment from the R-4 Zone District to the R-5-B Zone District. I don't think we had any outstanding issues from Proposed Action. Any comments? Anything, Ms. Schellin?

MS. SCHELLIN: I was just going to add that we do have an Exhibit 26, a letter from NCPC advising that they were unable to take a formal action on this proposal. However, their staff did review the action and didn't see any impacts on federal interest,
but they were not able to take any formal action.

VICE CHAIRMAN SCHLATER: Great. Thank you. Not hearing any comments, I would like to move for final approval of the Map Amendment at Square 2843, Lots 8, 10 and 808, Application of Urban Investment Partners.

COMMISSIONER TURNBULL: Second.

VICE CHAIRMAN SCHLATER: Motion being seconded. I guess we will call the vote.

All in favor?

ALL: Aye.

VICE CHAIRMAN SCHLATER: All against?

MS. SCHELLIN: Yes, staff would record the vote 3-0-2 to approve Final Action in Zoning Commission Case 10-25. Commissioner Schlater moving, Commissioner Turnbull seconding, Commissioner May in support. Commissioners Hood and Selfridge not voting, having not participated.
CHAIRMAN HOOD: Ms. Schellin, I need to back up to Zoning Commission Case No. 10-22 and I usually acknowledge the letters and I don't know how I left this one out.

I usually acknowledge the letters.

I think I did this during the hearing, but I might not have and I'm going to do it now.

Any time the Mayor takes time to write a letter of support for something, I think it needs to be acknowledged.

So I don't want to -- we do that for everybody else and I definitely don't want to leave the Mayor out, but he wrote a letter to convey his strong support and he encourages the Commission to keep up the good -- urged your approval in the zoning case, so that the development of the youth baseball academy can be -- proceed forward.

So I did not want to not mention that as Exhibit 8. Okay. Thank you.

08-06, Office of Planning - Comprehensive Zoning Regulations Review - Green Area Ratio.

Ms. Schellin?

MS. SCHELLIN: For this case, we have a supplemental report from the Office of Planning at Exhibit 123.

COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Commissioner May?

COMMISSIONER MAY: Yes, I just want to note for the record that I have reviewed the record from the hearing, because I was not able to participate.


COMMISSIONER SELFRIDGE: Mr. Chairman, I, too, reviewed the record as I did not attend the hearing in this case.

CHAIRMAN HOOD: Okay. So are we all participating? Ms. Schellin, what exhibit was that?

MS. SCHELLIN: Exhibit 123.
CHAIRMAN HOOD: Okay. I actually have it here somewhere, I just have to find it. Anyway, let's open it up for discussion. Okay. Thank you. I thought I had left it somewhere else. Okay. Let's open it up for discussion.

VICE CHAIRMAN SCHLATER: Mr. Chairman, I just want to make note, I raised a few questions in the hearing on the GAR. The first question I raised was whether or not this GAR calculation should apply to R-1 through R-4 Districts. I think it was stated in the hearing that 80 percent of the District's, you know, zoned land area was occupied by R-1 through R-4.

Office of Planning has helpfully provided us a supplemental hearing report saying that, approximately, 58.5 percent of zoned land is Zoned R-1 through R-4. I think it is -- that's still a very large chunk of the land in the District, but it's not the same as 80 percent.
So I think that issue still needs to be examined somewhat. It feels like we are going through a lot of effort to create the standard. And when people are building new homes in the R-1 through R-4 District, they should be held to some standard.

I'm not sure if it should be the GAR standard or as proposed by OP to create some sort of pervious surface requirement. I'm open to that. I think maybe it's something that just needs to be more fully vetted when we get into the chapter that deals with R-1 through R-4.

And we may want to come back to this GAR Chapter and revise it if we decide that a pervious requirement isn't sufficient.

But I'm satisfied for tonight's purposes that we have got the analysis we need to vote on this.

CHAIRMAN HOOD: Okay. Thank you, Vice Chairman. Any other comments?

Commissioner May?
COMMISSIONER MAY: I would just echo Vice Chairman Schlater's comments. I think it is something that we probably want to talk a little bit -- talk about a little bit further when it comes time to deal with the residential subtitle or whatever other format we have.

It is -- you know, there are certainly cases of projects that we have seen built in the R-1 through R-4 Zones where it seems like a GAR requirement might be appropriate, but it is certainly very easy to imagine where it would be problematic and we would wind up having to grant a lot of special exceptions, you know, for individual house renovations, for example, in an R-4 Zone.

So it is worth talking about more, because the objective is certainly worthwhile. And I'm not sure how best to achieve it. So anyway, that's what I had to say.

CHAIRMAN HOOD: Okay. Anybody else? Okay. I would just weigh in. And I
kind of agree, but I will take the recommendation of the Office of Planning.

Specifically when I look at what they mention in their report, the recommendation is based on the following factors: Administrative mechanisms for requirement cost and burden on the Government to review all applications.

As both of my colleagues have already mentioned, I think we have some more thought and some more research and analysis and kind of figure out exactly to what magnitude. I'm not sure if we are all the way there with the GAR, but at some degree, especially when you -- in this city when some people looked at whether or not they wanted their properties to be in the Historic District, this kind of reminds me of that.

Some of those sayings, but anyway, I think I would accept the Office of Planning's review, as my other colleagues have, and at a later time we will probably
revisit it. I'm not sure if I'm all the way there applying to some single-family homes and whatnot, but we'll have that discuss for a later date.

Okay. Any other comments?

COMMISSIONER TURNBULL: Yes. Mr. Chair, I just wanted to add is it possible that lot size could come into play on this? I mean, with a lot of existing townhouses, row houses and that's going to be very difficult.

I think you can, but I mean, I'm just wondering if in new developments or if we have lot size has any impact on GAR as far as residential.

MR. PARKER: Well, yes and no. I mean, the thing about GAR is it is set to be based on lot size, so your requirement is a function of your lot size. And so I would actually probably recommend against, you know, saying lots above or below a certain size have a GAR and those others don't, because the number itself is designed to take lot size
into account.

But, you know, that's certainly something that we thought about.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: And even going back and looking at it, I'm pretty sure we may come back with the same clause that you have in your report about the administrative burden. I just don't see that going away. I mean, it's going to really take a lot of thinking and a lot of trying to figure a path out to make that go away.

But anyway, any other questions or comments?

COMMISSIONER SELFRIDGE: Mr. Chairman?

CHAIRMAN HOOD: Vice Chairman? I mean, I'm sorry, Commissioner Selfridge?

COMMISSIONER SELFRIDGE: Just to weigh in as well, I tend to agree with the Office of Planning on this one. I would just be concerned about the burden on homeowners.
I think that GAR, some components of it are complex. I'm glad that we are going to have an opportunity to revisit it and that Land Use Subtitle, but I think I would rather -- I'm pretty comfortable with where we are right now.

But, you know, I do look forward to that discussion when it occurs down the road. And if there is any alternative, as the Vice Chairman mentioned, to maybe meet some of those same goals without applying GAR, I think that would be certainly something we would like to look at and consider.

CHAIRMAN HOOD: Okay. Anyone else? Okay. Would somebody like to make a motion? Who is the GAR specialist up here?

VICE CHAIRMAN SCHLATER: Travis.

CHAIRMAN HOOD: Oh. Well --

COMMISSIONER SELFRIDGE: Mr. Chairman, I'll step in for Mr. Parker and make a motion then that we take Proposed Action to approve Zoning Commission Case No. 08-06, the
Green Area Ratio Chapter.

CHAIRMAN HOOD: Okay. I will second that. It has been moved and properly seconded. Any further discussion?

All those in favor?

ALL: Aye.

CHAIRMAN HOOD: Not hearing any opposition, Ms. Schellin, would you, please, record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5-0-0 to approve Proposed Action in Zoning Commission Case No. 08-06 with regard to Green Area Ratio. Commissioner Selfridge moving, Commissioner Hood seconding, Commissioners Schlater, Turnbull and May in support.

CHAIRMAN HOOD: Okay. Next is Zoning Commission Case No. 09-21, Office of Planning Text and Map Amendments to establish the Union Station North District. Ms. Schellin?

MS. SCHELLIN: Yes, sir. Like the
last case, we have a supplemental OP report that is at Exhibit 39.

CHAIRMAN HOOD: Okay. Let's open it up for discussion. Any discussion? Who would like to start us off? Commissioner May?

COMMISSIONER MAY: Yes. First of all, I appreciate the Office of Planning in their supplemental report addressing many of the questions that we raised. I will say though that I am not totally convinced yet that trying to measure from the full height of the viaduct is the right solution in this circumstance.

I mean, I can see because of the obstacles that the railroad tracks present a rationale for doing something unusual here or doing something different and I can see because of the context of the relatively tall buildings around it that it can be done with--there is room for some flexibility.

I'm just not convinced that we have the right thing yet. And, I mean, when I
look at things like the massing studies that they very helpfully provided, it's pretty clear that 130 feet measured from elevation 31.25 feet does not make sense.

But the 130 feet measured from elevation 55 is not that far removed from the kind of massing that we see in the city right now.

And again, while it is -- you know, having a little more flexibility, you know, when you measure from the full height of the viaduct, I understand where that gets you more flexibility on where you put the FAR. But I'm not -- I don't see that there is anything really magic about having -- about that particular massing.

I think that, if anything, there needs to be, I don't know, some greater attempt or some greater control over how the massing gets laid out. You know, the sample massing that was provided creates some lower elevation spaces in ways that don't really, I
I think in my view, add value, at this point.

I think it is -- I mean, I appreciate the fact that it is all just a theoretical and it was done as an exercise to try to demonstrate how you would get some greater flexibility, but I don't think that that -- that this particular diagram makes that case.

I think, frankly, I find the second diagram measuring from 55 feet to be more persuasive. That having been said, I'm also, frankly, troubled by the idea of measuring off of the viaduct in the first place just as a matter of principle.

I understand why this is a very unusual circumstance and it makes sense to do something different here, but I just don't like this as a precedent. You know, we wrestled this down once before and I just don't like -- I'm not comfortable venturing into this territory, at this moment, based on the information I have here.
So I mean, those are my initial thoughts, but I'm interested in hearing what the rest of the Commission has to say.

CHAIRMAN HOOD: Okay.

Commissioner May, let me just make sure. You are looking at, I guess this is, Rendering 4, page 4. 55, you are more inclined to look at something specific. You are more inclined to look at this elevation?

COMMISSIONER MAY: You know, not specifically that. I'm just -- all I'm saying is that the massing that was proposed here for 55 feet isn't that far removed from the massing that we see in the surrounding area. And it is less imposing than what could happen on page 5.

CHAIRMAN HOOD: Right. And that was my next question.

COMMISSIONER MAY: Yes.

CHAIRMAN HOOD: As opposed to page 5?

COMMISSIONER MAY: Yes.
CHAIRMAN HOOD: Okay. I understand where you are going. Believe it or not, I agree with you.

COMMISSIONER MAY: Yes.

CHAIRMAN HOOD: Okay. Any other comments, Commissioners? Mr. Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I would just echo Commissioner May's concern. I think one of the earlier elevations or the perspectives that we showed looking at Union Station from the south, you have a massing in an urban setting there which includes the Thurgood Marshall Building, Station Place tucked behind it. You have Union Station. You've got Postal Square at the nice even skyline.

And I think where a lot of people were concerned when Station Place was done was that it was going to take away a lot from those buildings. But I think that the Roche Dinkeloo Building with the glass sort of just steps back in and it sort of mirrors a lot of
the arches and everything.

So I think it really works. And the height works also. I am concerned about a 130 foot structure behind Union Station adding to that massing of buildings.

My gut feeling is that a lot of the buildings in that area ought to be a lot less and blend in better, even at 110 feet if you are measuring from the top of H Street.

But I think there is a certain urban character as you look at the massing of those buildings. It's a very historic looking site. I mean, it's a very unique site. And I think there is historic quality to it that I had -- I just don't want to see the type of a building or penthouses looming above Union Station as I look.

I think there is a vista, there is a sense of city as you start going towards Union Station that needs to be respected. And I think the buildings in that first block ought to be a lot less and not take away from
that view of the city and not have something just sticking out or whatever.

And I think there is a sensitivity that has to be done as you look at that area and the urban fabric and the character of that space, I think, has to be something special. And I think the buildings ought to respect that integrity that is there and work with it and not stand up above it.

CHAIRMAN HOOD: Okay. Let me ask Mr. May something and then I'm going to go to Mr. Bergstein.

Commissioner May, would you like to see something, I guess, perspective or is the renderings we have sufficient or would you like to see something additional?

COMMISSIONER MAY: Yes, I have been puzzling over that myself, because, you know, the Office of Planning provided exactly what I asked for by looking at those massing diagrams.

And I'm not -- you know, we have a
number of perspectives and sections through the area that were provided in the original package. So, you know, I'm not sure that there is another drawing that I need to see that is going to help me with this.

I don't know. I'll have to think about that a little more. I mean, you know, it is pretty apparent from some of the perspective views that we see that were provided at the original hearing, but what we're talking about is something that really is very, very large from many different perspectives.

And the view down, what is this, this is, 2nd Street, I think, I'm not sure, in the original package it's on page B-3. Mr. Turnbull, maybe you know what view this is.

But you can see the building looming about Union Station. As you get closer and you get right across the circle, Columbus Circle from Union Station, you can see it above it. And most of what you would
see is parapet and unfortunately, you know, we are potentially emphasizing the least attractive portion of the building.

I mean, from so many different directions, it is visible and it really does tower over the rest of the context. So I don't know. Like I said, I don't know that there is another drawing that helps me.

CHAIRMAN HOOD: Okay. Again, we're trying to impose regulations. But let me ask this and I'll asked Mr. Bergstein to help me.

2905.1(b)(1) says "The Commission will make a preliminary decision whether to approve to the additional height as part of its Stage I review. The preliminary approval will become final, unless modified or disapproved during the Stage II review."

Will that kind of help Mr. -- well, I don't know if it will, but will that help you? In other words, we have to have -- we are going to have another review of that.
MR. BERGSTEIN: That's limited to buildings that are located in the area that is described in 2905.1(a), which are limited to 90 feet. And then that's why, and OP can correct me, that greater than 90 feet is permitted in (b) as part of that primary review.

So that restriction and then that greater flexibility doesn't apply to the entire USN District, but only to the area and the buildings that are called out in 2905.1(a). If I'm incorrect, I would ask OP to correct me.

CHAIRMAN HOOD: Okay. I see that now. I was just trying to get a level of confidence, so we can try to move forward tonight or at least go forward unanimously. I'm not sure how we get there, Commissioner May. Commissioner Selfridge?

COMMISSIONER SELFRIDGE: I just want to call attention to the fact 2918 that a master plan component was added to the
regulations and I just wonder if there is a way, in the interest of keeping things moving, not that that's the most important thing here, but trying to find a way, to kind of solve this issue is if this can't be strengthened or defined such that this issue is still left open and we decide it at later stages of the project when there is more information available.

I think maybe part of the problem is that there is not a lot of information available. There is perspective drawings on what may happen or may not happen. And if the Commission retained the prerogative to review this again later in the process, perhaps it would allow everybody to move the ball forward a little bit, but not give up any of the review or concerns that Commissioner May has.

CHAIRMAN HOOD: Okay. Anybody else? Vice Chairman?

VICE CHAIRMAN SCHLATER: Mr. Chairman, I just want to thank the Office of
Planning. I think a lot of the comments that I made during the hearing have been addressed with the revised text, specifically the inclusion of the master plan, which I think is going to help us understand better how the overall site is going to be organized, how the open spaces and the right-of-way are going to be laid out across the zone.

There have been some tweaks to how the residential requirements are going to be implemented to ensure that 1.5 FAR of residential will actually get built on the site. So I appreciate that very much.

And with respect to the height, I appreciated getting these exhibits, which showed the general massing with the different heights. And I'm personally of the belief that just because a building is taller than Union Station and it is occupying a good portion of the skyline, doesn't make it a bad thing.

I think it just means we have to
set a higher bar for what those buildings are going to look like. And I think the way the text has been written is that the Zoning Commission is going to have a design review over these buildings.

We are limiting the FAR on the site to 6.5 and maintaining the higher height. I think it's a much greater likelihood that we are going to get better buildings if we maintain the 6.5 FAR and allow the height to get to 130.

If we maintain a 6.5 FAR and then squeeze it down into 110 feet or 90 feet, you are going to end up with your typical District blocky buildings and I don't think that that does a service to Union Station or the other structures in that area.

Somebody made a comment that the massing on one of these drawings looks very similar to the buildings in the surrounding area, but I would say that the buildings in the surrounding area, specifically NoMa,
aren't very nice.

I think we are not getting good architecture out of there and that's mainly because people are trying to squeeze a lot of FAR into a limited amount of height.

I think we have an opportunity here to set a high bar in the design review phase of this project to create great buildings above the Union Station Air Rights that will be a compliment to Union Station.

And I think if people are concerned about the visual impacts of those buildings in relationship to Union Station and the other historic buildings around there, we need to figure out how to write the design review better in such a way that we are comfortable when those buildings come before us that the buildings will compliment the historic fabric around there.

And that's where I would encourage my colleagues to focus their energy. I don't think just by limiting height that you are
going to be improving the situation.

CHAIRMAN HOOD: Okay. We have all weighed in. We have something before us. Any further discussion? Again, even though I cited the wrong regulation, I think that because it says the limit is 110, but even at that, Commissioner May, I think what I'm hearing from Commissioner Selfridge and possibly Schlater and possibly Mr. Turnbull is that, you know, I think -- I don't want to be a mind reader, because if that was the case, I probably wouldn't be sitting here. I would be somewhere worth a lot of money.

But I think your issues, you don't want to put it out there if you know that you are going to have a problem later, because you know that's what is going to be presented, pretty much.

I mean, I'm not speaking for you. I'm kind of trying to figure out where --

COMMISSIONER MAY: Yes. I'm not inclined to vote for something, you know, take
Proposed Action in favor of something if I have significant reservations about what is included within it.

Just as a matter of -- I mean, it's one thing to take Proposed Action knowing that we are going to tweak things later on, but if we are talking about something that -- where I have some fundamental issues, I'm not inclined to vote in favor of it at Proposed Action.

It's not to say that it couldn't be -- that my concerns couldn't be addressed and that we could somehow get to a Proposed Action. I'm -- I don't know. I mean, I think that we are -- it feels to me like we are trying to accomplish too much with this particular chapter, that we are trying to not just deal with a constrained situation, but try to somehow use this as the vehicle for creating or encouraging, you know, grander creativity because the city simply needs better buildings than the boxes that we get.
Well, I'm not sure that this is necessarily the right way to go. Maybe there is a reason to be doing that somewhere in the city. I don't think that here where we are constrained, we necessarily are adopting the correct strategy.

I mean, if we wind up with massing that is similar to the buildings around it, I don't think that is a loss. You know, even though the buildings around it in the immediate vicinity may not be terrific, wonderful buildings, there are some other nicer buildings not very far away.

I mean, there are some good buildings that have been built around there that are very well designed and some of them were PUDs. Most of the better ones probably were PUDs.

I don't know. I mean, it was suggested during the hearing that maybe this should be handled as a PUD. I don't know how complicated that gets, because we have to do
so many other things with this chapter, the text, that it might not be practical to consider it as a PUD.

But maybe the -- you know, what we need to do is, I don't know, allow a certain height and then allow some additional height as a PUD. I don't know.

You know, I kind of -- I would prefer to be seeing the whole thing as a Stage I PUD. In my gut, it seems like, you know, that's an established process and it's a way that could work.

I mean, another thing that we have done before and unfortunately hasn't resulted in specific buildings yet, but we did use a form-based zoning for Reservation 13. And maybe that's what this is calling for, that we need to actually attempt to try to sculpt where the massing is going to be on this to try to address some of the concerns. I don't know.

I mean, these are all sort of
practical solutions to the problem. I'm still trying to get myself comfortable with the idea of measuring off the viaduct, which I just have a negative reaction to that, in the first place.

I can understand where this is a unique circumstance and, you know, we are dealing with having to build a platform on top of railroad tracks and so you are starting at a higher height and you don't get the parking underneath it and all of these other things. So I know that it is different and it's unusual. And there are only a couple of places in the city that are really like this.

But I want to be really, really sure if we are going to go down that road that there really are not other circumstances, that this is not going to be coming back to us as precedent setting for, you know, every other elevated highway in the city, you know, at some point, or, you know, even if it is not us.
Well, I'll still be here in 20 years, but, who knows about you guys.

CHAIRMAN HOOD: I don't know, I may join you. You never know.

COMMISSIONER MAY: Absolutely.

CHAIRMAN HOOD: I'll be here. So let me ask you this. I think I counted -- Mr. Turnbull, did you want to add something?

COMMISSIONER TURNBULL: No. Well, I wanted to add that I think that Commissioner May brings up some good points. And I would say that any height, 110 or 130 feet, does not guarantee good design. I wouldn't say 130 is any better than 110 or 90 or whatever else.

I think that Commissioner May was bringing up that it's a philosophy of approach to this area, that there has to be something that is going to bind this thing together that we are going to get good architecture out of it, good design and good, you know, urban sense of place.

So I think Commissioner May has
brought up some issues, I think, that we are all concerned about. It's that we want this to go ahead. We want this. It's a difficult site. It's, you know, a unique site. But I think just, carte blanche, that 130 feet, go for it guys.

I think we are being remiss. We are not -- we have to have some kind of input on this to make sure that this thing goes down in a way that when it is done, we all feel comfortable about it.

CHAIRMAN HOOD: But you know, I don't know if we -- aren't we saying carte blanche 130 feet? Are we saying that we, as I think Commissioner Selfridge mentioned, reserve the right to look at that? That we can tighten it up and look at that at a later time?

COMMISSIONER TURNBULL: Well, I just don't want to get to Building 1 and it comes out it's 130 feet, Building 2, oh, it's 130 feet, we have to have 130 feet. Building
3, oh, we have to have 130 feet because we can't afford to do anything else. So before we're done, we've got -- I mean, that's what I'm worried about.

CHAIRMAN HOOD: They don't do that in this city, right? Vice Chairman Schlater?

VICE CHAIRMAN SCHLATER: I just want to say I don't feel strongly that every building on this site should be 130 feet. I think there have already been provisions made that some of the buildings on the site are going to be less than 130 feet, particularly at the northeast corner of the site.

One potential way forward is right now the master plan review level is a fairly limited review. It speaks to open space. It speaks to alleys and right-of-way. You could add into that list of things you are reviewing at the master plan level, similar to a PUD review, a sense of how tall the buildings are going to be on each of the building pads that get created.
And that might provide a path forward where we are acknowledging up front that you don't necessarily get 130 feet. You have to propose the height on the different blocks of the site at the master plan stage. And we review it at that point.

COMMISSIONER MAY: So you are suggesting beefing up the master plan review requirements?

VICE CHAIRMAN SCHLATER: Correct. And then it becomes a little bit more PUD-like without being a PUD. Right now the master plan review criteria is in 2923, page 12 of the revised report. And the criteria right now is "Internal connectivity, external connectivity, private right-of-way width, sidewalk width and community outreach."

I would not have a problem adding in -- I don't feel like we need to see the massing of each building. You know, I don't need to see the design of every building that is coming through there. And I don't even
need to see a block design of it.

But I think you could look at the -- you could approve the height of the different blocks as part of that review.

CHAIRMAN HOOD: So --

VICE CHAIRMAN SCHLATER: Just add it as a seventh criteria.

CHAIRMAN HOOD: -- that kind of alludes to what Commissioner May mentioned. You mentioned something that we did do at our Reservation 13, a form-based -- I guess what I'm trying to do, I know what the vote -- I mean, I think I calculated as it states how to move.

I think the vote would be 3 -- I'm not really sure where Mr. Turnbull -- I'm just trying to see that we move along in consensus, so that's what I'm trying to get.

And, obviously, from what I have heard, I'm more confused now on how we can approach this to at least get the ball rolling. And I agree with you, Commissioner
May, and not voting for something proposed knowing that you have a problem with it and knowing it's probably going to be similar at final, you know, when we vote.

But also in consideration of my colleagues, who have -- the Vice Chairman just mentioned something about a next step in the master plan, but, at some point, we need to figure out how we are going to move. I'm not saying we all have to agree.

Now, somebody may be out on the limb voting against this, but on down the line, I think everybody's contribution to this is significant. And I have learned that by being here and looking at a project in this city right now. So I don't want to discount.

And one person told me something and I think of that every time I'm there about that one -- John Parsons, Mr. Parsons, mentioned something to me and here I am 10 years later regretting I didn't do what he said to do, I will tell you.
So I'm just thinking that how do we move this thing forward where all of us can kind of agree to move it forward in the fashion that we move forward? Form-based Code? What is it? Commissioner Selfridge?

COMMISSIONER SELFRIDGE: Just to-- I want to associate myself closer to Mr. May's position. I do think we could find a path forward tonight, but I'm not sure I articulated it, but I would certainly share the concerns that he raised about a carte blanche 130 feet.

Not to say that we are not going to decide down the road or somebody else will decide down the road that that's okay, but I think that I would probably be uncomfortable, at this stage, just kind of letting that one go.

So I'm hopeful we can find a path forward, but I think that this is a serious issue that needs to be addressed at this stage.
CHAIRMAN HOOD: Mr. Bergstein, let me get clarification. Are we saying carte blanche 130 feet?

MR. BERGSTEIN: You're not saying carte blanche 130 feet. But you are saying that except for the limited area that we just discussed, 130 feet is the maximum allowable height.

You do have within the Stage I and Stage II reviews a review of the height of the building that is proposed. So that is there and I think the concern is that, what I hear from Mr. Turnbull, by allowing -- by saying you can have up to 130 feet, that's what you are going to get in each application.

But the fact is that for the Stage I, Stage II reviews, height and the visual relationship of each building unit is a part of both of those reviews. And it will happen at that time.

So, no, you are not giving them carte blanche. You are giving them an outer
envelope that they will have to justify with each Stage I, Stage II or consolidated application. At least, that's how I interpret the regs. And again, if I misinterpret that, I would invite OP to correct me.

CHAIRMAN HOOD: Okay. We'll go back to you, Mr. May and Mr. Turnbull. If we proceed in the fashion that we just heard from Mr. Bergstein, and then knowing that at first stage we will have another bite or another chance to revisit that -- and I agree -- I hear you, Mr. Turnbull, about pretty much their right.

They will probably come back with 140 feet. But anyway, you're right, that probably will happen. But I think in this discussion, I think the applicant is here, they hear us. The threshold is going to have to be pretty high for that 130 foot height.

And I don't get into better designs at 90 feet and 130 and poor architecture, because there's a whole lot of
stuff up here. I disagree, but sometimes I yield to my professionals. Some times, but not all the time.

But I think what we heard Mr. Turnbull and also Mr. May, could we move along tonight and get your support in that? I know I'm putting you on the spot, but can we move together in that fashion in what we heard Mr. Bergstein just mention? It's not carte blanche.

If not, can somebody give me a resolution?

COMMISSIONER TURNBULL: Well, what are we doing? I mean, are we just approving what -- the language that is here or are we making some changes --

CHAIRMAN HOOD: We can make changes.

COMMISSIONER TURNBULL: -- based on Mr. May or the Vice Chair had said it.

CHAIRMAN HOOD: We can tighten it up, but again, back to the 130 feet issue, as
Mr. Bergstein has already mentioned, we are not giving carte blanche. I'm not sure where that word came up tonight from, carte blanche, but we're not --

COMMISSIONER TURNBULL: I don't believe I said that.

CHAIRMAN HOOD: You didn't?

COMMISSIONER TURNBULL: No.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: I don't believe I said that.

CHAIRMAN HOOD: Well, that seems to be the -- but anyway, it doesn't appear, but while I --

COMMISSIONER TURNBULL: It used to be a credit card. I don't know if it still is.

CHAIRMAN HOOD: They never sent one to my house. So if we want to revise something, let's do it. I know sometimes it's hard to rework it here on the dias, but if not, what do we need to do? Do we need some
more time to figure something out to strengthen this?

    COMMISSIONER TURNBULL: I'm looking at the other end of the dias at Mr. Selfridge and May.

    COMMISSIONER MAY: Well, personally, I am not fond of the idea of trying to fix the language right here and now from the dias, because I think it is more complicated than what we can really effectively work out ourselves.

    And, you know, I'm sure the Office of Planning has been listening to us very carefully and I would be, you know, inclined, more inclined to try to give them some direction on changes that we would like to see to incorporate the -- you know, our thoughts, at this point, and, you know, let them come up with their best version of this.

    And, you know, as quickly as we can, take the matter up again and take action at a future meeting, with the understanding
that one way or another, we will -- you know, I would commit to taking action at that next meeting.

COMMISSIONER TURNBULL: Well, maybe we can get Ms. Steingasser's input on this point.

CHAIRMAN HOOD: Let me do this, before we go to Ms. Steingasser, the way I count the votes, really if I called for the vote tonight, it would pass, unless I'm mistaken.

The way I count the votes, the way I counted is 3-2, but I want to make sure the way I counted. Now, I may be wrong. I've been wrong before. But the reason we are doing this is because at the end of the proposed, all of us are going to have to be in tune with the first stage.

COMMISSIONER TURNBULL: Yes.

CHAIRMAN HOOD: I believe we are going to be around for the second stage or whatever. So that's why I want to make sure
we kind of move forward together.

So as Mr. Turnbull has already mentioned, maybe I waited too late, I want to go to Ms. Steingassser.

Okay. I missed that, so it's 3-2 the other way. Okay. But I do take Mr. Turnbull's concern. I take your concern seriously, because I think you are right, Mr. Turnbull. If we say 130, everybody is going to come up with 130.

But also, I would hope that listening to all the concerns that you have with 130 and make it really fit as the Vice Chairman mentioned.

Now, that's kind of -- I'm putting all this together to make it work, but, obviously, there are some reservations. So let's go to Ms. Steingassser.

MS. STEINGASSER: We would rather take a two week delay and try to work through some language to give some ease to the Full Commission through the master plan language
and the first stage language.

The applicant -- the property owner, the development rights' owner has no problem with a two week delay. And we think we can solve some of your problems through some clarification.

CHAIRMAN HOOD: Okay. Do we need to provide any more guidance, Mr. May?

COMMISSIONER MAY: I think so. No, I was just going to suggest, you know, sort of recapping some of our thoughts that have come out so far, but also being a little bit more specific.

I think that some of what makes me uneasy about this is some of the particular views in certain directions. And, you know, I do harken back to the form-based zoning effort under Reservation 13, not that I really want to start that as a precedent, but there are already certain parts of the site where you are proposing more limited height and maybe that's simply the way to try to address that.
So I would encourage some thought about what massing is right in what aspects of the site and be a little bit more prescriptive about that as opposed to simply saying we are going to do a master plan review and it's going to be specific to, you know, the issues of height.

So I mean, I guess, that's all I really wanted to add to the discussion. I wouldn't just limit it to sort of a new and improved master plan review or master plan criteria, but actually think very carefully about what height is appropriate and in what parts of the site.

And, you know, well, if there is a massing, some consideration of massing that goes with that, either in the form of section drawings or something like what was done here, that's always -- that always makes it easier to understand these things. That's it for my suggestion.

CHAIRMAN HOOD: Anybody else would
like to expound on that, other than what we have already said or what we have already heard? Okay.

Okay. So we're going to put this off for two weeks. Ms. Schellin, could you give us some dates?

MS. SCHELLIN: Yes. I just wanted to clarify from OP if they were looking at the March 14th meeting? And if so, if we could just set a date for their report to come in by noon on March 8th?

MS. STEINGASSER: Yes, yes.

MS. SCHELLIN: That will work?

MS. STEINGASSER: Yes, absolutely.

MS. SCHELLIN: Since this isn't their normal report, they don't need to do that 10 days before, if the Commission will agree, otherwise, they would have to file that by Friday and I think that's pushing it.

CHAIRMAN HOOD: Whatever it takes to get us --

MS. SCHELLIN: Yes. I think --
CHAIRMAN HOOD: -- to resolution.

MS. SCHELLIN: -- if we could get it by noon on March 8th, we could do that.
Okay.

CHAIRMAN HOOD: Okay. Anything else? Are we all on the same page? Okay. We actually don't have anything else on the agenda. Do we have a status report?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: It's not really -- it says none under Hearing Action, but at the next meeting, I'm going to be asking the Office of Planning to work along with OAG to work along with the Office of Zoning to also work along with us, so we can revisit, reenergize the ZRR process.

I do not -- I would not intend on going back over the three years of work that we have already done, but I will say that we need to figure out and bring some resolutions or some solutions to the table to kind of have a roundtable, so we can make sure that
residents of this city are engaged with the roundtable process.

Case in point, Council Members have assigned members or asked members to represent them at the Task Force and we need to make sure that everybody is galvanized and reenergized to start showing back up at those meetings, because we do not want to get to the end of the book and then the whole city comes out, 600,000 or whatever it is, whatever the count is that we have, and say that they did not have a chance to participate in the process.

I want to make sure that we have exhausted all these options, that make sure whether you live in Ward 3 or Ward 8, that you have been involved with this process or somebody has been speaking on your behalf, because when you wake up and the zoning has changed or uses have changed in your neighborhood, then that's not going to be the time for us to change it.
The time for us to do it is now. So I'm going to ask the Office of Planning, Office of Zoning, Office of Attorney General and if I have to, we will go around and mention to the Council Members to try to get everybody galvanized, reenergized.

So I think it is incumbent upon us to be able to make sure that we do that. So that's going to be on the agenda in March, so bring your ideas.

Again, we are not trying to go back over all the work that we have already done, because I think there has been some good work done. But I want to make sure that everybody is still in tune and participatory in the process.

So do we have anything else?

MS. SCHELLIN: No. We are done.

CHAIRMAN HOOD: All right. With that, this meeting is adjourned. Thank you.

(Whereupon, the Regular Public Meeting was concluded at 7:32 p.m.)