GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

SPECIAL PUBLIC MEETING

THURSDAY

OCTOBER 9, 2014

The Special Public Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:00 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SARA BENJAMIN BARDIN, Director
SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel
ZEE HILL
OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
JOEL LAWSON
ELISA VITALE
STEVE COCHRAN

The transcript constitutes the minutes from the regular meeting held on October 9, 2014.
CONTENTS

Planned Unit Developments .................. 5
Campus and Private School Plans .......... 200
Chanceries ................................. 237
Creation of New Zones ..................... 245
Mixed Use Development Standards ........ 272
Industrial ................................. 253
Adjourn
CHAIRMAN HOOD: Good evening ladies and gentlemen this is a public meeting of the Zoning Commission. My name is Anthony Hood along with Vice Chair Cohen, Commissioner May, Commissioner Miller and Commissioner Turnbull. We are also joined by the Office of Zoning Staff by Director Bardin, Secretary to the Office of Zoning Ms. Sharon Schellin, Special Assistant Ms. Zee Hill, Counsel to the Office of Zoning Ms. Bushman. Office of Planning will be joined by Ms. Steingasser, is Mr. Lawson going to join us? Okay Ms. Steingasser, Mr. Lawson, Mr. Vitale and Mr. Cochran.

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 at our meetings unless the Commission requests someone to come forward. Please be advised this proceeding is being recorded by court reporters also webcast live. I want to
remind you that we do not eat or drink in the hearing room with the exception of water. The Court must ask you to refrain from any disruptive noises or actions in the hearing room including any display of signs or objects. Please turn off all beepers and cell phones. Does the staff have any preliminary matters?

MS. VITALE: No sir.

CHAIRMAN HOOD: Okay colleagues tonight=s a continuation of deliberations on line 4 we have planned unit developments, campus and private school plans, chancelleries, creation of new zones, mixed use development standards, downtown and industrial. I would ask that we rearrange, I would like to do downtown first unless someone else sees another way we should do it. Let=s do downtown first and we will continue in the order in which is noted on the Agenda. Any objections? Would somebody like to move something else closer up? If we want to move as we go along we can switch it around okay.
Give me one moment let me shuffle my papers around.

Okay the first 1(a) Expand Area of tool Application. Set down includes existing DD, TDR receiving areas, comp plan high density areas adjacent to DD and TDR receiving areas within the exception of properties adjacent to Connecticut Avenue North of Rhode Island Avenue, South of Pennsylvania Avenue North West between 19th Streets and 22nd Streets in the Capitol Gateway Overlay.

Now a few of the public comments support set down proposal, do not expand, do not include area west of 20th Street North of Pennsylvania Avenue, do not include area west of 17th Street North of Pennsylvania Avenue, South, I'm sorry, South of Pennsylvania Avenue do not include square 116 bounded by MN 19th 20th Streets NW and Dupont Circle overlay, do not include areas west of South Capitol Street correct proposed zoning of Hay-Adams Hotel at 16th and H
Streets NW to eliminate proposed residential requirement. Options: Expand and set downtown with corrections, expand but eliminate one or more of the areas noted in public commons. Recommendations: Adopt is set down and correct zoning of Hay-Adams Hotel.

Any comments?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Any questions?

Okay quickly I just want to ask Office of Planning, I am not going to belabor the point I know during the testimony one of the concerns from some of the groups were that we were expanding downtown and I know that was this whole argument about whether or not we had the jurisdiction and authority to do this. I know what we are trying to achieve, do we know that we are able to do this from some of the comments we have heard during the testimony provided by some of the community folks?

MS. STEINGASSER: Yes sir the Zoning Commission absolutely has the authority
to expand the zoning regulations.

CHAIRMAN HOOD: Okay thank you.
All right that was my question let's move along.
Anybody?

COMMISSIONER TURNBULL: Yes I wondered could you maybe just remind me about
the zoning on the Hay-Adams Hotel?

MS. STEINGASSER: Right now it is
currently C4.

COMMISSIONER TURNBULL: C4, okay.

MS. STEINGASSER: We proposed the
equivalent in the D District but it also has a
residential requirement that inadvertently got
assigned to it.

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MILLER: Mr. Chairman
I would just note that the proposed it's my
understanding I am reading from Office of
Planning response to some of the comments which
expressed concern about the expanded downtown
so Office of Planning correct me if this is, if
the statement is wrong but the proposed new
downtown zones reflect those areas within the Central Washington area which are identified on the comp plans future land use map as high density commercial, high density residential or high density mixed use.

MS. STEINGASSER: Yes sir, that=s correct.

COMMISSIONER MILLER: So that=s the main logic for including them in this expanded area. Mr. Chairman I would move unless somebody else has further comments to adopt as set down and correctly proposed on the Hay Adams Hotel. Can I ask for a second?

CHAIRMAN HOOD: I=ll second it. It=s been moved and properly seconded. Any further discussion? All those in favor say aye.

CHAIRMAN HOOD: Ms. Schellin would you please record the vote.

(Chorus of ayes)

MS. SCHELLIN: Staff records a vote of 5 to 0 to 0 to adopt a set down the areas where
the DD will be met and correct the proposed zoning of the Hay Adams Hotel Commissioner Miller moving, Commissioner Hood seconding, Commissioners May, Cohen, and Turnbull in support.

CHAIRMAN HOOD: Okay next method of regulation continues to regulate by zone, oh I=m sorry, 1(b). Already starting off, okay 1(b) remove D zone areas not designated for high density set down exclude non high density DD areas. Public comments, there were none. Office of Planning=s recommendation is to adopt as set down. We have the chart below.

COMMISSIONER TURNBULL: So this is really a subset of the previous what we just passed. This is exclusions in that area and the one circled in red are the ones to be eliminated.

MS. STEINGASSER: Yes, that=s correct they are currently in the DD but they have no DD benefits that generate no bonuses that don=t actually have any of the advantages
of requirements of the DD so we proposed to take
them out.

COMMISSIONER TURNBULL: Okay.

VICE CHAIR COHEN: Mr. Chairman, I
move to approve the removal of D zone areas not
designated for high density and ask for a
second.

CHAIRMAN HOOD: Okay is removal of
the property seconded? Any further
discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin I am
going to stop calling for opposition if I hear
everyone so maybe that will help us get finished
instead of 11 o’clock 12 o’clock I mean 10:30
. Okay Ms. Schellin is recording.

MS. SCHELLIN: Staff records a vote
of 5 to 0 to 0 to remove the D zone areas not
designated for high density Commissioner Cohen
moving, Commissioner Miller seconding,
Commissioners Hood, May, and Turnbull in
support.
CHAIRMAN HOOD:  Okay now method of
regulation 2(a) contains to regulate by zone
and certain areas by both zone and location.
Zone names set down, consolidate 17 zone names
into 11 zone names.  Public comments: 4-digit
names are too complex. Office of Planning
recommendation change names to be more in line
with naming format of other zones adding an R
to identify where residence is required. The
table is before us.

COMMISSIONER MILLER:  Mr. Chairman
I have a question.

CHAIRMAN HOOD:  Yes.

COMMISSIONER MILLER:  So later in
the write up I see reference to a R5E zone that
will be newly designated D1R.

MR. COCHRAN:  That=s correct it was
a DR5E.

COMMISSIONER MILLER:  Right but
that=s not showing up on the chart.

MR. COCHRAN:  It=s D1.

COMMISSIONER MILLER:  But it=s not
MR. COCHRAN: Correct, that it can easily be added.

COMMISSIONER MILLER: Okay I'm just trying to clarify that there should be a D1R if we are making reference to it elsewhere in the text.

MR. COCHRAN: Okay.

CHAIRMAN HOOD: Okay any other questions?

VICE CHAIR COHEN: Mr. Chairman I move to accept the zone names that have been proposed.

CHAIRMAN HOOD: Okay it=s been moved and properly seconded. Any further discussion? All those in favor aye.

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin would you record the vote.

MS. SCHELLIN: Staff records a vote of 5 to 0 to 0 to change names to be more in a line with naming format of other zones adding
Federal Geographic Subareas

Commissioner Cohen moving, Commissioner Turnbull seconding, Commissioners Hood, May, and Miller in support.

CHAIRMAN HOOD: Okay next 2(a) geographic sub areas. Retain provisions of exiting DD retail Arch, Chinatown and Mount Vernon triangle subareas regulate subareas by street frontage instead of by square and lots. Add subareas for preferred use and design. Connecticut Avenue between K Street and Rhode Island Avenue NW. Add subarea for 1st Street NE between K Street and Florida Avenue NE. Capitol Gateway Area Inc. in D zones. Areas where located base regulations are now in zone-base regulation 700-900 blocks of Southside of M Street NW, Pennsylvania Avenue NW, North side of M Street SE and SW and Capitol Gateway Overlay and M Street.

Public comments: Proposed regulations do not accurately reflect previsions, urban designs, studies for South
Capitol Street that came from NCPC. The recommendation is to adopt the setdown and to expand boundaries of proposed M and South Capitol Street subarea to include all property between I and M Street SW the fronts on the west side of the South Capitol Street or N Street SW. Any discussion?

VICE CHAIR COHEN: Yes, I believe that your recommended setdown does now address NCPC=s comment is that correct?

MR. COCHRAN: That is correct.

VICE CHAIR COHEN: Then I have another question which is a little out of leftfield. The Arts District and then there is an Arts overlay up in Adams Morgan U street Corridor.

MR. COCHRAN: They are separate zones.

VICE CHAIR COHEN: I know, and I am wondering why don=t we make the whole city and art zone? Just overlay the whole bloody city because one of the things that I think our city
lacks is really great outdoor art. We have a lot of memorials to death, heroes but we don’t have any, we really have minimum amounts of sculptures that are really beautiful. I mean we even lost the big chair out in Anacostia I believe it=s being moved. We need more art in our city and we don=t seem to encourage it.

MS. STEINGASSER: We hear you, and all I can do is promise that that would be something we can look at in 2015. We also beg you not to hold up this; that is a much more major comprehensive look we would have to work with the Arts and Humanities the art downtown and the arts overlay do two completely different things they include different things as arts obviously the arts overlay looks at restaurants and bars as arts so we would have to, it would really be a much larger comprehensive study than we could achieve as part of the zoning rewrite.

VICE CHAIR COHEN: I just wanted to throw it out there because anytime I see the
word arts I start thinking more broadly and I did understand there was a differentiation but I am not sure actually a lot of people understand, you know general public so you may want to just take that into consideration.

MS. STEINGASSER: It is also something we can look at as part of the comprehensive plan as we move into that you know, what would be arts in different neighborhoods and how could we begin to integrate that.

VICE CHAIR COHEN: That's an excellent idea.

CHAIRMAN HOOD: Okay any other comments, questions?

COMMISSIONER MAY: I wanted to just follow up on the NCPC comment and question this starts to address the issues raised by NCPC but that is just one component but there are other parts of subsequent recommendations that continue to address issues. All this does is say that it includes the area that was a concern
to them, or one of the areas.

MR. COCHRAN: That is correct.

You will see as you go through that it is addressed in other sections.

CHAIRMAN HOOD: Okay any other questions or comments? Okay I will move that we accept the recommendation and any comments that had been mentioned and ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All those in favor say aye.

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin will you record the vote.

MS. SCHELLIN: Yes, Staff records a vote of 5 to 0 to 0 with regard to the geographic subareas to accept as setdown, the language as setdown, Commissioner Hood moving, Commissioner Cohen seconding, Commissioners May, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay, next 2(a)iii
designated streets, primary, secondary and other special. Establish a system of designated street frontages where special uses or design elements are required or prohibited. Designate as either secondary or primary streets and frontages in existing DV zones and CG overlay areas proposed for incorporation into D zones where adjacent buildings must now provide a minimum amount of preferred uses and meet street frontage design standards. Designated primary streets, all streets where curbs cuts are not now permitted, restrict parking or loading entrances on primary streets, designate as primary streets the following street frontages outside the existing DD. Connecticut Avenue between K Street NW and Rhode Island Avenue NW, 1st Street NE between K Street NE and Florida Avenue designate as unclassified designated streets the frontages that are not primary or secondary but not have existing requirements such as setbacks above certain heights.
Public comments additional streets such as N Capitol Street, Independence Avenue SW and K Street NW should have lower height restrictions and or upper story setbacks. This is a comment by NCPC. Office of Planning recommendation adopt a setdown and add the following streets as unclassified designation streets with one to one setback above 110 feet the South side of Independence Avenue SW between 2\textsuperscript{nd} and 12\textsuperscript{th} Street SW, North Capitol Street NW South of 8\textsuperscript{th} Street NW the West side of South Capitol Street between I and M Street SW. Okay any comments? Any questions?

COMMISSIONER MAY: So again this is another part of looping in and addressing NCPC=s comments.

MR. COCHRAN: It is OP=s attempt to address it.

COMMISSIONER MAY: Right.

CHAIRMAN HOOD: Okay and you know I noticed and I am going to say this while we are doing this, I noticed that a lot of comments
even every day that we have been deliberating this week have been comments from your advisor neighborhood commissions which we have given them great weight as always and also community organizations so I noticed that a lot of these recommendations are falling in even though we have it as a recommendation to us but a lot of that has been inclusive of the ANC=s which we give great weight to as well as community groups and I am looking at this as I am reading all of these again I am noticing that some of the public input is also incorporated into the recommendation so let everyone know that no one was disregarded a lot of that was encompassing to this so this is going to be a finished product at the end that we all have worked on, not just the Zoning Commission Office, Planning Office, Office of Zoning but the City as a whole. Okay would someone like to make a motion?

COMMISSIONER TURNBULL: Mr. Chairman, I would move that we adopt OP=s recommendation for the Item 2(a)iii, do I need
to repeat it all?

CHAIRMAN HOOD: No.

COMMISSIONER TURNBULL: Look for a second.

COMMISSIONER MILLER: I second it.

CHAIRMAN HOOD: It is moved and properly seconded any further discussion?

COMMISSIONER MAY: Yes I just wanted to mention that the specific height that would be allowed on Independence Avenue is still an open issue and it’s addressed later but I would take it up in the I forget which one it is, 3(e) where we talked to specifics of height and setback on the South Side and Independence Avenue so one aspect of NCPC’s concerns but it’s more appropriately taken up under 3(e).

CHAIRMAN HOOD: Okay, it’s been moved and properly seconded any further discussion? All those in favor aye.

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin will you record the vote.
MS. SCHELLIN: Staff records a vote of 5 to 0 to 0 to adopt a recommendation with regard to the designated streets primary, secondary and other special. Commissioner Turnbull moving, Commissioner Miller seconding, Commissioners Hood, May, and Cohen in support. I do want to go back on the one prior to that I think I said that the Commission adopted as setdown but the recommendation was as setdown and to expand the boundaries of proposed M and South Capitol Streets subarea to include all property between I and M=s Street SW that fronts on the West side of South Capitol Street SW. I just want to correct that because I think I recorded the vote as just setdown, thank you.

CHAIRMAN HOOD: Okay thank you.

Next three development standards general height and FAR for non-historic sites not otherwise noted below. The setdown is contained in Table One page 5 including no FAR increase from existing limits without the
provisions of housing other preferred uses of
the purchase of credits including converted
TDR=s and CLB=s. No height increase without
the provisions of housing other preferred uses
of the purchase of credits including converted
TDR=s or CLB=s with the following exceptions:
C3C-TDR receiving zones propose D5 other than
the downtown East receiving zone without FAR
increases the C3C zone on South Capitol Street
SW between I and N Streets proposed D5R without
FAR increases, the DD-C3C HK zone where
residential uses are already required propose
D5R without FAR increases.

Public comments: Height increases
without FAR increases with encouraged greater
design flexibility support height increases in
existing DD zones where retaining existing
limits outside of existing DD. Required
design review for buildings in the D5 zone that
do not have preferred uses or credits but are
taller than 110 feet require designs review of
South Capitol Street for building taller than
90 feet. Increase both height and FAR for preferred uses and credits in all proposed D zones and restrained heights on streets with vistas deemed to be in the National interest. The recommendation adopted set down with the following changes, permit height increases on blocks of South Capitol Street between I and M streets SE with only 15 foot setbacks on the West side one to one setbacks above 110 feet and NCPC review. Any comments?

COMMISSIONER MAY: I have a couple of comments. The first one is that now we are getting into the meat of trying to address the NCPC=s comments. Previously it was just about what gets included now it=s about what you are doing to address the concerns that they raised and it=s not totally clear to me that what you are proposing is in line with what they requested. Can you tell me where you stand in your discussions with NCPC?

MR. COCHRAN: Yes sir, I will start with South Capitol Street. We responded to
NCPC by trying to promote symmetry in the views of going north on South Capitol Street as you are looking at the Capitol Street as you are looking at the Capitol Dome so both sides could rise as high as a 130 feet so they would setback at 110 feet and the 15 foot setback on the west side because of the change in the alignment of the road it begins to line up those three blocks of South Capitol Street with the rest of South Capitol Street south of that and corresponds to what the appearance is of where the building can be located on the East side of South Capitol Street.

COMMISSIONER MAY: So that=s not exactly what NCPC requested.

MR. COCHRAN: No it=s not exactly what they requested this is our response and adjustment.

COMMISSIONER MAY: So tell me what you perceive the difference to be. What were they asking for that you weren=t willing to do?

MR. COCHRAN: I believe I would
have to look back at the comments, I believe that they did not want the buildings to go taller than 110 feet.

COMMISSIONER MAY: At all on South Capitol.

MR. COCHRAN: I believe that that is the case I would have to look back at my comment sheet.

COMMISSIONER MAY: Okay that is my recollection too I just wanted to make sure I was understanding the same thing that you were.

MR. COCHRAN: That=s correct so they would be 20 feet shorter on than on the East side.

COMMISSIONER MAY: Okay, thanks.

CHAIRMAN HOOD: Any other questions?

COMMISSIONER TURNBULL: Right now under the Capitol Gateway they already have that setback right?

MR. COCHRAN: That=s correct.

COMMISSIONER TURNBULL: And we
have review by the Zoning Commission for elements to look at for a design review.

MR. COCHRAN: That’s correct.

That is one reason we expanded that subarea for South Capitol M so that your review would be incorporated.

COMMISSIONER TURNBULL: The height now is?

MR. COCHRAN: The height now is 90 unless you go to a PUD in which case it’s 130.

COMMISSIONER TURNBULL: But you have to have the setback.

MR COCHRAN: On the west side no you do not on the west side at this point. In the Capitol Gateway yes.

COMMISSIONER TURNBULL: We have looked at any number of situations on that side.

COMMISSIONER MAY: So in other words, we already have 130 feet through a PUD through part of this area anyway.

MR. COCHRAN: That’s correct.

COMMISSIONER MAY: Okay.
CHAIRMAN HOOD: Okay any other questions? Let me just ask one of the comments the concern and I think this is the appropriate time is probably throughout this whole section and this comes from the Committee the concern that the FAR limit would disappear and would replace with unlimited FAR. With a lot of what we are doing are we actually doing that?

MS. STEINGASSER: Yes, yes we are but there are conditions on what that FAR can be so it=s similar to the downtown where if it can be unlimited up to what the height act or the zoning permit in terms of height but it would have to be for housing or art or other identified preferred uses. It couldn=t just be for an office building that is not related to some particular purpose which we have identified as housing bonus housing preferred uses or arts.

MR. COCHRAN: There is a chart on page 7 that highlights where the areas are, where there would be increased height or
increased FAR.

CHAIRMAN HOOD: Okay. Page 7 of which document?

MR. COCHRAN: Of the downtown worksheet.

CHAIRMAN HOOD: Oh okay yes okay I saw that.

MR. COCHRAN: The area in green is areas where there would be height increases and or FAR increases with the provision of either TDR=s or housing credits or other preferred uses that are noted in the zoning regulations.

COMMISSIONER MAY: If I could interrupt it looks like most of that has to do with the heights. The heights aren=t changing dramatically in most cases it=s mostly about what the FAR could be if the height remains the controlling factor in most of those cases and it=s not that different from what was there before.

MR. COCHRAN: That=s correct which I also.
CHAIRMAN HOOD: All right I appreciate Commissioner May’s comments because one of the concerns was how it was going to transition in scale and I see it’s not that much of a major difference but it is a difference so. Any other questions, comments? Mr. Miller.

COMMISSIONER MILLER: So I’m just trying to understand how this would work on terms of the permitting height increases on blocks of South Capitol between I and M Street SE only with, is SE right?

MR COCHRAN: It should say SW if it doesn’t.

COMMISSIONER MILLER: It says SE on our work sheets. That confused me. The main question I had was so would any proposed project above 110 feet have come to the zoning commission for review as well?

MR. COCHRAN: it would be as part of the subarea recommendations.

COMMISSIONER MILLER: Okay, okay thank you. Oh and in terms of NCPC I thought
there was something in the record from; all
these comments were from NCPC staff as I
understand it and not from the Commission
itself but is that correct?

MS. STEINGASSER: That is correct,
yes.

COMMISSIONER MILLER: And the; I
thought there was something in the record after
their discussions with you that they were
satisfied with your response to their concerns.

MR. COCHRAN: I don’t recall seeing
that.

COMMISSIONER MILLER: Okay maybe
that was another issue.

MS. STEINGASSER: With McMillan I
believe there was a supplemental but we did work
with the staff and I want to posture there we
absolutely agree that there are areas that have
federal interest in terms of design that are
framing very prominent, very internationally
recognized federal areas and we are trying to
find that balance where their interests are,
where they have an opportunity to weigh in, their interests are respected as well as recognizing that some of the stuff may end up being private development. That=s the line we are trying to find as we continue to work with them.

COMMISSIONER MILLER: Thank you. I appreciate your working with them. I think you=ve as we go through this, we=ll see how much you have worked with them.

CHAIRMAN HOOD: Okay any other questions or comments? Okay.

COMMISSIONER MAY: Mr. Chairman I just want to note again that the chart is showing the Independence Avenue height and I do want to make an issue but again I will take it up at 3(e) rather than in the discussion on the chart.

CHAIRMAN HOOD: Okay.

COMMISSIONER MILLER: I=d like to move that the Commission approve the recommendation on general height and FAR for
non-historic sites not otherwise noted below
and item 3(a) with the change that we’ve mostly
discussed regarding permitting height
increases on the block to South Apple Street
between I and N SW only with 15 foot setbacks
1 to 1 setbacks above 110 feet and NCP review
and ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMEN HOOD: It’s been moved and
properly seconded. Any further discussion?
All those in favor?

(Chorus of ayes)

CHAIRMEN HOOD: Ms. Schellin would
you record the vote?

MS. SCHELLIN: Staff records a vote
of 5 to 0 to 0 to accept the general height and
FAR for non-historic sites not otherwise noted
below per the recommendation. Commissioner
Miller moving, Commissioner Cohen seconding,
Commissioners May, Hood, and Turnbull in
support.

CHAIRMEN HOOD: Okay next 3(b)
height for historic properties and locations not otherwise noted below. Setdown limit to 90 feet the height of a building on a portion of a site occupied by historic landmark or contributing building in the D1R-D2-D3 zones in the D4 zone and the D5 zone and D5R zone.

Public comments: Limitation reduces potential by right building heights by 20 feet and discretionary heights by up to 40 feet in the D5 zone. OP recommendation and the D1R through D5 and D5R zones limit to 90 feet the height of a building on the portion of site occupied by historic landmark or contributing building unless a greater height is permitted as a special exception by the Board of Zone Adjustment and with the following additional criteria. The avocation shall be sent to the Office of Planning for review and comment by the Historic Preservation Review Board staff or whether and where a height greater than 90 feet on the site would not be substantially detrimental to the historic property. Any
comments?

MS. STEINGASSER: Mr. Hood I am sorry to interrupt but I have to correct this and I apologize. This actually is not our recommendation I didn’t want to interrupt you and I didn’t want to make you read it all the way through it either. Our recommendation is simply the setdown. We have looked at this but it clearly mingles the jurisdictions in a way between the HPRB and the BZA that is completely inappropriate and I apologize. Our recommendation is simply that of the setdown text.

CHAIRMAN HOOD: Okay so we can disregard all of what I just read and strike that from the record. The recommendation is to setdown, what I read earlier in setdown. Any comments or questions?

COMMISSIONER MAY: No special exception and no HPO review.

COMMISSIONER MILLER: Won’t the HPO review happen anyway? That was my question
I was going to ask.

MS. STEINGASSER: Yes it will and sending it to the BZA then created a conflict of jurisdiction.

COMMISSIONER MILLER: That was going to be my question about the recommendation that it didn’t seem necessary, it seemed redundant.

CHAIRMAN HOOD: Okay well since you struck it I won’t ask the question about the HPO staff because I was wondering was it a staff or was it board but that’s been struck so I won’t worry about that. Any other questions? We have before us a recommendation.

COMMISSIONER MILLER: Mr. Chairman, I would move that the Commission accept the recommendation made in item 3(b) height for historic properties and locations not otherwise noted below limit to 90 feet the height of the building on the portion of the site occupied by historic landmark or contributing building in the D1R, D2, D3 zones
and the D4 zone and the D5 zone and then the D5R zone and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay so we moved and properly seconded. Any further discussion? All those in favor, aye.

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin would you record the vote.

MS. SCHELLIN: Staff records a vote of 5 to 0 to 0 to accept the height for historic properties and locations not otherwise noted below per the setdown. Commissioner Miller moving, Commissioner Turnbull seconding, Commissioners Hood, May, and Cohen in support.

CHAIRMAN HOOD: Okay next the height adjacent to the east side of North Capitol Street between G Street NE and Florida Avenue NE and the west side of North Capitol Street between 8th Street NE and D Street NE setdown adopt proposed new zones retaining existing non-discretionary height limits to
public comment required 1 to 1 setback above 110
feet on North Capitol Street South of K Street.
The recommendation is to adopt a setdown and
require 1 to 1 setback above 110 feet along
North Capitol Street between Louisiana Avenue
and H Street NW and designated sections of North
Capitol Street as an unclassified designated
street. We have the pictoral on the very next
page. Any comments or questions?

VICE CHAIR COHEN: I just want to
again I don’t think we dealt with this
definition in classified designated street so
is it necessary to add that to a definition or
is it something that everybody assumes that
what an unclassified designated street is.

MR. COCHRAN: Earlier this evening
you adopted a classifications of primary and
secondary streets. What could otherwise be
called tertiary streets sound funny so we just
called them unclassified designated streets.
If you would like we could come up with a
different name for them but a designated
unclassified street is a street that has some sort of restriction other than the kind of retail requirements and design requirements that primary or secondary. An example of what is not an unclassified designated street is Massachusetts Avenue where there is a setback at 110 feet or above 110 feet.

VICE CHAIR COHEN: I think it is necessary again for the lay person who may pick up this or go online I think this is a definition that may need to be included. I just remember going back to my initial days and weeks and months of struggle and I had the time to look into it but not a lot of people do.

MR. COCHRAN: Fine we will look at both the name and the definition of the name.

CHAIRMAN HOOD: Okay any other comments? Mr. May.

COMMISSIONER MAY: Okay so this is an area where you actually have spelled out the difference between what NCPC would recommend and what you=ve recommended which is that they
would like to continue the 1 to 1 setback north
of H Street all the way out to K and you are
recommending that we allow 130 feet all the way
up in that same segment.

MR. COCHRAN: One hundred thirty
feet is already allowed through TDR receiving
zone.

COMMISSIONER MAY: But how much is
actually built to 130 feet at this point?

MR. COCHRAN: In that particular
block?

COMMISSIONER MAY: Well in between
H and K yes.

MR COCHRAN: Between H and K there
is nothing built to between 130 feet. One side
of the street is Gonzaga Complex and the other
side is buildings most of which were
constructed in the 1980=s. They range from,
they are generally 90 feet.

COMMISSIONER MAY: It=s not likely
that one side of that block is Gonzaga it=s not
likely that is going to change much right.
Aren’t most of those designated?

MR. COCHRAN: They are all designated yes.

COMMISSIONER MAY: They could all build over there what is currently the playing field but the other buildings there are historic I would think the rest of the campus.

MR. COCHRAN: One is a PUD on the east side the one that sort of mimics the way that the GPO looks and the rest is historic. There is one that the park service was in for a while, I believe it was the park service.

COMMISSIONER MAY: My memory doesn’t go back that far the park service anyway. The PUD that’s right at the corner of H and how tall is that?

MR. COCHRAN: Actually that may be 110, I am not sure sorry.

COMMISSIONER MAY: Yes it’s pretty big.

MR. COCHRAN: It’s as tall as the GPO and the GPO is 110 to the first coronus.
COMMISSIONER MAY: Okay. And on the other side of the street we have your former offices.

MR. COCHRAN: Correct.

COMMISSIONER MAY: Everything north of that to K.

Mr. COCHRAN: Correct.

COMMISSIONER MAY: It’s where the Department of Education was where DCRA used to be that whole complex and then the building that might be built in the courtyard in between them.

MR. COCHRAN: The one that has been coming since 2008.

COMMISSIONER MAY: Right I remember that. Okay thank you. Sorry I have one other question, what is the width of North Capitol. Its 130 feet all through there right is that what I am seeing on your drawing?

MR. COCHRAN: Yes sir.

COMMISSIONER MAY: Thank you.

VICE CHAIR COHEN: Mr. Chairman I move to accept 3(c) height adjacent to east side.
of North Capitol Street between G Street NE and Florida Avenue NE and west side of North Capitol Street between H Street NE and D Street NE and require 1 to 1 setback above 110 feet along North Capitol Street between Louisiana Avenue and H Street NW and designated a section of North Capitol Street as an unclassified designated street. That will be clarified maybe in the definitions. Can I have a second?

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It have been moved and seconded any further discussion? All those in favor?

COMMISSIONER MAY: Oh I=m sorry I was waiting for any further discussion before we voted.

CHAIRMAN HOOD: Okay let=s, okay Commissioner May.

COMMISSIONER MAY: So I just want to say I am sympathetic to the concern that was raised by NCPC I think at this point I am okay with proceeding with this vote but I would just
note that there is some unease on my part and
I would expect that this is something that would
come back as a comment from the full Commission
when it is reviewed by the Commission later on
in the process and we may need to take that up
again at that point or I may want to not that
I could necessarily prevail on it but it’s just
one of those areas of unease.

COMMISSIONER TURNBULL: Commissioner May are you looking at the setback
or?

COMMISSIONER MAY: Yes they
requested the setback in order to better frame
the view toward the Capitol.

COMMISSIONER TURNBULL: Right.

COMMISSIONER MAY: I’m sympathetic
to that I am not totally convinced by modeling
that was shown in their submission but it is a
view of some concern.

COMMISSIONER TURNBULL: But we had
the 1 to 1 setback.

COMMISSIONER MAY: We don’t, not
between H and K.

COMMISSIONER TURNBULL: Oh but not
between H and K.

COMMISSIONER MAY: It=s a relatively modest expansion of that 1 to 1 setback.

COMMISSIONER TURNBULL: But I am sure OP could consider that.

COMMISSIONER MAY: Well they have and they rejected it in that section. They=re on the 1 to 1 setback between Louisiana and H but not north of H. So all I am doing is noting a concern about it.

COMMISSIONER TURNBULL: I would agree.

COMMISSIONER MAY: It=s not a closed issue for me at this point but I will go along with this for right now and see what the public has to say and what NCPC has to say.

CHAIRMAN HOOD: Okay Ms. Schellin record the vote.

MS. SCHELLIN: Staff records a vote
of 5 to 0 to 0 to accept the height adjacent to
east side of North Capitol Street between G
Street NE and Florida Avenue NE and the west
side of North Capitol Street between H Street
NE and D Street NE as recommended by the Office
of Planning with the Office of Planning taking
a look at the unclassified designated street
and the comments that Commissioner May just
made. Commissioner Cohen moving, Commissioner
Miller seconding, Commissioners Hood, May, and
Turnbull in support.

CHAIRMAN HOOD: Let me just say so
it won=t be a shock to anyone later on that a
lot of these once I see them formatted and be
able to really read them in the text while I am
sitting here approving things now and as long
as it doesn=t jump out at me right now there may
be some things that I may revisit so I don=t want
anybody to be shocked and I appreciate that
point Mr. May because I would agree with it 100
percent. Okay let=s go on to 3(d). Height
adjacent to the west side of South Capitol
Street between I and M SW setback between I
Street SW and .200 north of the centerline of
M Street SW and include in the proposed D5 zone
all property bounded by N, M, Half and South
Capitol Street SW currently zoned C3C or CG/C3C
increased non-discretionary height from 90
feet to 130.

Public comments: Additional
studies needed for implications of the 130 foot
height do not permit 130 foot heights and
increased densities without public input
through a PUD. Office Planning
recommendations and illustrations above see
Section 2-a-2 include in a proposed D5 zone the
squares bounded by South Capitol Street, Half,
I and M Street SW permit up to 130 feet of height
require 1 to 1 setback above 110 feet require
15 foot setback for the entire length of
building frontages on South Capitol Street.
Prohibit interests to parking and low on
facades facing South Capitol Street required
design review and comment by NCPC for buildings
taller than 110 feet through the expansion of the M Street South and South Capitol Streets Suburra. Designate this portion of South Capitol Street as the other unclassified Street. Any comments?

COMMISSIONER MAY: So I would like to ask again about the NCPC position basically recommending that buildings taller than 110 feet through the expansion of M Street South and South Capitol Street subarea go for NCPC design and review and comment but were they asking for all building or were they asking for only buildings of 110 feet to be reviewed?

MR. COCHRAN: I would have to look back at the comments on all buildings. Currently --

COMMISSIONER MAY: What do they have now are Capitol Gateways.

MR. COCHRAN: No they don=t on the west side.

COMMISSIONER MAY: They don=t on the west side.
MR. COCHRAN: A very small portion of the NW corner of South Capitol on M is in the Capitol Gateway possibly not even large enough to be an entire building. The rest of that area is permitted 90 feet by right and 130 by PUD.

COMMISSIONER MAY: They review PUDs in the Capitol Gateway overall.

MR. COCHRAN: As part of the PUD yes.

COMMISSIONER MAY: But what about the Capitol Gateway overlay review.

MR. COCHRAN: They do participate in that.

COMMISSIONER MAY: Right and that=s regardless of height.

MR. COCHRAN: That is correct

COMMISSIONER MAY: I thought that was what they were looking for was that same level of review and what you=ve elected to do is extend that level of review for only tall buildings.

MR. COCHRAN: That is correct.
COMMISSIONER MAY: I am just trying
to decipher the distinction here not that I have
any great discomfort about it I am just trying
to understand this point. Okay.

COMMISSIONER TURNBULL: Why
wouldn’t you extend it?

MR. COCHRAN: The difference
between what they would review and proposed and
what they would review now is about 20 feet. It
seems to be in that location probably a
distinction without a difference. It does
seem unlikely that that close to the Capitol on
that prominent a street that a developer would
build less than the height that they are
permitted in which case NCPC would be permitted
review for any building that is likely to go up.

COMMISSIONER TURNBULL: Okay
you’re basically-- this requirement is
basically bearing the other side of the street.

MR. COCHRAN: That is correct.

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MILLER: Mr.
Chairman, I don’t know if there is further discussion but I would like to move that we, that the Commission accept item 3(d) the recommendation for the height adjacent to the Office of Planning recommendation adjacent for the height adjacent to the west side of South Capitol between I and N Street SW and ask for a second.

VICE CHAIR COHEN: Seconded.
CHAIRMAN HOOD: Okay it has been moved and properly seconded. Any further discussion? All those in favor aye.

(Chorus of ayes)
CHAIRMAN HOOD: Ms. Schellin will record the vote.

MS. SCHELLIN: Staff records a vote of 5 to 0 to 0 to accept the recommendations for the height adjacent to the west side of South Capitol Street between I and M Streets SW. Commissioner Miller moving, Commissioner Cohen seconding, Commissioners May, Hood, and Turnbull in support.
CHAIRMAN HOOD: Okay next, height and setback of south side of Independence Avenue SW between Second and 12th Street SW subject to CFA review setback increase permit non-discretionary height from 90 feet to 130 feet with no setbacks through preferred use bonuses. Public comments require building face setback of 88 feet from centerline of Independence Avenue permit up to 110 feet of height plus 20 feet penthouse at 1 and 1 setback. The recommendation, permit non-discretionary heights up to 130 feet through preferred uses of credits bonuses. Require 1 to 1 setback above 110 feet. Require building line setback of 88 feet from the centerline of Independence Avenue and designate as an unclassified designated street. We have a graphic chart below. Any comments?

COMMISSIONER MAY: Yes, so I definitely appreciate the fact that the Office of Planning is now recommending a setback of 88
feet from the centerline of Independence Avenue. As I recall this is roughly equivalent to the face of that one little corner at Department of Agriculture the South building there that aligns more or less with that.

MR. COCHRAN: That is correct I measured to Forrestal but I think that’s the same.

COMMISSIONER MAY: Right, so I appreciate that that’s included. What I would like to speak up for at this moment is actually adopting their recommendation that the height of buildings along Independence Avenue be limited to 110 feet with the, of course they will have whatever penthouse above that but I think that they submitted some simulations of what it would look like with buildings setback at or rather not setback at the full height of 130 feet and that’s quite disturbing. They also showed views of buildings, and what I am talking about views of views of buildings from the Mall so this is one of those circumstances
where this is a National Park Service interest
in fact we have a letter in the record from the
National Park Service supporting NCPC on this
and I think that 110 feet is a more appropriate
height for buildings along that line. I think
there is a lot of new density that is going to
come into that area and I would just prefer that
it would be a little bit further off the mall
rather than having it crowding in, if you will,
on what is otherwise a spacious area on the
mall.

COMMISSIONER MAY: Mr. Chairman, I
mean--

VICE CHAIR COHEN: I have a
question.

COMMISSIONER MAY: If there were no
questions, I was going to go ahead and make a
motion.

VICE CHAIR COHEN: I was just, you
had indicated that you were very uncomfortable
with some of their materials and their studies;
so I was wondering, I assume you=re more
COMMISSIONER MAY: I don’t think I ever said I was very uncomfortable with their studies. I think what I—

VICE CHAIR COHEN: You questioned.

COMMISSIONER MAY: I think what I said was that I had some questions about what we were seeing in those simulations. But yes, these are very different from what was done on North Capitol Street. And this simulation, I think, is very accurate and does show very large buildings looming behind the Smithsonian Buildings on the south side of the Mall.

VICE CHAIR COHEN: All right, and just for the record, I’m passing along some information that was submitted by NCPC. I’m now handing it off to Chairman Hood to look at.

CHAIRMAN HOOD: Actually—

VICE CHAIR COHEN: Yes?

CHAIRMAN HOOD: I don’t necessarily need to review. I’ll be frank and honest; any time it’s a hundred and thirty feet,
I get itchy. I don’t care where it is. So, I’m just being honest about it, so; I support Commissioner May’s addition or amendment, or however you want to put it.

COMMISSIONER MILLER: I was just interested in getting the Office of Planning’s comment on why they recommended it the way, or their reaction to the, what Commissioner May has said, if they choose to do so.

MR. COCHRAN: We have worked very closely with NCPC on this and the adjacent zone for a year, year and a half. We certainly understand their concern, and especially as it’s adjacent to the Mall.

Perhaps we are being too formalist, but we basically mimicked the heights on Constitution Avenue where they rise to a hundred ten feet and then ultimately to a hundred and thirty feet as they move towards the center of the building.

And it, again to be formalistic, if you go take a dividing line down the center of
the Mall and you follow them, they're twin streets, Independence and Constitution. So we're applying the same standards.

COMMISSIONER MAY: So I have a question for you on that. The buildings that are on Constitution Avenue that you say rise up to the, a hundred and ten feet and then ultimately to a hundred and thirty. Do they have penthouses on top of the hundred and thirty?

MR. COCHRAN: I'm sorry; I don't know.

COMMISSIONER MAY: I don't believe they do. I believe that the buildings themselves rise up there, there's an upper setback area there. I don't think there's another--

MR. COCHRAN: Yes.

COMMISSIONER MAY: --residence above that. So, and I think that's what NCPC is trying to accomplish as well. You know, I could be wrong; but that's my impression. Or
that=s my recollection, and we got into the heights of the buildings on Constitution Avenue and to a great extent on, at NCPC when we were reviewing the Museum of African-American History and Culture. And so we were studying those buildings carefully. That was my recollection.

Unless there=s further discussion, I would go ahead and make a motion.

COMMISSIONER MILLER: I wanted to ask Commissioner May, I mean, can the view be, the simulation that was passed around that we saw previously in the record, is, can that be mitigated by an additional setback as opposed to reducing the overall height?

COMMISSIONER MAY: You know, I=m not sure that it can, because from that angle, you know, stepping it back, I mean, you=re at such a shallow angle when you=re seeing it from the Mall; that pushing it back a little further isn=t necessarily going to make that much difference in terms of the perceived height.
It may look like it=s, you know, two
or three feet lower. I mean, it=s certainly
something that if somebody wanted to do a
further simulation and we want to revisit the
issue later on, I=d have no objection to that
if there were, you know, if it could be shown
by simulations that it=s, you know, stepping it
back further is no big deal.

But I think that for right now, the
only thing I=m really comfortable with is a
hundred, a flat hundred and ten feet, assuming
a twenty foot penthouse, or 18=6" at the moment,
but possibly 20= in the future.

MR. COCHRAN: OP would be happy to
look at additional simulations, especially
given the depth of some of the buildings on
Independence Avenue, which are quite deep
before former streets are no longer there.

COMMISSIONER MILLER: I would like
to see those additional simulations, and also
get confirmation of the, of how Constitution
Avenue actually, if it does, if the height does
function with the penthouse as Commissioner May has said.

VICE CHAIR COHEN: Mr. Chairman, I just want to say that I would concur with Commissioner Miller, with trying to get a little bit more detail on this Constitution Avenue.

COMMISSIONER TURNBULL: I=m not opposed to having those studies done. I think one of the issues you get into the more you set back and the more you start having the building look like a ziggurat, going back, which may or may not be great, depending on how well it=s handled and what the architect does. But it could look like a little bit of a wedding cake step back.

But I would agree. I=m am nervous about the height, because we went through a lot of concerns about the view shed, even looking at the Eisenhower Memorial. And what you see and how the buildings line up and the view along Maryland Avenue to the Capitol; so I would agree
with Commissioner May and Commissioner Hood, that I think we ought to take a look at limiting the height along here.

COMMISSIONER MAY: Okay, so I would make a motion that we accept a modified version of OP=s recommendation; where we permit nondiscretionary heights of up to a hundred and ten feet through preferred uses or credit bonuses, require one to one set, no, that would not need the one to one setback.

Require building line setback of eighty-eight feet to the center line of Independence Avenue and designate as an unclassified designated street. I think that captures it.

CHAIRMAN HOOD: I=ll second that. It is moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin, would you record the vote?

MS. SCHELLIN: The staff records
the vote 5 to 0 to 0 to permit nondiscretionary heights of up to a hundred and ten feet through preferred uses or credit bonuses. Regular building lines setback of eighty-eight feet from the center line of Independence Avenue, and designate as an unclassified designated street. Commissioner May moving, Commissioner Hood seconding; and Commissioners Miller, Turnbull and Cohen in support.

VICE CHAIR COHEN: But are we still going to ask for additional study from OP?

CHAIRMAN HOOD: Yeah, I think that was understood; I think everyone here agreed, right? Okay. Yeah, we can do that.

Okay, height of Pennsylvania Avenue Northwest subject to the Commission of Fine Arts Review, setdown, continued to permit a hundred and thirty-five feet height for the first feet back from Pennsylvania Avenue and a hundred and sixty feet thereafter in D7 zone, i.e., north side of 10th and 15th Streets.

Public comment: Make consistent
with the Pennsylvania Avenue Development Corporation=s plan. I believe that=s what that stands for. The Office of Planning recommendation: Adopt as setdown. Any comments? Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. Can you tell us, does, is it consistent with the Pennsylvania Avenue Development Plan?

MR. COCHRAN: What we=ve done is moved the existing zoning regulations into the new zoning regulations. nothing has changed. There is a study that=s just started on the PAD

Plan and I=m sure that once that is completed, OP will be considering that and its impact on any zoning regulations. But for now, we have not proposed changing anything.

COMMISSIONER TURNBULL: That sounds very tentative. I mean, it sounds like you will consider the new plan.

MR. COCHRAN: It=s no different.

COMMISSIONER TURNBULL: Than the
old plan.

MR. COCHRAN: Yes, we will, when that comes through, we'll certainly look at it as another plan that has to be considered and if need be, we would recommend changes in the existing zoning regulations to you. But right now, these are the requirements on Pennsylvania Avenue. The PADC Plan is in effect now and we've, we're just simply transferring it.

COMMISSIONER TURNBULL: Oh, so you're saying the existing plan is covered by the regulations?

MR. COCHRAN: I am not guaranteeing that the existing regulations reflect the PADC Plan in every square. They're simply the existing regulations.

MS. STEINGASSER: If I could add a little bit. This zone reflects what's the current C5 zone and the C5 zone was based on the PADC Plan at that time. We do not want to go back and mend the C5 zone to reflect the PADC Plan, because the PADC Plan is being revised.
Once the PADC Plan is revised, we will absolutely bring back any necessary changes for inclusion in the zoning regulations.

COMMISSIONER TURNBULL: Okay, can we make sure that's on your calendar to do that for us?

MS. STEINGASSER: As we're part of the--

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: The analysis team and with the FBI Building in play, it will be a very prominent study and we'll be very much involved.

CHAIRMAN HOOD: Any other comments? Questions?

COMMISSIONER MAY: Yeah. So I'm also heavily involved in the PADC, or the study of the PADC Plan and potential updates to it. And I'm not sure how far it will go into any treatment of buildings. You know, my perception of it is that it's mostly about street scape and about enlivening the street
and uses and things like that. It's less about anything having to do with building form. So I think it's highly unlikely that there's going to be any significant difference in the future. I also think that the time frame for that is such that it is a few years into the future; not to mention the fact that there are certain things that would have to happen probably on the Congressional level in order for there to be any real change. I mean, I think one of the objectives of that whole study is to move out of the PADC mode where we're dealing with the legacy of an organization that doesn't exist and you have sort of a cobbled-together review process involving NCPC and GSA and others; and it's more complicated than it needs to be. So it needs to move out of that mode, but again, I don't think that's going to result in significant changes to the form of buildings and so I would strongly suggest that we should go ahead. Right now, the zoning regulations are not consistent with the setback revisions.
of the PADC, I would suggest that we get them in sync now. I mean, this is our opportunity to kind of fix things in the regulations.

MR. COCHRAN: The existing regulations certainly reflect the Height Act along Pennsylvania Avenue. The existing regulations promote the PADC Plan through the incentives that they provide for certain uses.

The PADC Plan gets very specific on probably more than a dozen squares in the downtown. Most of those specifics were handled through the Land Disposition agreements that the PADC engaged in.

There is no longer a corporation. If one of those buildings were to come down, presumably and I have not read the covenants, maybe a new building would have to go up the same way or maybe it would be subject to our zoning. But I do know that the PADC Plan in all of its detail is very complicated and specific.

And if we were going to do this, I would suggest that for now, simply move the
existing regulations in, which haven’t done any harm, and then ask us to look at it as the new PADC Plan unfolds.

COMMISSIONER MAY: Yeah, I’m not, again I understand that its complicated. I have read some of those covenants and they’re incredibly complicated. The, I just think this is an opportunity to get the zoning regulations fully in sync.

Now, it may not be a matter of going block by block and imposing the same requirements block by block, and my reading of what NCPC is recommending is that there are some ways to fix what you got to make it in sync. And I just think it’s worth the effort to try to get that done now rather than wait.

I mean, what I would prefer at this moment is that we not act on this particular recommendation and that we ask the Office of Planning to continue to work with NCPC to get it straight.

Because I just, I think it’s, it
kind of looks foolish for us to be passing something that may not be consistent with the PADC requirements and at this stage. Granted, it may have to be adapted in the future if there are actually are changes to the physical circumstance of the avenue; but I also don't think they're going to be, there's going to be much along that way. And I just think it's a matter of, you know, working things out with NCPC.

VICE CHAIR COHEN: How much is the difference, though? Is there a great deal of difference between the PADC Plan and what you're proposing? And the reason why I'm concerned is that again, it's this, you know, Federal shadow that's always over us. I would rather--

COMMISSIONER MAY: Its actually about not casting shadows, I think, or about, than about casting shadows. But I, I wouldn't agree with that. I mean, Pennsylvania Avenue is, it is a street within the District, but it
is also Pennsylvania Avenue.

I mean, it is the most, one of the most important iconic spaces in Washington. It should be treated differently than any other street.

VICE CHAIR COHEN: I don=t want to argue over that. I just don=t think that there is that much of a difference. Now I may--

COMMISSIONER TURNBULL: But you don=t know. We don=t have a comparison sheet, and I think that=s what we need is a comp that shows what=s in the PADC and what=s, what is now proposed by our zoning regs. And we really need to see, you know, one sheet and the next sheet, because I mean, I would, the PADC was a big deal.

VICE CHAIR COHEN: Mm-hmm.

COMMISSIONER TURNBULL: I mean, that revitalized all of Pennsylvania Avenue; that was a huge effort. And it was a significant effort for the city. And I think that we really need as Commissioner May said,
I think we’re going to see both sides of the balance sheet and see what we have.

MR. COCHRAN: We will be happy to do that and expand into the several areas off of Pennsylvania Avenue to compare all of those areas in downtown.

COMMISSIONER MAY: That’s what I really need to be able to move forward with this. I mean, it may be that that would have gotten a whole lot of words about not very much. But I don’t think so, in reading the things that I read here in NCPC’s concerns. I think its substantial enough that we ought to address it. We ought not simply take the old stuff and poured it into the new regs.

CHAIRMAN HOOD: Okay, any other comments? I’m not that familiar with the PADC; I think I was in elementary school. I was just sitting here thinking about that fact.

But I will tell you that I do agree with the comments that I heard from Commissioner May; that is a very important
street. And the thing, the one thing I like about anything is consistency, so I would take their recommendation. And I'm not sure where everyone else is.

VICE CHAIR COHEN: That's fine.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: We'll wait until we get the--

CHAIRMAN HOOD: Okay, so we'll put that one off.

VICE CHAIR COHEN: Is that going to be, that's going to be put off until the special public meeting in December? You'll come back and revisit that one or?

CHAIRMAN HOOD: We're supposed to have, we're looking for a side by side comparison?

MS. SCHELLIN: We'll have that by the November 3rd.

VICE CHAIR COHEN: November 3rd, and then we'll bring it back up at the, we'll take it up in December. Okay.
CHAIRMAN HOOD: Okay. Next, height and setbacks adjacent to residential areas of West End. Setdown eliminating existing requirement for structures and the current new downtown TDR receiving zone to be setback at the 45 degree angle above ninety feet.

If the area adjacent to or across alley from an R zoned lot or from the MU zone west of 20th Street Northwest, alternative. Retain existing setback requirements for properties adjacent to an R zoned lot or from the MU zone west of 20th Street Northwest.

The public comments: New buildings will be too tall and the recommendation is to adopt the alternative. Any comments?

COMMISSIONER MAY: I would make a motion that we accept the alternative retain existing setback requirements for properties adjacent to an R zoned lot or from an MU zone west of 20th Street Northwest.
COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It has been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Not hearing nay opposition, Ms. Schellin.

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to adopt the height and setbacks adjacent to residential areas of the West End, adopting the alternative. Commissioner May moving, Commissioner Turnbull seconding, Commissioners Hood, Miller and Cohen in support.

CHAIRMAN HOOD: Okay, height and proposed D8 zone, Federal Triangle south. Subject to ZC, CFA and partially to NCPC review. Setdown increased heights for what are now Federal properties from ninety feet to the lesser of a hundred and thirty feet on the width of the street right of way plus twenty feet.

Public comments: Do not permit
heights greater without rededication of L=Enfant Street and provisions of preferred uses or purchase of credits. Give NCPC design review of all projects. Permit height greater than ninety feet only through a PUD. Permit nondiscretionary heights up to a hundred and thirty feet to promote the sale of GSA land to the private sector for mixed use development.

The recommendation: Okay, we have three recommendations. Permit heights up to a hundred and thirty feet or as limited by Federal legislation. Subject to the dedication of granting a public easement of the following segments of historic L=Enfant Streets as may be incorporated into the District of Columbia=s highway plan.

Maryland Avenue between 9th and 12th Streets Southwest, C Street between 7th and 12th Streets Southwest. D Street between L=Enfant Promenade, 10th Street Southwest and 12th Street Southwest; 12th Street, 11th Street, L=Enfant Promenade, 10th Street Southwest between
Independence Avenue Southwest and the former right of way of Maryland Avenue Southwest.

And before permitting access to heights over a hundred and ten feet require zoning commission review and approval and for areas where there is no CFA involvement, the review and the comment of the NCPC of the proposed development congruent with the comprehensive plan, the Maryland Avenue Plan and the subsequent plans for the D8 zone area.

First alternative: Permit heights up to a hundred and thirty feet or as limited by Federal legislation without historic street dedications or easements.

And the second alternative: Permit heights up to a hundred and thirty feet or as limited by Federal legislation only through Plan Unit Development and review.

Any comments? Okay, Commissioner Miller?

COMMISSIONER MILLER: Mr. Chairman, I would be inclined to go with
alternative number two, to permit heights up to a hundred and thirty feet or as limited by Federal legislation, only through Planned Unit Development review.

That, the OP recommendation for that zone just seems, I just can=t, it just seems overly complicated to have in a zoning reg, a user-friendly zoning regulation.

I think we can accomplish all of what=s trying to be accomplished in the OP recommendation and the NCPC=s recommendations and through the PUD process, where there will be plenty of public input and NCPC input as well.

So that=s just my inclination, when I read through that the first time and now hearing it for the third time. I had to read it twice to even understand it.

CHAIRMAN HOOD: Okay.

COMMISSIONER MILLER: I=m not sure I fully understand it.

CHAIRMAN HOOD: Okay, well, I know
there was quite a bit in the recommendation, but
the alternative, Mr. Cochran, help me understand. Give it to me in layman=s terms.
The hundred and thirty feet or as limited by Federal legislation only though; help me understand that.

MR. COCHRAN: The OP recommendation first tries to achieve the re-establishment of the rights of way of L=Enfant Streets. We do that by, the recommendation would do that by limiting the amount of development that could occur on a site unless if the, by the way, all of this, the D8 zone covers only land owned by the Federal Government. It=s all GSA property.

So if this land were to transfer into private ownership, development would be limited to 6.5 FAR for basically office space. A future owner would not be permitted to get more FAR or additional height without first dedicating rights of way that were historic L=Enfant streets, that were closed off during
the 1960=s.

Then they get access to various tools, that are similar to tools at other parts of town. Where, if they provide certain uses, mainly residential but also some other things; then they get access to the whole system that gives them additional height and bonuses and credits and things like that.

So what it does is, it gets the streets rights of way, not necessarily the streets, and it gets that as by right development that requires not the Zoning Commission or NCPC the review of how much the density is going to be on the building, just what its development plan would be.

The attempt was to get some surety about the amount of square footage that could be developed on a property before anyone bid on it, should GSA ever decide to sell their land.

Alternative two would permit buildings to rise to what=s permitted by the Height Act, and not have to dedicate the
streets. And a refinement on that, which we had intended, would be that they would get the additional height and/or density then, only through the provision of residential uses, credits, etc., just like in the rest of town. Downtown, rather.

And the alternative two is to permit things to go above a hundred ten feet, which is what a C3Z zone is now limited to, only through a PUD. So basically, it would treat this zone as a current C3Z zone. And that would, it would be up to the Zoning Commission to determine whether the future developer would be required to do certain public benefits.

MS. STEINGASSER: So if I can paraphrase that, tell me if I=m wrong. Under the OP recommendation, it=s a by rights scenario where the streets are identified as being required to be dedicated; and that=s either, may not be right of way dedication could be an easement dedication; but it=s purpose is to re-establish those L=Enfant streets.
And then there’s design review that goes to the Zoning Commission as well as CFA and if it’s not going to CFA, then it would also go to NCPC. So it’s a, it’s a matter of rights scenario where we kind of establish basically the primary public benefit would be those street rights of way.

As opposed to alternative two, which would be a PUD where there would be a side by side negotiation which we felt would be a little bit more at risk of getting those streets.

CHAIRMAN HOOD: Now let me ask you. Alternative one and two. Let’s go to the main recommendation. It says, before permitting access to heights over a hundred and ten requires Zoning Commission review, right? Okay.

Colleagues, for me alternative one and two, the way I read and understand it, to me the unintended consequences. And I think, what I see here, especially some kind of review
over a hundred and ten feet is in line with what I believe I would like to go with. But let me open it up for comments.

COMMISSIONER TURNBULL: I would go with the OP recommendation, parts one and two on, that=s your primary recommendation. I think that gives us some surety, it gives us some input.

I think it=s, I think it makes a lot more sense for the development of the area and I think there is a checks and balances that we, that I would feel more comfortable with. Not that I think, which is what you were getting at, Mr. Chair.

So I would agree with you. I would go along with basically going with the OP recommendation as is, and not doing either alternative one or two.

COMMISSIONER MAY: I would agree wholeheartedly. I think the challenge in this area, when it gets redeveloped, if the GSA starts to sell of these properties. Right now,
they have a bunch of buildings on superblocks. And their mantra when they sell off real estate is to get the absolute maximum value for that.

And that=s, I mean, I=ve had extensive discussions with them on this topic; on the disposition of other properties. And you know, they just won=t bend on it; it=s all about the money. So from their perspective, they=re going to be looking at this as well, potentially it=s a hundred and thirty feet under PUD and so therefore it=s worth, you know, an overlarge amount of money and it=s going to doom our chances of getting the rights of way re-established.

I think it=s, I think what you've come up with here is actually a very progressive way to do it. It may take a few coins out of GSA=s pocket in the long run, but I think it actually, you know, the development community probably would welcome this; because it=s a very clear path.

You know, it takes out some of the
uncertainty in the bidding process; they know what they have to do to comply with it. I think this is absolutely the right way to go and it=s, I think, it=s very smartly done.

CHAIRMAN HOOD: Any other conversations or concerns? I will move that we accept the original Office of Planning=s recommendation as stated and ask for a second.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It=s been moved and property seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition? Not hearing any, Ms. Schellin?

MS. SCHELLIN: Yes. The staff records the vote as 5 to 0 to 0 to accept the recommendation, the original recommendation, not the alternatives with regard to the height and proposed D8 zone, Federal Triangle South; subject to ZC, CFA and partially to NCPC review.

Commissioner Hood moving,
Commissioner Miller seconding, Peter May seconded, Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Next, nondiscretionary densities. Not involving historic properties in zones other than D5 and D8. Setdown, C Tab on Page 5.

Public comment says: Do not increase any nondiscretionary or discretionary FAR=s for any zone. And the recommendation is to adopt as setdown, which is on C Table on Page 5.

Any questions or comments?

VICE CHAIR COHEN: Mr. Chairman, I would move to accept 3(i), nondiscretionary densities not involving historic properties in zones other than D5 and D8. And to adopt it as set down.

CHAIRMAN HOOD: Okay. Second. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to adopt nondiscretionary densities not involving historic properties in zones other than D5 and D8. Commissioner Cohen moving, Commissioner Hood seconding and Commissioners May, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay next, nondiscretionary densities not involving historic properties in proposed D5 zone, set down in a proposed D5 zone, existing C3C TDR, retain the existing 6.5 FAR for office only uses and increase the FAR for residential and other preferred uses. Or for credits, from 10 FAR to an FAR limited only by height and bulk, consistent with the other D zones.

Public comments: Do not increase densities. And the recommendation is to adopt as set down, which I read previously. Let me open it up for any comments.

VICE CHAIR COHEN: Hearing no
comments, Mr. Chairman, I move to accept 3(j) nondiscretionary densities not involving historic properties in the proposed D5 zone. Existing C3, CTDR. Retain the existing 6.5 FAR for office only uses and increase the FAR for residential and other preferred uses or for credits from 10 FAR to an FAR limited only by height and bulk, consistent with other D zones.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay, it=s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Not hearing any, Ms. Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0, to adopt setback for the nondiscretionary densities not involving historic properties in the proposed D5 zone. Commissioner Cohen moving, Commissioner Turnbull seconded, and Commissioners Hood, May and Miller in support.
CHAIRMAN HOOD: Okay. Vice Chair, I'm going to read the first part and you're going to read the public comments to the end.

VICE CHAIR COHEN: Sure.

CHAIRMAN HOOD: Tag team on this one.

Set down in the proposed nondiscretionary densities not involving historic properties in the proposed D8 zone. Set down in the proposed D8 zone existing C3C zone and Federal Triangle south. Permit increases in nondiscretionary densities up to those permitted by height and bulk, subject to the following:

The rededication of former L-Enfant Streets, consistent with an adopted street plan for the District of Columbia and reviewed by the Zoning Commission of the development plan, design and uses of new building construction or building expansions for structures that are or would be at least 9 FAR and a street right of way less than a hundred and ten feet wide and/or
at least 10 FAR on a street right of way at least
a hundred and ten feet wide.

Review by the National Capitol
Planning Commission of the development plan for
structures, and are or would be at least 9 FAR
in the street right of way less than a hundred
and ten feet wide or at least ten feet, I=m
sorry, at least 10 FAR on a street right of way
at least a hundred and ten feet wide for
properties that are not within the review
jurisdiction of the National Commission on Fine
Arts.

VICE CHAIR COHEN: And the public
comments are: (1) Access to nondiscretionary
FAR increases in the proposed D8 zone should not
require the reinstitution of former L=Enfant
Streets. (2) The conversion of Federal
properties to private ownership and use and
access to bonus density. Should be part of a
master development oriented PUD process that
focuses on achieving adequate infrastructure
improvements as public benefits. (3) In the D8
zone, the proposed procedure for accessing additional nondiscretionary density and height will discourage the conversion of Federal land to private use. And (4) the owner of a property in a D8 zone is not legally permitted to set physical or financial conditions for a property prior to sale.

CHAIRMAN HOOD: Okay the recommendation, adopt as set down with the following changes: Tighter provisions for reinstating from L-Enfant Streets rights of way and assessing bonus density to the inclusion of such rights of way in the District, officially highway plan. Setback buildings facing Independence Avenue eighty-eight feet from the street’s center line.

Require one to one setbacks above a hundred ten feet for building walls facing Independence Avenue. Enable NCPC review and comment of the proposed development plans for new buildings or for expansions that would be at least 9 FAR on the street right of way, less
than a hundred ten feet wide, or at least 20 FAR
on the street right of way.

   At least a hundred and ten feet wide
in the areas where the CFA does not have review
jurisdictions. The alternative: Review the
PD application for any development in a D8 zone
with an emphasis on L=Enfant Street reopenings
and infrastructure investments and as public
benefits.

CHAIRMAN HOOD: We have a proposal
before us, and the recommendation. Any
comments?

COMMISSIONER MAY: I have, I wanted
to get a clarification on the OP
recommendation. Since we=ve already voted to
limit height along Independence Avenue to a
hundred and ten feet, at least for the moment;
then that would mean that requires one to one
setbacks above a hundred and ten feet would not
apply. Right?

MR. COCHRAN: That=s correct.

COMMISSIONER MAY: We could just
simply strike that one. And there=s nothing else in there that we voted on, that this would contradict. Everything else here is consistent with what we=ve--

MR. COCHRAN: That= s correct.

COMMISSIONER MAY: --voted to approve so far. Okay.

CHAIRMAN HOOD: Commissioner Miller?

COMMISSIONER MILLER: Thank you, Mr. Chairman. I just have a question in the D8 zone. The proposed D8 zone. Is there anything, there=s noth, is there anything to require housing? It=s just, it=s just a permitted use, right?

MR. COCHRAN: It=s a strongly incentivized use.

COMMISSIONER MILLER: And how is it incentivized?

MR. COCHRAN: You can=t get more than 6.5 FAR unless you provide either housing or a limited number of other preferred uses.
COMMISSIONER MILLER: Thank you.

MR. COCHRAN: And it is subject to IZ.

VICE CHAIR COHEN: Okay, the limited other preferred uses; that includes retail, is that correct?

MR. COCHRAN: There’s not an incentive for retail. There are design requirements for certain streets.

VICE CHAIR COHEN: is that the only competition with housing?

MR. COCHRAN: There are cultural uses that would be permitted in LSDKBE. NCPC in particular, wanted to be able to get credits for cultural uses. Their focus was along 10th Street, the L=Enfant Mall. But at this point, it does apply to the entire zone.

VICE CHAIR COHEN: All right. There’s no way to give a bigger boost to housing? In other words, I think culture, I mean, I don’t want to diminish cultural institutions; I really think they’re...
important. But right now, I think housing is our most critical need in the city. So I would love to see wherever we can, encouraging housing.

MR. COCHRAN: It would be possible to eliminate any bonus for anything other than residential or the purchase of CDL=s. But this, you know, I would just point out that this is an unusual area of the city where you do have a sort of a secondary mall on 10th Avenue, 10th Street, rather. And Independence Avenue is essentially Federal street.

VICE CHAIR COHEN: But it=s adjacent to housing, isn=t it?

MR. COCHRAN: Independence at, none of it, there=s no housing down there. The closest thing is a Holiday Inn.

VICE CHAIR COHEN: I know that Holiday Inn.

MR. COCHRAN: I=m sorry, I couldn=t hear you.

VICE CHAIR COHEN: I have stayed at
the Holiday Inn.

MS. STEINGASSER: We can look at ways of possibly coming up with an extra .5 for housing through reducing the amount of nonresidential, rather than going after it. Because I think the cultural uses are important to activating 10th Street and I still think there=s ways to go after some of that other FAR.

COMMISSIONER MILLER: All the, I=ve done all the plans that have been developed for that area. They do call for a mixture of uses, right?

MS. STEINGASSER: They do.

COMMISSIONER MILLER: including housing. I mean, we want to create, we want to get rid of the office barren thing that=s there now.

MR. COCHRAN: The housing bonus now would be effectively 4.5 FAR.

COMMISSIONER MAY: In my view, that=s a lot of housing and I think actually it=s vitally important to include the cultural
uses; because part of what we’re trying to encourage here is, you know, a neighborhood that people flow through to get all the way down to the waterfront and to, you know, I mean, bring people off the Mall into other interesting, exciting things. And--

VICE CHAIR COHEN: I think housing--

COMMISSIONER MAY: Well, I mean, it certainly allows people to live there, but it isn’t going to make me walk off the Mall to go walk around among a bunch of houses. But if there are cultural uses that are in that area, it is going to incentivize people who don’t live in that area going into it. Which I think is part of what we need.

COMMISSIONER TURNBULL: If we’re finished with our comments, I would move that we accept the OP recommendation for 3(k) nondiscretionary densities not involving historic properties in their proposed D8 zone. And I’m not going to go through the whole list
of recommendations. And I guess the only thing is are we asking OP to look at anything else? Or are we satisfied with what, I mean I heard a lot of different comments, but--

    CHAIRMAN HOOD: Let me second that, first. And then, any further discussion. Go ahead, Mr. Turnbull.

    COMMISSIONER TURNBULL: Yeah, I don't know if there was anything else that we asked them to look at. I mean, we talked about housing, but it sounded like the amount of housing from OP, I mean, they said that they might be able to do more, but it sounded like also from comments I heard that there was, there is a significant amount going in there, or proposed to go in there. Am I reading that right?

    MR. COCHRAN: If you consider 4.5 FAR to be significant, then it's significant.

    COMMISSIONER TURNBULL: Yeah.

    MR. COCHRAN: Minus whatever cultural use is going.
COMMISSIONER TURNBULL: Right.

COMMISSIONER MILLER: Is it 4.5 or 3.5?

MR. COCHRAN: Did I add wrong?

6.5.

COMMISSIONER MILLER: 3.5.

MR. COCHRAN: Well, 3.5 would bring it up to 10; but this allows it, it would allow it to go up to the Height Act limit, which effectively is about an eleven FAR--

COMMISSIONER MILLER: Oh, okay.

MR. COCHRAN: --on a square site.

COMMISSIONER TURNBULL: All right.

Then my motion stands.

COMMISSIONER MAY: Mister, Mr. Chairman, may I--

CHAIRMAN HOOD: It=s been moved and seconded; any further discussion?

MR. COCHRAN: You have a friendly amendment?

COMMISSIONER MAY: I assume you=re adopting the OP recommendation that appears on
COMMISSIONER TURNBULL: Yes.

COMMISSIONER MAY: And I just want to note that that they require one to one setback above a hundred and ten feet for building walls.

COMMISSIONER TURNBULL: I want to make a corollary that based upon our previous talks tonight, that that would change.

COMMISSIONER MAY: Okay.

CHAIRMAN HOOD: Okay. It=s been amended, the motion has been amended, moved and seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

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

MS. SCHELLIN: Yes. The staff records the vote 5 to 0 to 0, to accept the OP recommendation and not the alternative; and that=s based on previous discussions this
evening and votes. With regard to the nondiscretionary densities not involving historic properties in the proposed D8 zone. Commissioner Turnbull moving, Commissioner Hood seconding, and Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay. FAR in Mount Vernon Triangle, subarea courtyards. Do not transfer, the setback says do not transfer provisions, existing provisions that enables the GFA of a certain courtyards covered by the vegetative materials, decreasing storm water runoff or ambient heat buildup to be excepted from FAR calculations.

Recommendations: The first one, do not transfer provision. The alternative: Retain provision.

COMMISSIONER MAY: I didn’t understand this. Can you explain it?

MR. COCHRAN: As the author of the regulation that now exists--

COMMISSIONER MAY: Did you just
call them irregulation?

MR. COCHRAN: That would be kind.

The Mount Vernon Triangle was developed before the Green Area Ratio Concept was in play; and this was a very early attempt to get a green element in. It has not been used, and since then a far more sophisticated program is in place and so since this has never been used, we're going to rely on the GAR instead of this very primitive attempt.

COMMISSIONER MAY: Thank you for that excellent explanation.

CHAIRMAN HOOD: Okay, so we can scrap this one, right? Oh no, okay.

COMMISSIONER MAY: We vote to retain it.

CHAIRMAN HOOD: Retain it, okay.

COMMISSIONER MAY: I would move that we retain the provision.

VICE CHAIR COHEN: I second it.

CHAIRMAN HOOD: No, hold tight. I think--
COMMISSIONER MAY: No, I'm sorry; that we do not transfer it.

CHAIRMAN HOOD: Not transfer it.

COMMISSIONER MAY: Thank you, I'm sorry. I'm just reading the bottom line here.

CHAIRMAN HOOD: The bottom line.

Okay, it's been moved, who seconded it?

VICE CHAIR COHEN: I did.

COMMISSIONER MAY: Okay, would you modify?

CHAIRMAN HOOD: We modify.

COMMISSIONER MAY: Do not transfer.

CHAIRMAN HOOD: Do not transfer the provisions.

COMMISSIONER MAY: Got it.

CHAIRMAN HOOD: Okay, it's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin, would you record the vote?
MS. SCHELLIN: The staff records the
vote 5 to 0 to 0, to not transfer the provision
with regards to the FAR in Mount Vernon Triangle
subarea courtyards. Commissioner May moving,
Commissioner Cohen seconding, and
Commissioners Hood, Miller and Turnbull in
support.

CHAIRMAN HOOD: Okay. next,

MS. STEINGASSER: Again, I
apologize. I don’t want to make you read.

CHAIRMAN HOOD: Thank you.

MS. STEINGASSER: This half a page,

because this is also one where we inserted the
wrong recommendation. Our recommendation is
to, I don’t know what it is.

MR. COCHRAN:
The OP recommendation is to adopt with the revision,
well, our changes, take out the references to
any building that received its first CFO before
1936.

They would not be limited to an FAR

MS. SCHELLIN: The staff records the
of more than 6.0, period.

CHAIRMAN HOOD: So what about the setdown? So what are we doing?

MR. COCHRAN: It would be to continue so that the FAR where property continues, historic landmark, continue rebuilding to an historic district to not more than 6.0 FAR to limit the FAR buildings on lots involved with credit transactions to 6.0 in the D1 and D2 zones to 6.5, and in the D3, D5 and D9 zones to 8.5; and the D6 and D7 zones, for lots fronting on streets less than a hundred ten feet wide and to 10.0 for lots fronting on streets at least a hundred ten feet wide.

MS. STEINGASSER: So it=s the first two bullets under setdown, and the first two under recommendation.

COMMISSIONER MILLER: And we strike the, what=s at the top of Page 14?

MS. STEINGASSER: Yes, thank you. And again, we apologize for that. It=s my fault.
CHAIRMAN HOOD: Okay. We have a recommendation in front of us. Everybody understand what we’re doing? Okay. The recommendation basically is the two bullet points that were up top under setdown.

COMMISSIONER TURNBULL: If no one has any comments, I would move that we accept 3M Historic and pre-1936 sites; using the two bullets under the setdown category as listed by OP. The first two bullets.

CHAIRMAN HOOD: I’ll second it. It’s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: The staff records the vote 5 to 0 to 0, to accept the recommendation, the first two bullets, that is, with regard to the historic and pre-1936 sites. Commissioner Turnbull moving, Commissioner Hood seconding,
and Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay, I’m going to try something different on these next three: 3N, 3O and 3P. You see the setdown and you see the recommendations? Let’s review those three and if there are any comments, just let us, identify which one.

Let’s try to do them in order, though. Identify which one you have an issue with; try to help us move along those. Those are a little shorter. I’ll still go back to reading them when we get to the longer ones.

VICE CHAIR COHEN: Mr. Chair, I just want to note that there were no public comments except under 3N; retain existing provision.

CHAIRMAN HOOD: Okay. So composite FAR for historic properties is 3N. FAR for historic properties employing credits, 3O. And then new communities, 3P.

COMMISSIONER MILLER: Mr.
Chairman, I would move en bloc that we adopt as set down those three items, 3N, 3O and 3P. And ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay, it=s been moved and properly seconded. Any further discussion? Yes, Commissioner May?

COMMISSIONER MAY: Yes, I just have one quick question. I=m sorry if I missed my earlier opportunity to ask questions. What new communities would actually exist within these zones that we need to be concerned about?

VICE CHAIR COHEN: Okay, Barry Farm. Lincoln Heights. Oh, I=m sorry.

CHAIRMAN HOOD: Were you asking the Vice Chair or were you asking--

COMMISSIONER MAY: I=m asking what all communities, what all new communities are.

VICE CHAIR COHEN: I=m sorry.

CHAIRMAN HOOD: You want to sit down with the Office of Planning and field some questions?
COMMISSIONER MAY: Yeah, actually.

MS. STEINGASSER: No, plus one.

COMMISSIONER MAY: That was the only one I could think of.

VICE CHAIR COHEN: Why aren’t there others there?

CHAIRMAN HOOD: Thank you, Ms. Steingasser, for the correct answer.

VICE CHAIR COHEN: I thought the others were also new communities.

CHAIRMAN HOOD: okay, it=s been, it=s not even 8:00 o’clock yet. Okay, it=s, let=s, it=s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: The staff records the vote 5 to 0 to 0, en bloc, to approve the composite FAR for historic properties, FAR for historic properties employing credits, and the
new communities as to adopt as set down. I=m sorry for the composite FAR for historic properties adopting as recommended the other two as set down. Commissioner Miller moving, Commissioner Cohen seconding, and Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD: Okay. Uses, consolidated use categories and requirements. Setdown is required by retained existing use requirements and permissions. Create two consolidated use categories. Classify retail use as by tax of street clarifications; primary, secondary in order for descending requirements and restricting. And the current DD regulations at Connecticut Avenue Northwest between K Streets and Rhode Island Avenue as the primary street. At 1st Street Northeast between K Street and Florida Avenue as the primary street.

VICE CHAIR COHEN: The public comments are: Include I Street Northeast as a
retail required street, but adjust FAR requirements to respond to the deeper than typical square in building depths on the west side of I Street. And the second one is include Connecticut Avenue as a primary street.

CHAIRMAN HOOD: And the recommended--

COMMISSIONER MAY: If I might, if I might just correct the record. I Street Northwest is supposed to be, to read 1st Street Northeast. That=s not an I, it=s a 1. It=s NOMA.

CHAIRMAN HOOD: Okay. We=ll do the corrections at the end from here on out so we can, because we be on a roll, she do her part and then we can get through it. Are the recommendations adopt as set down but the following changes: Apply retail requirements for 1st Street Northeast between K Street and Florida Avenue, to only the first hundred and fifty feet of ground floor depth, from 1st Street property line. Consolidate two use
categories into one, delete category
designations from zone name. Let’s open up,
any corrections, Mr. Cochran?

MR. COCHRAN: Actually I have no
corrections.

CHAIRMAN HOOD: No more? Okay.
All right. Any comments? Okay. Somebody?

COMMISSIONER TURNBULL: Did you
just say that the consolidating two use
categories? An example?

MR. COCHRAN: Yes. There was only
one instance of a zone in the proposed downtown
zones where there was any difference in uses;
and that was the former D5, DR5E zone. That’s,
and that’s a residential zone; it’s already
limited to that. So it was just a vestige of
a proposal from three years ago.

COMMISSIONER TURNBULL: Okay,
okay.

CHAIRMAN HOOD: Okay. Mr.
Turnbull?

COMMISSIONER TURNBULL: Mr. Chair,
I would, if there’s no other comments, I would move that we accept 4A, consolidate use categories and requirements and use the OP setdown. Apply retail requirement for 1st Street Northeast between K Street and Florida Avenue to only the first hundred and fifty feet of ground floor depth from the 1st Street property line. Consolidate two use categories into one, delete category designation from zone name.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay it’s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin, would you record the vote?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0, to adopt a setdown along with the changes that are listed. The uses with regard to the consolidated use categories and requirements. Commissioner Turnbull
moving, Commissioner Miller seconding, and Commissioners Hood, Cohen and May in support.

COMMISSIONER MILLER: Mr. Chairman?

CHAIRMAN HOOD: Okay, Commissioner Miller, we need to make a correction.

COMMISSIONER MILLER: I just need to, I think correct my motion as stated, when I did, when I moved en bloc 3N, 3O and 3P. I might have said adopt as set down, all three. And the first one is actually, I think the OP recommendations is what I meant to, I meant to move that the OP recommendation in all three. And I think the OP recommendation in 3N I believe, is not the set down. It=s the opposite.

MS. SCHELLIN: I did correct that.

COMMISSIONER MILLER: You corrected it?

MS. SCHELLIN: I did. I went back and said that, I did. I caught it.

COMMISSIONER MILLER: Okay,
thanks. I=m a little slower.

MS. SCHELLIN: We work together.

CHAIRMAN HOOD: Okay, I probably should say this, but Mr. Field(phonetic) if you=re yawning now, you wait until about 10:30. Okay. We usually take a break about 8:00. You all want to take?

MS. SCHELLIN: No, let=s just keep going.

CHAIRMAN HOOD: You=re good for a while? Okay, let=s keep going. Does anybody--

COMMISSIONER MAY: Before we get all the way downtown, we might lose some of our audience when we take our break.

CHAIRMAN HOOD: Well, we want to keep audience, so we can; okay. Which number are we on? Okay. 4(b), okay. ABC regulatory implications of proposed D1R zone. To set down, clarify the D1R zone existing DR5E zone as a residential zone for Alcoholic Beverage Control Board purposes.
Public comment?

VICE CHAIR COHEN: I apologize everybody. Public comment is: Address use permission that generate excessive late night noise and loud behavior near residential buildings in D zones.

CHAIRMAN HOOD: Okay, and the recommendation is adopt as set down. Any comments?

VICE CHAIR COHEN: Let me, I would like to ask why we, is it implied that we would regulate the noise and loud behavior near residential? Or is that some other entity?

MS. STEINGASSER: It would be some other entity, but many of the other regulations, especially the ABRA regulations and the noise regulations, refer to residential zones and commercial zones; and now that we're changing these zone names, there's concern that certain zones would fall out and no longer be regulated.

This was an R5E with a D overlay, and
now that we’re making it part of the D zone, we
want to clarify which ones are actually
residential for the purposes of other
regulations.

COMMISSIONER MILLER: For the
record, could you say where approximately the
D1R zone is? Okay.

MR. COCHRAN: I’m sorry. If you
would look at your map on the last page of the
downtown, it shows. But the D1, wait a minute,
sorry.

COMMISSIONER MAY: It shows up as
DDR5E, right?

MR. COCHRAN: Correct. No. On
the existing zoning, it’s right along
Massachusetts Avenue. Yes, it’s on the south
side of Massachusetts Avenue in between 13th and
15th Street; and then there are two locations,
small locations, in China Town and one just to
the north of Judiciary Square.

COMMISSIONER MILLER: Thank you.

VICE CHAIR COHEN: If there are no
other questions--

COMMISSIONER MAY: I have a question.

VICE CHAIR COHEN: Okay.

COMMISSIONER MAY: Sorry, I'm losing my place here because I'm flipping around the maps. So my question is, given that we're designating this is a residential zone, is there another clearly residential category like an apartment zone that actually would make more sense for this or is it because there's so many other things that go with it being part of the former downtown that it makes sense to keep it in downtown now?

COMMISSIONER MILLER: The latter.

COMMISSIONER MAY: Okay. And then last question is, does it make sense to designate all of the D Zones that have the R suffix as residential zones.

MS. STEINGASSER: No, sir, because those are inherently mixed use zones.

COMMISSIONER MAY: Thanks.
COMMISSIONER MILLER: Chairman I would move that we adopt the OP recommendation on the ABC regulatory implications to the proposed D1R Zone to treat it as a residential zone for ABC purposes and ask for a second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to adopt the set down tax with regard to the ABC regulatory implications of proposed D1R Zone. Commissioner Miller moving, Commissioner Hood seconding, Commissioners May, Cohen, and Turnbull in support.

CHAIRMAN HOOD: Next, inclusion of their zoning set down require IZ in all areas where it is now required, including any expansion areas in the proposed D Zone areas.
near the West End, Foggy Bottom, and South Capitol Street, retain existing lines, the exemptions DD Zones, TDR Zone areas, C4 Zones.

VICE CHAIR COHEN: And the public comments are: first proposals, remove IZ requirement from where it now exists and the second comment, not all expansion areas include IZ requirements.

CHAIRMAN HOOD: The recommendation, adopt the set down and correct to include proposed D8 Zone, currently Zone C3C and IZ requirements ZC. Okay. Any comments?

COMMISSIONER MILLER: Mr. Chairman, I just have a question. Why do we want to retain the exemptions from IZ in the DD Zones, the TDR receiving areas, and the C4 Zones? I guess we're going to get to this in another case, but what is the rationale?

MR. COCHRAN: I'm sorry. It was one of the original principles that we were going to decrease property values and certainly at that time residential was seen as a lesser
value than a commercial. Right now they are exempt from IZ and we simply retain that.

MS. STEINGASSER: Also, one of the guiding principles was the ability to give a bonus and in these zones they were already maxed out. There was no bonus to be given so we did not put the IZ requirement on them.

COMMISSIONER MILLER: I think we may need to revisit. I think you do revisit the housing linkage elsewhere in what we're considering tonight, the 20-year-old housing linkage provisions for downtown, because when they were adopted there wasn't any housing downtown. So this situation may have changed even since IZ has been adopted. So I just think we need to look at this.

VICE CHAIR COHEN: Okay.

COMMISSIONER MILLER: And think about it when we get to the IZ case.

VICE CHAIR COHEN: And I certainly concur with Commissioner Miller's comment.

COMMISSIONER MAY: I would make a
motion that we adopt the recommendation to require IZ in all areas where it is now required, including any expansion areas in the proposed D Zone areas near the West End, Foggy Bottom, and South Capitol Street, retain existing IZ exemptions and correct. Include the proposed D8 Zone, currently Zone C3C in the IZ requirements.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin, if you'd record the vote.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 with regard to inclusion their zoning to adopt as set down and correct to include proposed D8 Zone, currently Zone C3C in the IZ requirements.

CHAIRMAN HOOD: Next, build to lines, apply existing downtown area design
standards to all proposed primary and secondary streets, no public comment. Okay. And then the recommendation is adopt as set down. Any comments? I would move that we approve the build to lines set down and ask for a second. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to adopt as set down the build the lines. Commissioner Hood moving, Commissioner Miller seconding, Commissioners May, Cohen, and Turnbull support.

CHAIRMAN HOOD: Okay. Set back lines, set down, incorporate into D Zones all the relevant ground floor set back requirements.

VICE CHAIR COHEN: The public comment is require a building face set back of 88 feet from center line of Independence Avenue
Southwest on the south side of Independence Avenue, between 2nd and 12th Streets.

CHAIRMAN HOOD: Recommendations are to adopt as set down and between 2nd and 12th Street Southwest, required set back of 88 feet from the center line of Independence Avenue from the center line of that avenue. Any comments?

COMMISSIONER TURNBULL: I think this reflects what we talked about earlier in the evening.

VICE CHAIR COHEN: And therefore, Mr. Chairman, I will move to approve 5B, set back lines, incorporate in the D Zones all the relevant ground floor set back requirements and between 2nd and 12th Street Southwest, require a setback of 88 feet from the center line of Independence Avenue from the center line of that avenue.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Anything
further? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to adopt the set back lines as set down and between 2nd and 12th Street Southwest require a setback of 88 feet from the center line of Independence Avenue, from the center line of that avenue. Commissioner Cohen moving, Commissioner Turnbull second, Commissioners Hood, Miller, and May in support.

CHAIRMAN HOOD: Okay. Facade openings for access to parking and loading set down in conjunction with other zone based design regulations, permit vehicular entrances to garage or loading to be located on the public street facing building facets in the D Zones, only if one of the following conditions are met: access is not possible through an at least 15-foot wide alley system connecting to the public street, a street facing entrance is
required by DDOT, the building is governed by
less restrictive regulations in the Mt. Vernon
Triangle sub area, the entrance is approved by
BZA as a special exception subject to
additional criteria regarding and practicality
and alternatives minimal impact on pedestrian
traffic and consistency with DDOT public space
plans.

VICE CHAIR COHEN: The public
comments were, do not approve the restriction.

CHAIRMAN HOOD: Recommendation is
to adopt the set down. Any comments?

COMMISSIONER MAY: I have a
comment. So I'm not so keen on the idea that
we would defer to DDOT requiring a street facing
entrance. I think they're going to be
intelligent about it, but I think that
we're setting this down as a zoning restriction
and then we're going to say, well, no, DDOT can
make an exception to it. So I would prefer that
in that sort of a circumstance that it have to
be subject to a special exception. So I would
lump it in as a criteria as the entrance being approved as a special exception, that last bullet. That was my thought. I don't know if anybody else has a reaction to that.

MR. COCHRAN: That seems fine.

CHAIRMAN HOOD: Everyone agrees with Commissioner May's proposal? So you're saying take DDOT out, well, not take them out.

COMMISSIONER MAY: If it's required by DDOT that would be a basis for, you know, a special exception so it could be, you know, a criteria that would be considered by the BZA, but it would have to be treated as a special exception.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Could we add it to the list of cases that would be eligible for expedited consideration?

COMMISSIONER MAY: Yeah, I mean, that makes sense to me.

CHAIRMAN HOOD: Yeah, I think that's a good suggestion. Thank you.
COMMISSIONER MAY: For me it's just a matter of taking a zoning decision and putting it in the hands of DDOT.

CHAIRMAN HOOD: Okay. Somebody like to make a motion on the additional comments? Commissioner Miller?

COMMISSIONER MAY: Yeah, I would move that we accept the recommendation of the Office of Planning with some slight modifications so that recommendation was in conjunction with other zone-based design regulations, permit vehicular entrance to garage or loading to be located on a public street facing building facade in the D Zones only if access is not possible through at least a 15-foot wide alley system connected to a public street or the building is covered by less restrictive regulations in the Mt. Vernon Triangle sub area or the entrance is approved by BZA as a special exception subject to additional criteria regarding the practicality of alternatives, minimal impact on pedestrian
traffic, and consistency with DDOT public space plans, and also if the entrance is approved by BZA potentially on the expedited review calendar because the street facing entrance has been recommended by DDOT.

CHAIRMAN HOOD: Okay. Is there is a second?

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Not hearing any, Ms. Schellin.

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to approve the facade openings for access to parking and loading as set down with the modification as read by Commissioner May, Commissioner May making the motion, Commissioner Cohen seconding, Commissioners Hood, Miller, and Turnbull in support.
CHAIRMAN HOOD: Okay. Design review in street southwest to South Capitol Street sub area set down said required zoning commissioning review and approving of proposed design and uses of new building construction or building expanse of structures that are or would be at least 9 FAR on a street right of way less than 110 feet wide or at least 10 FAR on the street right of way at least 110 feet wide.

VICE CHAIR COHEN: The public comment is the implications of the proposed zone for the sub area have not been studied with respect to the framing of the U.S. Capitol.

CHAIRMAN HOOD: The recommendation is adopt as set down and expand boundaries of sub area to include the west side of South Capitol Street from I to M Street Southwest requiring one to one set back above 110 feet, require referral review and comments for the National Capitol Planning Commission, NCPC, for all buildings subject to the zoning commissioner review that are not within the
Shipstead-Luce Act purview of the Commission of Fine Arts. Any comments?

COMMISSIONER MAY: Mr. Chairman, I would move the recommendation as you just stated it.

CHAIRMAN HOOD: It's been moved and properly seconded. Any more discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the design and review for M Street Southwest and South Capitol Street sub area. Commissioner May moving, Commissioner Turnbull seconding, Commissioners Hood, Cohen, and Miller in support.

CHAIRMAN HOOD: Proposed D-8 Zone, require zoning commissioner review and approval of proposed development plans for their congruence and a comprehensive plan.
The Maryland Avenue Southwest Plan and subsequent adopted plans for the area within near the D-8 Zone before post development may access the proposed tools by which to achieve greater density and height within the proposed zone.

VICE CHAIR COHEN: The public comments were NCPC should have design review over proposals of the D-8 Zone and designs should be reviewed through the PUD process.

CHAIRMAN HOOD: Recommendations, as set down with the following refinements: The zoning commission shall review and approve all proposed development plans for new buildings or expansions that would be at least 9 FAR on the street right of way, less than 110 feet wide or at least 10 FAR on the street right of way of at least 110 feet wide. NCPC shall review and comment on proposed development plans for new buildings or expansions that would be at least 9 FAR on the right of way of less than 110 feet wide or at
least 10 FAR on the street right of way at least
110 feet wide in areas where the CFA does not
have any reviews jurisdiction. I will move
that we accept the recommendation as proposed
and ask for a second.

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: It's been moved and
seconded. Any further question?

VICE CHAIR COHEN: One question.

What exactly is NCPC asking for when they say
the whole D-8?

MR. COCHRAN: They want either
development plan review or development plan
review and actual design review within the
entire D-8 Zone. What we have suggested is
that it be development plan review and that
since almost all of the D-8 Zone is covered by
CFA already, that NCPC participate only in the
areas where CFA wouldn't and that's basically
the GSA regional headquarters building.

VICE CHAIR COHEN: All right.

Because I just think that that would be very
painful for people.

MR. COCHRAN: What to do?

VICE CHAIR COHEN: Yeah.

CHAIRMAN HOOD: Any other questions? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin, when would you record the vote?

MS. SCHELLIN: Yes. Staff records the vote 5 to 0 to 0 to accept the design review with regard to the proposed D-8 Zone. Commissioner Hood moving, Commissioner Miller seconding, Commissioners May, Cohen, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, parking and loading set down, eliminate mandatory parking requirements in proposed D Zones. Eliminate requirements for loading berths longer than 35 feet in D Zones. Public comment?

VICE CHAIR COHEN: Public comment, do not eliminate all parking requirements for
location near residential in the West End and Foggy Bottom.

CHAIRMAN HOOD: Recommendation is set down and now locate a subtitle, but with parking requirements in the proposed D Zones West of 20th Street Northwest and revise the Subtitle C.

COMMISSIONER TURNBULL: How does this compare with what we talked about last night?

MR. COCHRAN: This is simply an explanation. You don't even need to pass it. You have already.

COMMISSIONER TURNBULL: That's what I thought. We already --

MR. COCHRAN: Yes, yes.

COMMISSIONER TURNBULL: That Foggy Bottom was.

MR. COCHRAN: We had to cover it just because it had been in the D Zone. Now it's been reorganized.

COMMISSIONER TURNBULL: Okay.
Thank you.

CHAIRMAN HOOD: So did you want to make a motion still? I would make a motion that we do not eliminate all parking requirements for locations near residential in the West End and Foggy Bottom and ask for a second.

VICE CHAIR COHEN: Second.

COMMISSIONER MILLER: Including the rest of the set down as well?

CHAIRMAN HOOD: No, I'm not going to mix you up. I voted against that last night so I don't want to do that. So I think you all already dealt with this last night. I was just seeing if I could change anyone's mind. So I appreciate you, vice chair. The vice chair joined me. I appreciate that. Okay. Let's move on to credits. Credit generation, set down permits credits to be generated.

VICE CHAIR COHEN: We didn't --

CHAIRMAN HOOD: No, we don't need to.

VICE CHAIR COHEN: You don't need
to take a vote on it?

CHAIRMAN HOOD: No.

VICE CHAIR COHEN: Okay.

CHAIRMAN HOOD: Am I right, Mr. Cochran, I don't think we need to --

MR. COCHRAN: That's correct.

CHAIRMAN HOOD: Actually, we did it last night and I voted against it.

MR. COCHRAN: That's correct.

CHAIRMAN HOOD: But I only --

COMMISSIONER TURNBULL: We already retained. We already retained the parking requirement in west --

CHAIRMAN HOOD: But I voted against that and the vice chair went with me this time.

So thank you.

COMMISSIONER TURNBULL: Oh.

CHAIRMAN HOOD: Okay.

COMMISSIONER MILLER: Mr. Chairman?

CHAIRMAN HOOD: Yes?

COMMISSIONER MILLER: I think we
should. I think we should vote.

CHAIRMAN HOOD: Okay. So you

all --

COMMISSIONER MILLER: Just so

there's no confusion.

CHAIRMAN HOOD: Okay. Go ahead.

COMMISSIONER MILLER: So I

would move that on Item 7, that we approve

the OP recommendation to set down. Set down

not located in the subtitle that's eliminating

mandatory parking requirements in proposed D

Zones, eliminating requirements for loading

berths longer than 30 feet, 5 feet D Zones, but

also consistent with our action last night with

parking requirements that you can park your car

in the proposed D Zones west of 20th Street

Northwest as revised in Subtitle C and ask for

a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Moved and properly

seconded. Any further discussion? All is in

favor?
(Chorus of ayes)

COMMISSIONER HOOD: Any opposed?

Opposed. Ms. Schellin, record the vote.

MS. SCHELLIN: Staff records the vote 4 to 1 to 0 to approve the parking loading as recommended. Commissioner Miller moving, Commissioner Turnbull seconding, Commissioners May and Cohen in support. Commissioner Hood opposed.

CHAIRMAN HOOD: Okay. Credit generation set down. Permit credits to be generated by residential arts, public, open spaces, historic structure rehabilitation, child development centers, or homes, LSDBEs, and the conversion of unused TDRs on unassigned CLDs. Permit credits to be generated for the removal of intrusions determined to be incompatible with the historic L'Enfant Plan, do not include D1R or D-2 zones Existing DDR5E, SP2, and HR/SP2 in credit system.

VICE CHAIR COHEN: And the public comments are keep the provision allowing
generation of credits for the provision of open space and plazas in NoMa that meet specified criteria, allow credit generating NoMA open spaces and plazas to be closed to the public at 8:00 p.m. rather than 10:00 p.m., allow credits generated by arts, uses of the downtown arts sub area to be traded for any credit generating uses in any credit trade area.

CHAIRMAN HOOD: Okay. Recommendation is to set down, adopt a set down and specify that the arts credits may be used to enable additional nonresidential uses on property only within the arts sub area and to delete sections permitted through the generation of credits through the provisions of open space and plazas. Commissioner Cohen.

VICE CHAIR COHEN: Yeah, I'd just like to ask OP with regard to one of the issues in NoMa is they do not have sufficient open space and plazas and so why are we deleting credits?

MR. COCHRAN: At the time this was
written there was no provision whatsoever to achieve open space or park space in NoMa so we put this in. Since then there have been other mechanisms that are in place now to purchase open space in NoMa. We thought that because the open space in NoMa the credit generation was so high that it would displace a significant amount of housing. I can go into that but because you're generating credits not just for one area, but for one area times 10 or 11 stories and that began to compete with credits for housing and basically for a 5,000-square foot plaza you start competing with 250 housing units and that keeps going up. For a half-acre park it would be several hundred housing units and so since there was another mechanism that's now in place to purchase open space, we thought the trade off should be in favor of housing.

VICE CHAIR COHEN: And I certainly support that. Mr. Chairman, I move to adopt the set down and correct to specify that an arts
credits may be used to enable additional nonresidential use on a property only within the arts sub area, delete section permitting the generation of credits through the provision of open spaces or plazas.

CHAIRMAN HOOD: Second. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation for the credit generation that was adopted at set down and the additional two bullets. Commissioner Cohen moving, Commissioner Hood seconding, Commissioners May, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay. Set down the uses that generated credits other than those generated by open spaces, plaza construction must be maintained within the same
credit trade area and may not generate additional credits. Purchase credits expire upon use and retain no value.

VICE CHAIR COHEN: The public comment is if a building that achieved non-preferred GFA through credit purchases no longer exists, do not require additional credit purchases to re-erect the same amount of non-preferred uses.

CHAIRMAN HOOD: If a building that achieved non-preferred GFA through credit purchases no longer exists, the same amount of additional non-preferred uses that have previously existed on this site may be rebuilt on the site as long as the length preferred use GFA is covenanted. Delete references to open space plaza credit generation alternative, not recommended. Adopt a set down with or without deletion of references to open space plaza credits as appropriate. Mr. Cochran, can you tell me what the alternative is?

MR. COCHRAN: In some ways it's
more of a public comment. Some people simply preferred what we had set down and then that other phrase just took into account that you may not tonight delete the credit provisions for open space in NoMa.

CHAIRMAN HOOD: So we're not recommending that. That's not --

MR. COCHRAN: No, it's more of a confusing. Just pretend it isn't there.

CHAIRMAN HOOD: Okay. All right.

Let me open up for any comments.

VICE CHAIR COHEN: Hearing none, Mr. Chairman, I make a motion to approve 8-B, duration of credit permissions, if a building that achieved non-preferred GFA through credit purchases no longer exists, the same amount of additional non-preferred uses that had previously existed on the site may be rebuilt on the site as long as the linked preferred use GFA is covenanted. Delete references to open space plaza credit generation and I ask for a second.
CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion?
All that's in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation, the two bullet items with regard to duration of credit permissions. Commissioner Cohen moving, Commissioner Turnbull seconding, Commissioners Hood, May and Miller in support.

CHAIRMAN HOOD: Next conversion of TDRs and CLDs to credits. Set down require conversion of existing TDRs and CLDs to credits within three years.

VICE CHAIR COHEN: And the public comments were, one, eliminate conversion time frame, two, make consistent references to owners of TDRs and CLDs as persons, entities owning rights to TDRs or CLDs rather than to owners.
CHAIRMAN HOOD: The Office of Planning's alternatives is to eliminate conversion time frame and the recommendation is to adopt the alternative. I move that we adopt the alternative and ask for a second. Moved and properly seconded. Any further discussion?

VICE CHAIR COHEN: Yeah, I guess my question is that the persons, entities owning rights rather than just owners, why are we just keeping one and not --

MR. COCHRAN: We thought about it. It's just a housekeeping device. Of course we'll take that into account.

VICE CHAIR COHEN: Okay. Good. Thank you.

CHAIRMAN HOOD: Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the
vote 5 to 0 to adopt the alternative, which is to eliminate conversion time frame with regard to conversion of TDRs and CLDs to credits. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners May, Miller, and Cohen in support.

CHAIRMAN HOOD: Okay. Credit certification process and documentation, set down, adopt core process based on existing certification regulations for newly generated residential arts of open space plaza, adopt additional regulations pertinent only to residential or arts uses including existing escrow provisions, adopt separate process based on existing procedures for the generation of escrow provisions for and certification of historic preservation credits, adopt separate process for generation and certification of credits for child development centers and LSDBEs.

VICE CHAIR COHEN: And the public
comments were procedures are too complex and too costly to execute, the second one is process is not transparent, and the third one is process did not allow for public understanding of the credits, market and values.

CHAIRMAN HOOD: Recommendation, adopt as set down and request OP to return the clarification of additional recommendations for simply more visible methods of certifying and recording credits, their ownership valuation, and subsequent transactions. I like that recommendation. I would move that we accept that recommendation and ask for a second.

VICE CHAIR COHEN: I second.

CHAIRMAN HOOD: It's moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to accept the recommendation
with regard to the credit certification process
and documentation. Commissioner Hood moving,
Commissioner Cohen seconding, Commissioners
May, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, credit trade area set down include TDR receiving areas, areas where CDLs can be employed in proposed D Zones, establish seven credit trade areas based on geographic affinity and likely balance between credit generation and absorption ability. The public comment is to redraw credit trade boundaries so downtown arts sub area is within one trade area, adopt the set down with Franklin Square and Gallery Place, Judiciary Square trade areas adjusted to unify downtown sub areas in one trade area.

VICE CHAIR COHEN: Mr. Chairman, I move to approve that any credit trade areas adopt as set down with Franklin Square and Gallery Place, Judiciary Square trade areas, adjust it to unify downtown art sub area in one
trade area.

CHAIRMAN HOOD: Second. It's been moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the credit trade areas. Commission Cohen moving, Commissioner Miller seconding, Commissioners Hood, May, and Turnbull in support.

CHAIRMAN HOOD: Okay. Areas where credits can be used, set down credits may be used in D-3 through D-8 Zones, residential art and historic credits may be used only within the trade areas in which they were generated. Open space plaza credits and converted TDRs may be used in any credit trade area.

VICE CHAIR COHEN: And the public comment is allow credits generated by arts uses
in the arts sub area to be traded for any credit
generating uses in any credit trade area.

CHAIRMAN HOOD: And the
recommendation is adopt as set down.

VICE CHAIR COHEN: Mr. Chairman, I
move to accept 8D areas where credits can be
used and to adopt as set down, the language.

CHAIRMAN HOOD: Somebody else like
to second?

COMMISSIONER MAY: Second.

CHAIRMAN HOOD: Okay. It's been
moved and seconded. Any further discussion?
All those in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to adopt as set down to areas
where credits can be used. Commissioner Cohen
moving, Commissioner May seconding,
Commissioners Hood, Miller, and Turnbull in
support.
CHAIRMAN HOOD: Okay. I'll move the next two in block. Amount of credits that may be accepted at the set down, continue to limit the maximum residential FAR generated by credits that may be accepted on a given lot for the D-3, D-4, D-5, D-6.

VICE CHAIR COHEN: You skipped one.

CHAIRMAN HOOD: What did I skip?

VICE CHAIR COHEN: 8-E.

CHAIRMAN HOOD: Oh, okay. Yeah, okay. I'll go back. And do that one. I'm sorry. Zones that limit shall be maximum nonresidential FAR permitted without credits for the D-4R Zone up to 3.5 FAR may be accepted, for the D-5R Zone up to 6.0 FAR may be accepted, for the D-6R Zone up to 8.0 FAR may be accepted.

No public comment and adopt as set down. Now, AG is the status of used credit. The set down credit expires upon use. Unused credits may be transferred and used. No public comment, again as set down. I move that we approve AF and AG and as accepted by the recommendation at
set down and ask for a second.

COMMISSIONER TURNBULL: Second.

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

All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to adopt in block the amount of credits that may be accepted and the status of used credits both adopted as set down. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners May, Cohen, and Miller in support.

CHAIRMAN HOOD: I'm sorry. Let's go back to 8-E, where I skipped. Limitation on credits that can be used to reduce residential requirements, the set down said unused TDRs may not be used to reduce residential requirements. The recommendation, only credits generated by residential uses and unassigned CLDs that have
been converted to credits may be used to reduce residential requirements. Vice Chair Cohen.

VICE CHAIR COHEN: Thank you, Mr. Chairman. Why are CLDs allowed to be converted and they may be used to reduce residential requirements?

MR. COCHRAN: The CLDs now allow you to transfer uses required on one site to another. So residential uses that are required on one site can be transferred to another site. This is simply saying that provision will stay in effect if the credits haven't already been assigned. In other words, it's sort of holding harmless the current provision.

VICE CHAIR COHEN: I don't think that's what this says. You're actually stating that credits may be used to reduce residential requirements.

MR. COCHRAN: Okay. Perhaps it is not phrased correctly. It should be residential requirements on the sending area.
That's what it really means.

VICE CHAIR COHEN: Say again, please.

MR. COCHRAN: In combined lot development you have a sending and a receiving lot that are legally considered to be one lot they should have referenced on the sending lot. That is to say the lot that sends its residential requirement off to another lot where that lot then takes care of the residential requirement that was on the sending lot. So I apologize if that's not clear.

VICE CHAIR COHEN: I think it would be helpful to --

MR. COCHRAN: I will take care of that.

VICE CHAIR COHEN: You know, word smith that and is there any other questions on this because if not, I will move to approve limitations on credits that can be used but we're not going to use the language reduce residential requirements. We're going to say
replace --

MR. COCHRAN: On sending lots.

VICE CHAIR COHEN: On sending lots.

MR. COCHRAN: To reduce residential requirements on sending lots. We will come back to you with additional language --

VICE CHAIR COHEN: Please.

MR. COCHRAN: In November to make that clearer.

VICE CHAIR COHEN: Thank you. But the concept we need to approve so I understand the concept that we are not redoing any residential requirements, but that the sending lots can be used on another property. Is that okay for now? Does everybody --

COMMISSIONER MILLER: Second.

VICE CHAIR COHEN: Okay, thank you.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded but any further discussion? We're expecting to come back with come clarification. Okay. Any further
discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the OP recommendation with some clarification to come. Commissioner Cohen moving, Commissioner Miller seconding, Commissioners Hood, May, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next let's go to 8F, transfer of credit ownership. Set down and establish procedures for transferring and recording new ownership of credits. Public comment, procedures for existing D Zones and expanded credit areas would remain similar to the existing CLD convenient complexity. Procedures within existing TDR receiving areas could become more complicated for credits. The recording and transfer process needs to be more transparent. The recommendations of adopted set down with
permissions to work with DC area and OAG on the subsequent administrative improvements. I would move that we accept that recommendation and I would ask that we also look at some of those public comments and ask for a second. It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to transfer of credit ownership. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners May, Miller, and Cohen in support.

CHAIRMAN HOOD: Okay. Plan unit developments --

COMMISSIONER MILLER: Mr. Chairman?

CHAIRMAN HOOD: Yes.

COMMISSIONER MILLER: Before we
leave the credit area, I just wanted to state for the record that even though I voted for each of those provisions, there are several that affect the open space credits and eliminate them in the NoMa area and I want to get more information between now and November 3rd when we'll be looking at the text to understand their effect on NoMa and whether or not they are still needed. So I just want to get more information from OP, further elaborating, Mr. Cochran, on what you've stated previously, but I just want to be convinced that they aren't necessary since we still don't have any open space in NoMa and the market seems to be taking care of housing.

CHAIRMAN HOOD: You know, I notice it's very late and I just thought about November 3rd. I thought we said we weren't going to do things before major events in this city. I just thought about that.

VICE CHAIR COHEN: We're just receiving --
CHAIRMAN HOOD: Oh, we're not doing it?

COMMISSIONER MAY: We're not acting on it; right? They're acting.

CHAIRMAN HOOD: Oh, okay. Well, you all --

COMMISSIONER MAY: We've got until December.

VICE CHAIR COHEN: We'll be filing it so that you guys have at least a full five weeks.

CHAIRMAN HOOD: Oh, I thought we were going to be doing this November 3rd. Okay. Okay. Maybe I'm getting confused. Okay. I'm sorry. Yeah, okay. Okay. Plan unit developments, Office of Planning recommendation, in addition to filing the PD regulations, Subtitle X and PUD in the D Zone, zone shell be superior in achieving the purpose of D Zone chapter in the Comprehensive Plan, Central Washington area element not be used to reduce D Zone requirements for preferred uses.
If within the D-3 through D-8 Zones demonstrate that credits have been acquired to the maximum extent feasible prior to the PED application. No public comments. The recommendation is as set down.

COMMISSIONER TURNBULL: Mr. Chair, if there are no comments I would move that we accept OP's recommendation with planned unit developments as set down and look for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Any further discussion? All in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation at set down with regard to plan unit developments. Commissioner Turnbull moving, Commissioner Miller seconding, Commissioners May, Cohen, and Hood in support.

CHAIRMAN HOOD: Okay. We have a
few more items tonight. But here lies the problem, we have quite a few and I'm not sure how long these are going to take, but we also want to make sure we do the best we can and be coherent as we move through these. We may have to do an additional night. I know that wasn't planned. I'm just throwing it out there. Why don't we do an assessment maybe about 9:30 in another hour or so. Well, 9:40 because with we're going to take about a ten-minute break and try to rejuvenate and we'll do an assessment and one of the days we're looking at, Ms. Schellin, is --

MS. SCHELLIN: Tuesday or Wednesday next week.

CHAIRMAN HOOD: Okay. When is volleyball night?

MS. SCHELLIN: He can't play.

CHAIRMAN HOOD: But I don't even want to him to go. No, I'm just playing.

COMMISSIONER MAY: You know, I did have a meeting I was going to go to with our
congressional representative, but I'm sure she won't miss me.

CHAIRMAN HOOD: Which night? It's Tuesday?

COMMISSIONER MAY: That was Tuesday.

CHAIRMAN HOOD: So let's do it Wednesday so he can go.

COMMISSIONER MAY: But occasionally I like to be home, too. You know, I don't really care. It doesn't matter to me whether it's Tuesday or Wednesday.

CHAIRMAN HOOD: Well, we haven't been home all this week so we might as well continue.

COMMISSIONER MAY: No, no. It's, you know, that's the one excuse I guess.

CHAIRMAN HOOD: I'm just throwing that out there. We may get through, but I think we need to do another session. So let's take a break. I don't want us to belabor too much more time. Thanks.
(Whereupon, the above-entitled matter went off the record at 8:42 p.m. and resumed at 8:52 p.m.)

CHAIRMAN HOOD: Okay. The next title we’re going to do is planned unit developments, maximum land area requirements. The set down is on the table in front of us. The public comments, raise minimum for all other zones, keep minimums as proposed. The Office of Planning=s recommendation is to adopt a set down with minimum land areas as shown in the table. Any comment?

VICE CHAIR COHEN: Public comment was new standards are too broad and the second comment is supports the proposed standards.

CHAIRMAN HOOD: I already read that.

VICE CHAIR COHEN: That's my comment, too. It didn't work.

CHAIRMAN HOOD: Okay. Any comments?

COMMISSIONER MILLER: Mr.
Chairman, I would move that the zoning commission approve minimum land area requirements for PUDs as shown in the table in Item 1.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? Questions? All those in favor.

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to adopt the minimum land area requirements as shown in the table. Commissioner Miller moving, Commissioner Turnbull seconding, Commissioners Hood, May, and Cohen in support.

CHAIRMAN HOOD: Next, new standards for ZC reduction of minimal land area requirements. Set down, ZC flexibility to reduce the minimum required land area by 50 percent is expanded to include City or
Federal Government projects, any project identified in small area plan.

VICE CHAIR COHEN: And the comments are, your standards are too broad, and the second comment is supports the proposed standards.

CHAIRMAN HOOD: Okay. And the recommendation is set down, which is to adopt the new standards. Any questions? Comments?

COMMISSIONER MAY: I would move that we accept the recommendation to adopt the new standards.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the new standards for the zoning commission reduction of minimum land area requirements. Commissioner May moving,
Commissioner Miller seconding, Commissioners Hood, Cohen, and Turnbull in support.

CHAIRMAN HOOD: Okay. PUD densities, total PUD densities, the set down instead of a set FAR increase for each zone establishes standard 20 percent increase above the matter right_FAR. See attached 1 spreadsheet for comparison.

VICE CHAIR COHEN: And the public comments were stay with existing FAR increases, percentages too high, and the next comment was use the 20 percent increases.

CHAIRMAN HOOD: The set down says establish the PUD floor areas, standard 20 percent increase above the matter of right FAR. Any questions or comments?

COMMISSIONER MAY: Yeah, I have a comment. I went through the whole chart, looked at the differences between the old standards and the new, and what I'm coming away with is this, the old standard for PUDs was kind of random. Now it's more coherent and logical
VICE CHAIR COHEN: And I also clarify that when we say matter of right of FAR, we mean the IZ matter of right.

COMMISSIONER MAY: Right, I figured that out from the chart. We are seeing some substantial changes in like C2C where we go from 6 to 8.64 between the old PUDs max and the new PUD max but we're already in a situation with IZ being above the PUD max so it's, I think, those sorts of anomalies are addressed in this new schedule. So I think that's okay.

CHAIRMAN HOOD: For example, I don't want to belabor the point, but for example, in the C2B, well, the old C2B, C2C it looks like, especially the C2B it looks like we are, with the 20 percent that's been proposed, we are decreasing the FAR. Am I correct?

VICE CHAIR COHEN: That is correct on your PUD.

CHAIRMAN HOOD: Okay. All right.

Any further questions? Did somebody make a
VICE CHAIR COHEN: Yeah, why are we doing that?

MS. STEINGASSER: We're going from the arbitrary FAR increase to a percentage. So two of them go down. The rest all go up and two stay even.

CHAIRMAN HOOD: Okay. It looks like, is it three even? I don't want to get into numbers. It looks like six and six. Okay. Well, you know the chart. Okay. Any other questions?

VICE CHAIR COHEN: Hearing no other comments, Mr. Chairman, I move to approve total PUD density as the set down to establish the PUD floor area as a standard 20 percent increase above the matter of right FAR.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Any further? Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?
Ms. Schellin.

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to accept the set down with regard to the total PUD density to establish the PUD floor area as a standard 20 percent increase above the matter right and I believe that's the IZ matter right FAR. Commissioner Cohen moving, Commissioner May seconding, Commissioners Hood, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, nonresidential density increases, set down within the 20 percent total PUD increase, allow nonresidential FAR to be increased by no more than 30 percent of the matter right nonresidential FAR.

VICE CHAIR COHEN: Public comment is do not allow an increase in nonresidential FAR.

CHAIRMAN HOOD: The recommendation is the same as the set down and that's before us. Any questions or comments? Okay. I
would move nonresidential density increases as proposed and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Been moved and properly seconded. Any further discussion?
All in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the set down recommendation of nonresidential density increases. Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners May, Cohen, and Miller in support.

CHAIRMAN HOOD: Okay. Next is PUD heights. Heights are the same as existing. See attached 2 spreadsheet for comparison. Accept for a decrease in R-4 from 60 to 50, an increase in the C-2C from 90 feet to 110 feet, an increase in the W-2 from 60 feet to 80 feet,
an increase in the W-3 from 90 feet to 100 feet.
The recommendation is set down and adopt
proposed changes to heights. Questions or
comments?

COMMISSIONER MAY: This puts the
other anomalous thing about C2C, it just makes
me wonder why was C2C so weird before?

VICE CHAIR COHEN: I don't know. I
really --

COMMISSIONER MAY: Okay. All
right. I'll accept that. I mean, and I
understand the logic on the W Zones, that it's
the idea is to allow greater height but not
greater density. So you create more porous
waterfronts, if you will. Okay. Thank you.

VICE CHAIR COHEN: I have a
question with regard to the decrease in the R-4
Zone.

MS. STEINGASSER: Well, the R-4
matter of right height is 40 feet. So to have
a 20-foot jump through a PUD seemed to be, it's
that neighborhood character and transition
that we've heard so much about. So we tried to bring that back to a more consistent relationship.

COMMISSIONER MILLER: Just to follow up, have there been a lot of R-4 PUDs?

MS. STEINGASSER: No.

COMMISSIONER MILLER: Or any?

MS. STEINGASSER: I think Fort Lincoln might have had one but, no, it's usually people go right out of R-4 into the R-5B.

COMMISSIONER MILLER: Right.

VICE CHAIR COHEN: Mr. Chairman, I move to approve the PUD heights, adopt the proposed changes to heights that are reflected in the attachment 2 spreadsheet.

CHAIRMAN HOOD: Okay. It's been moved and properly seconded. Let's make sure we're in our mikes. I understand people are not hearing us. So I know they're not hearing us on the web. So we want to make sure that we are in our mikes. Okay. It's been moved and properly seconded. Any further discussion?
All in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Ms. Schellin,

would you record the vote?

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the PUD heights as set down and reflected in the chart. Commission Cohen moving, Commissioner Miller seconding, Commissioners May, Turnbull, and Hood in support.

CHAIRMAN HOOD: Amenities and benefits, set down, expand the list of example categories, clarify that requires standards and mitigation does not qualify as benefits or amenities.

VICE CHAIR COHEN: The public comments were support the clarifications and expansions and then the other comment is affordable housing should be further detailed and aligned with IZ.

CHAIRMAN HOOD: Recommendation, set down language with an alignment of the
definitions of low and moderate income with IZ.

Any comments?

VICE CHAIR COHEN: Can you --

COMMISSIONER TURNBULL: Chair, I just wanted to ask the Office of Planning, when you talk about expanding the list of example categories, how far are you going in, I mean, to what degree are you looking at as category? I mean, do you see some extra ones that we haven't seen already or some other areas, or are you basically just clarifying?

MS. STEINGASSER: I think we're just clarifying. I think we might, I'd have to pull the regs up, but I think we added one or two more examples of like a social service.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: Day care kind of thing, but it's examples. It's really not requirements kind of guide that --

COMMISSIONER TURNBULL: But it would be more of a checklist or an applicant that when they come before you, that they're
going to be able to readily see what they need or what they can be able to provide.

    MS. STEINGASSER: Exactly, and what the commission is used to seeing and what the neighborhoods are typically expecting to see from a PUD.

    COMMISSIONER TURNBULL: And it will show that what they think is a benefit may not be a benefit, but it's actually required?

    MS. STEINGASSER: Yes.

    COMMISSIONER TURNBULL: Okay.

    MS. STEINGASSER: They're part of the mitigation.

    CHAIRMAN HOOD: Okay. Somebody make a motion or did --

    VICE CHAIR COHEN: I'll move to approve Number 5, amenities and benefits to expand the list of example categories, clarify that required standards and mitigation does not qualify as benefits or amenities and be alignment of the definitions of low and moderate income with IZ.
COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? We want to make sure we're in the mike, Mr. Miller, so we can get the second and everybody know that you seconded. Okay. All right. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the set down language with an alignment of the definitions of low and moderate income with IZ. Commissioner Cohen moving, Commissioner Miller seconding, Commissioners Hood, May, and Turnbull in support.

CHAIRMAN HOOD: Okay. Limits of extensions, set down limit extensions to two, establish a rule that an extension request may not be acted upon sooner than six months prior to the PUD expiration. ZC may hold limited
scope hearings if parties have a material factual conflict over criteria.

VICE CHAIR COHEN: Public comments were don't limit the number of extensions that may be requested, and the second one was to limit the number of extensions that may be requested.

CHAIRMAN HOOD: And the set down is to adopt a proposed rule for extensions. Ms. Steingasser, I guess what was the thought, to put in the limit of extensions to two? Since I've been here we always seem to, I don't know, do we part a hard fast rule? I guess I should be asking the commissioners but do we put a hard fast rule in and then we find a way, okay, we start backing off of that rule and easing off the extensions and next thing you know, we're back to what we normally do and provide ten extensions?

MS. STEINGASSER: Well, it's to give the commission some leverage not to have to do that. We've seen throughout the years
frustration on the part of the Zoning Commission that there's not really an opportunity to deny an extension, that the criteria is kind of vague, it's not always well-proven, and some of these PUDs have been on the books since the '90s and it's just, they begin to get into multiple financial development cycles and a PUD is supposed to be a project that's fairly ready to break ground. You've got limitations on when they need to pull a building permit and when they need to make these actions and what we've seen in some cases is basically they're buying entitlements that just get flipped and modified and flipped and modified and this is just a way to try to get control of that and make it at least accountable.

CHAIRMAN HOOD: Okay. I think with that explanation I like to call this the Herb Franklin rule. But anyway --

COMMISSIONER TURNBULL: But, you know, I'm thinking that the other night we voted
on this in Z, two extensions, two years for the first one and one year for the --

VICE CHAIR COHEN: Yes.

COMMISSIONER TURNBULL: Didn't we already? I mean --

VICE CHAIR COHEN: You did, you did, because --

COMMISSIONER TURNBULL: They overlap.

VICE CHAIR COHEN: It's so iterative between the subtitles a lot. There's several of these items that are showing up twice.

COMMISSIONER TURNBULL: Yeah, I was just looking at this like didn't we do this or something close to this? Okay. Thank you.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: So, Mr. Chairman, I would like to move on Number 6, limits of extension and go with the set down to limit extensions to two and to establish a rule, an extension request may not be acted upon
sooner than six months prior to the PUD expiration and the Zoning Commission may hold limited scope hearing if parties have material factual conflict over criteria.

CHAIRMAN HOOD: Okay. I'll second that. Any further discussion? All in favor?

(Chorus of ayes)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the limits on the extensions as recommended. Commissioner Cohen moving, Commissioner Hood seconding, Commissioners May, Miller, and Turnbull in support.

CHAIRMAN HOOD: Okay. Next, set down, establish four types of modifications with correlated hearing requirements. ZA modifications, two percent change in height number of dwelling units, hotel rooms GFA for commercial space or accessory uses, number of
parking or loading spaces and change in footprint by no more than five feet, no hearing. Technical correction or modification of little or no consequences, no hearing on consent calendar agenda, modification of consequence, a change in design or an issue discussed by the ZC incited in the order, no hearing but proposed action with opportunity for written comment, significant modifications, change in use new relief, consider the second stage application with a public hearing.

VICE CHAIR COHEN: The public comments were support the new modification and correlated hearing requirements and the second public comment was want hearing on three, modification of consequence.

CHAIRMAN HOOD: The recommendation, adopt new modifications and clarify that three and four require notice to A and C and any parties. Okay. Any comments?

COMMISSIONER TURNBULL: I'm trying to, a modification of consequence, no hearing,
but proposed action with opportunity for written comment. So I mean, right now if we have a major modification, it comes back to us.

MS. STEINGASSER: Right now all you have is a minor modification or a modification.

COMMISSIONER TURNBULL: Right, right, yeah.

MS. STEINGASSER: And that if it is not minor, which means it's an issue of no consequence, it has to have a hearing, a public hearing with proposed action and final action and this is a way to give the commission a little bit of flexibility.

COMMISSIONER TURNBULL: So you're saying we don't have a hearing, but we have a proposed action where we talk on the Dais then?

MS. STEINGASSER: Yes, sir, and then you would advertise that proposed action like you would any proposed action. People could submit written comment. So there would be an opportunity for comment and discussion, but it wouldn't be a public hearing.
COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: But we can always opt to have a hearing, because I guess if someone gives us written comment and we want to ask questions of that written comment, then we would have to propose something back in writing or we can make a decision at that time to have a hearing.

COMMISSIONER MAY: Exactly. I was going to suggest that that point we'd have a hearing, wouldn't we?

CHAIRMAN HOOD: So it's like taking it off the consent calendar?

VICE CHAIR COHEN: Yes, sir.

CHAIRMAN HOOD: Okay. Okay. That will work. But I think that needs to be spelled out, because yeah, instead of--

COMMISSIONER TURNBULL: Yeah, when I, I mean, I'm okay with that; but when I first read this I felt a little uncertainty as to what powers we actually had.

CHAIRMAN HOOD: Well, we just need
to make sure it=s clear, exactly what you=re saying.

MS. SCHELLIN:  We=ll make sure that it=s clear and I believe it=s in the text that the Zoning Commission has the right to determine a hearing, is necessary at any stage.

CHAIRMAN HOOD:  Okay, well I would move that we accept the recommendation as set down with the clarification, which is either in the text or will be in the text; and ask for a second.

VICE CHAIR COHEN:  Second.

CHAIRMAN HOOD:  It=s been moved and properly seconded.  Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD:  not hearing any opposition; any opposition?

COMMISSIONER TURNBULL:  One; would there be a fee involved or?

MS. SCHELLIN:  Yes.

COMMISSIONER TURNBULL:  There
would be a fee as usual? Okay.

CHAIRMAN HOOD: All in favor?

Aye?

(Chorus of ayes)

CHAIRMAN HOOD: Any, okay; not hearing any opposition, Miss Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to approve the four types of new types of modifications as recommended and clarified that three and four do require notice to the ANC and any parties. Commissioner Hood moving, Commissioner Cohen seconding; Commissioners May, Miller and Turnbull in support.

CHAIRMAN HOOD: Next, clarify the housing linkage applies based on the pre-PUD matter of right zone.

VICE CHAIR COHEN: And the public comments were: IZ standards should apply. There should be an income limit based on IZ. There should be no twenty year limit on rental, and WMATA site should not be excluded.
CHAIRMAN HOOD: The recommendation is set down in language but modified to (1) Establish there is an IZ component and an income limits. (2) Clarify the squares where a PUD would not be subject to linkage based on existing DD overlay zone sites. (3) Remove WMATA and application filed by a Federal Government agency form the exclusion of X and (4) Remove twenty year limit for rental housing. Any questions or comments?

VICE CHAIR COHEN: Yeah, write it specifically to remove WMATA site.

MS. SCHELLIN: We=’d be moving it from the exclusion. I=m sorry, I meant to include the WMATA sites.

VICE CHAIR COHEN: Oh, okay.

MS. STEINGASSER: Except the public comment.

VICE CHAIR COHEN: Okay.

COMMISSIONER MILLER: And so we=re, so on the, Mr. Chairman on the, or to Miss Steingasser; so we=re not making any change to
the exemption from housing linkage for the
downtown overlay? The downtown district?

MS. STEINGASSER: No, sir. Based
on recent cases, though, we may review that
language with the Office of Attorney General
and clari, try to close some of the confusion
that we=ve seen. But it wouldn=t be through
the PUD process, it would be through there.
Like I said, we=d have to work with OIG on where
that would be. I think that would be through
the PUD language.

COMMISSIONER MILLER: I just, I
think that, I think that the entire issue needs
to be revisited as to exempting the DD from the
housing linkage requirements; but I think the
original reason for exempting them no longer,
has not existed for a long time, so.

MS. STEINGASSER: We=re happy to--

COMMISSIONER MILLER: I think we
need to look at that.

VICE CHAIR COHEN: And then I have
another question with regard to removing the
twenty year limit; what are we going to then substitute?

MS. STEINGASSER: The life of the project.

COMMISSIONER MILLER: Maybe we can get some analysis as to what would be the, between now and November 3rd, or whatever date, before we take action. The proposed action on the text as to maybe the pros and cons of, just a short pros and cons of removing the exemption, or housing, of housing linkage from the DDD, yeah.

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: So I would agree with Commissioner Miller. Why don’t we hold off on that one? Okay? We won’t, we’re not going to take any vote on that. All right?

COMMISSIONER MILLER: I do support the other provisions here, the other three provisions; it was just that, it was just that one provision.

CHAIRMAN HOOD: Okay, well, we can
do a motion and leave that rest of it out. I just don’t want nothing to get lost; we’ve got a lot going on.

COMMISSIONER MILLER: Right.

CHAIRMAN HOOD: Get lost in the shuffle. I know office is planning to do it, but I just want to make sure it stays on our radar. So if somebody wants to make a motion? Commissioner Miller, if you want to do that?

COMMISSIONER MILLER: All right. I would move that the Zoning Commission approve the housing linkage clarifications as recommended by OP for items (1) that’s established there’s an IZ component and the income limits; (3) remove WMATA application filed by Federal Government agency from the exclusions and (4) remove the twenty year limit for rental housing, but hold off at this time on the Downtown Development District clarification.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Okay, it’s been
moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition? Miss Schelling?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 with regard to adopting the housing linkage clarification, adopting Items 1, 3 and 4; and holding off on Item 2 until you get more clarification. Commissioner Miller moving, Commissioner Turnbull seconding and Commissioners Hood, Cohen and May in support.

CHAIRMAN HOOD: Okay, next setdown, establish a party status process to allow determination prior to hearing. The alternative: Amend the proposed text to match the text proposed in Subtitle Z for party status.

VICE CHAIR COHEN: And the public comment is: Support prehearing determination of parties.

CHAIRMAN HOOD: The
recommendations, alternative, adopt prehearing party status text that matches the Subtitle Z language. I would move that we stay consistent and we adopt the prehearing party status text that matches this Subtitle Z language and ask for a second.

COMMISSIONER MILLER: Second.
CHAIRMAN HOOD: Moved and properly seconded. Any further? All those in favor?
(Chorus of ayes)
CHAIRMAN HOOD: Miss Schellin?
MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to adopt prehearing party status text that matches the Subtitle Z language. Commissioner Hood moving, Commissioner Miller seconding and Commissioners May, Cohen and Turnbull in support.
CHAIRMAN HOOD: Okay, setdown, require that the expert witness be present at the hearing and develop of cross-examination that evidence be provided to the ZC documenting the qualifications that make the witness an
expert and setdown language in advance. The setdown language is before us and I would move that we approve the recommendation. I don’t know that we need to clarify and say in advance, but I don’t know if that’s, I guess that’s already known. Or should we say in advance?

MS. STEINGASSER: I think you should say in advance.

CHAIRMAN HOOD: Okay, in advance. We shouldn’t say in advance if possible, let’s just say in advance. And I, that’s my motion and I need a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: It is moved and properly seconded. All in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Miss Schellin?

MS. SCHEL LIN: The staff records the vote 5 to 0 to 0 to adopt the setdown language and adding the words, receiving the information in advance. Commissioner Hood moving,
Commissioner Cohen seconding and Commissioners Ma, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay, next we do campus plans. I would--

COMMISSIONER MAY: Mr. Chairman, I had a couple of follow up questions.

CHAIRMAN HOOD: Yes, go right ahead.

COMMISSIONER MAY: On the PUD=s going to the previous, our previous guidance essentially. So the idea of having the different types of PUD=s, that all just went away even though it was a nice idea?

MS. STEINGASSER: It was a nice idea. We had discussed it. The more we looked at it, the more it became, the predictability just wasn=t there and the Zoning Commission had expressed their desire to have a setdown regardless, so it really was more trouble than it was worth and it was not predictable at all.

COMMISSIONER MAY: Okay, and the public benefit point system?
MS. STEINGASSER: Same thing. The Commission was uncomfortable. The public was generally uncomfortable with, you know, it was basically--

COMMISSIONER MAY: I mean, we had provided guidance and we endorsed it initially, but subsequently and the hearings--

MS. STEINGASSER: You endorsed us looking into it.

COMMISSIONER MAY: Right. Okay. I think that was it; those are the lingering questions that I had from the previous guidance. So thank you very much and I=m ready to move on to campus plans.

CHAIRMAN HOOD: Okay, the most strongest guy, powerful guy, we can move to campus plan. Thank you. Come on let=s go over campus plans.

COMMISSIONER MAY: I=m just, never mind.

CHAIRMAN HOOD: That=s not what I read in the City paper. It=s getting late, so
I may say anything.

COMMISSIONER MAY: What did you read in the bathroom stall?

CHAIRMAN HOOD: Oh, I was included in this, so anyway. Okay, anyway. Applicability or setdown require campus plan for colleges and universities and residential and residential apartment zones. Permit medical complexes to voluntarily apply for campus plan.

VICE CHAIR COHEN: Public comments were to support.

CHAIRMAN HOOD: Setdown require campus plan for colleges and universities included medical facilities that are a part of the university and permit voluntary applications by medical complexes that are not part of a university campus. We have the proposal before us.

Okay, I move that we accept this recommendation and ask for a second.

VICE CHAIR COHEN: Second.
CHAIRMAN HOOD:  Moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Miss Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to accept the recommendation with regard to applicability regarding campus plans. Commissioner Hood moving, Commissioner Cohen seconding and Commissioners May, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay, next, new language regarding commercial activities within a campus; setdown require commercial activities or developments to be related to the educational mission of the college or university applicant and not be inconsistent with the comprehensive plan.

VICE CHAIR COHEN: The public comments were: Reference to educational mission is too restrictive. The second comment was support the proposed standards.
CHAIRMAN HOOD: Okay, the setdown says, I mean, I'm sorry. The recommendation is the setdown, which says to modify setdown language to include, or student life after educational mission. So we're adding that to the setdown. Any comments?

COMMISSIONER TURNBULL: I think, Mr. Chair that I think OP is responding to a lot of comments that we've had on a lot of the previous campus plans. I'm thinking of one in particular, which I won't mention; but I think this makes a lot of sense, too. It will ease a lot of angst for a lot of neighbors. And if there's no other comments, I would move that we accept Number 2, new language regarding commercial activities within a campus; with the OP setdown recommendation to modify the language that it has in the setdown to include quote "Or student life after educational mission."

VICE CHAIR COHEN: Second it.

CHAIRMAN HOOD: It is moved and
properly seconded. Any further discussion?

All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Miss Schellin.

MS. SCHELLIN: The staff records

the vote 5 to 0 to 0 to approve the new language

regarding commercial activities within a

campus as modified; or accepting the setdown as

modified. Commissioner Turnbull moving,

Commissioner Cohen seconding and Commissioners

Hood, May and Miller in support.

CHAIRMAN HOOD: Okay, next, new

language regarding commercial activities

within a campus. Setdown says, require

commercial activities or developments to be

located as internally centered, central to the

campus as possible.

VICE CHAIR COHEN: And the public

comments were: (1) Requirement is too

restrictive; doesn’t recognize urban context

of some campuses could limit neighborhood use
or facilities. And the second comment is, support the proposed restrictions.

CHAIRMAN HOOD: Recommendations do not include X101.3C; and the internal location requirement and amend X101.3D to read: They shall be located so that they will not become objectionable to non-university residential neighbors.

COMMISSIONER MILLER: Mr. Chairman?

CHAIRMAN HOOD: Yes?

COMMISSIONER MILLER: I think the, there=s some uses that, well, I think the standard language when we use that objectionable language throughout the existing zoning regulations, I think it has the word likely to become, not likely to become objectionable.

I mean, there=s some people who oppose the university being there at all, and they=ll object to any use, so. I mean, I would prefer for us a more, a less subjective standard
that says to avoid adverse impacts upon
non-university residential neighbors.

But I do know we use that not become
objectionable language elsewhere. If we= re
going to use that, I would just like it to read
the way it normally reads; which is it is not
likely to become objectionable.

Just so that there=s some objective
standard that we can judge as to whether it
should be objectionable or not. So, I don=t
know if I made it clear.

CHAIRMAN HOOD: Yeah. What if we
put, and I=m thinking out loud. What if we put
likely objectionable and objectionable? That
leaves room for a possibility. It may already
be objectionable and then likely also leaves
room for possibility of becoming
objectionable. So I get that. But I think
objectionable, because some stuff may already
be objectionable. That=s just.

COMMISSIONER MILLER: Well, I
would leave it to OP to tweak it and look at the
text.

COMMISSIONER MAY: Well, I like your original suggestion that--

COMMISSIONER MILLER: Try to avoid--

COMMISSIONER MAY: --to try to make it, well no, we, not that so much as, try to make it consistent with how we treat--

COMMISSIONER MILLER: Right.

COMMISSIONER MAY: --this language elsewhere. And I think it=s a really a drafting issue more than anything else.

CHAIRMAN HOOD: Okay, we can go with that. Okay, anything else? All right. You want to make it? Rob, you want to make a motion?

COMMISSIONER MILLER: I would move approval of the OP language, OP recommendation to, regarding the new language regarding commercial activities within a campus; and amend the standard to on objectionability to be consistent with our use of that phrase.
elsewhere in the zoning regulations and ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: It=s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition?

Miss Schellin.

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to accept the revised recommendation with regard to the new language regarding commercial activities within a campus. Commissioner Miller moving, Commissioner Cohen seconding and Commissioners Hood, May and Turnbull in support.

CHAIRMAN HOOD: Okay, next. New language limiting commercial use to ten percent. Setdown limit total floor area of all commercial uses including basement or cellar space to no more than ten percent of a gross floor area of the total campus plan floor area.
ratio.

VICE CHAIR COHEN: And the public comment was: Requirement is too permissive.

CHAIRMAN HOOD: Okay, the recommendation do not include the provisions and rely on showing that any commercial activities are consistent with the comprehensive plan in 2, above, new language regarding commercial activities within campus. Miss Steingasser, I thought, I think this is the one, maybe it=s the Number 10. I want to start now, but. Is this the issue that Councilmember Cheh has written to me about four times? We told her we were going to handle this through this process? Or do I, is it Number 10?

MS. STEINGASSER: It=s Number 10.

CHAIRMAN HOOD: Okay. Can=t wait to get there. Okay. All right, any other questions or comments?

COMMISSIONER MAY: Mr. Chairman, ten percent does seem like a lot, but I don=t, I mean, I see the benefit of not being, not
setting an arbitrary number on it. So I=m comfortable with relying on the language that we=ve previously established.

So I would move that we accept the recommendation to not include the provision and rely on a showing that any commercial activities are consistent with the comprehensive plan and the two above new language, sorry Number 2, above, new language regarding commercial activities within the campus. Anybody want to second?

COMMISSIONER MILLER: Seconded.

COMMISSIONER MAY: Thank you.

CHAIRMAN HOOD: Okay, it=s been moved and properly seconded. Any further discussion? I=m not sure, Miss Steingasser, what are we doing here? This ten percent commercial use?

MS. STEINGASSER: The idea was to contain the amount of commercial activity; we saw that growing and growing through some of the campus plans we have dealt with over the last
couple of years. In one in particular, they wanted to have basically a commercial center that had general retail activities that were going to draw far beyond the student.

So we took some different approaches to try to contain that. The Commission held really firm on that, because it was inconsistent with the land use designation; so we wanted.

But at the same time, students need to have some commercial activities, so we tried to then refine this so that it was relevant to the educational mission or student life, and then through the public hearing we also heard that in many cases, surrounding neighbors do enjoy the opportunity to use it. So we're trying to balance all that.

The ten percent was an issue and some of the neighbors were concerned that setting that number almost invited people to reach it. Yeah. It created a false sense of entitlement, so.
CHAIRMAN HOOD: Any further, thank you; any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Miss Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the new language limiting commercial uses to ten percent. Commissioner May moving, Commissioner Miller seconding and Commissioners Hood, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay, Number 5, floor area ratio calculation. Setdown said include private roads in the land area for calculating floor area ratio.

VICE CHAIR COHEN: And the public comment is: This is a change in calculation not consistent with historic patterns of calculating campus FAR.

CHAIRMAN HOOD: And the recommendation says to amend the setdown text
and do not include private roads in FAR calculations. Any comments or questions? Or motions?

COMMISSIONER MAY: Yeah, I think it was an attempt to sort of make it consistent with the way we’ve been treating PUDs for residential developments where we don’t want roads; even if they’re private roads, to be considered in the FAR calculations because it gives you a false impression of the density.

Campus plans are a little bit different. I mean, the roads are all internal and private and serving university uses; they’re generally not going to be roads that will be open to the public, so I don’t have any problem with treating this differently.

So I would make a motion that we amend the setdown text and do not include private roads in FAR calculation.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It’s been moved and properly seconded. Any further discussion?
Who seconded that?

VICE CHAIR COHEN: Me.

CHAIRMAN HOOD: The permanent seconder.

MS. SCHELLIN: No, Miller did. Didn’t he?

CHAIRMAN HOOD: They both did.

MS. SCHELLIN: We’ll give it to Miller because Cohen’s got about ninety percent of the seconds, so I’m going to give it to Miller.

CHAIRMAN HOOD: It’s been moved and properly seconded. Further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Any opposition? Miss Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to approve, to accept the recommendation with regard to the floor area ratio calculation. Commissioner May moving, Commissioner Miller seconding and
Commissioners Hood, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay, Number 6, multiple buildings within a campus or private school plan. The setdown says, does not change exist, does not change existing text that covers theoretical lots but Subtitle C402.2 requires that new primary buildings shall be erected on a separate lot of record.

VICE CHAIR COHEN: Public comments were: Provide text that recognizes the unwritten but recognized interpretation that multiple buildings are allowed on approved campus plans.

CHAIRMAN HOOD: Okay, the recommendation, amend the setdown text to clarify that multiple buildings are allowed on approved campus or private school plan. The text in Subtitle A and C should also be amended to reflect the clarification.

Any questions?

COMMISSIONER MICHAEL TURNBULL: I
guess I’m just kind of amazed after all these years that it’s such an understood that we don’t have that, but. I think it ought to be clarified. I would move that we accept Item 6, multiple buildings within a campus or private school plan as per the OP recommendation.

CHAIRMAN HOOD: I second it. It’s moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Miss Schellin, would you record the vote?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the multiple buildings within a campus or private school plan. Commissioner Turnbull moving, Commissioner Hood seconding and Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: The next, measuring building height within campus and private school plans. The setdown says, does
not address the measuring of buildings within a campus plan.

VICE CHAIR COHEN: The public comment was: Permit measurement from any façade midpoint when setback from property line one to one.

CHAIRMAN HOOD: Include the one to one language, the recommendation is to include the one to one language for approved campus or private school plans. Any questions, comments or motions?

COMMISSIONER MAY: I have a question.

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: This decision just means that if it’s close to the property line, you’d use the curb as the measuring point?

MS. STEINGASSER: That’s correct.

COMMISSIONER MAY: And then if it, or the standards, standard building height measuring points. But when it’s setback one to one, you’d use the façade?
MS. STEINGASSER: The façade.

COMMISSIONER MAY: Okay. That makes sense. I would move that we would, excuse me, we include language, that one to one setback language for approved campus plan or private school plans, to measure building height.

COMMISSIONER MILLER: Seconded.

CHAIRMAN HOOD: It’s been moved and properly seconded. Any further? All those in favor?

(Chorus of ayes)

CHAIRMAN HOOD: Miss Schellin?

MS. SCHELLIN: The staff records the vote 5 to 0 to 0 to approve the recommendation with regard to the measuring of building height within campus and private school plans. Commissioner May moving, Commissioner Miller seconding and Commissioners Hood, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay. Simultaneous
review of further processing and campus plan
approval or amendments. Setdown does not
address the simultaneous filling and review.

VICE CHAIR COHEN: Public comments: Prohibit the simultaneous filing
and review. And the second comment is: Permit
the simultaneous filing and review.

CHAIRMAN HOOD: Okay, the
recommendation required that a campus plan or
its amendment be approved prior to the
scheduling of any further processing.

COMMISSIONER TURNBULL: So this
addresses, again, past experience where we had
both. We had a campus plan and we had a further
processing going at the same time; and we had
issues that developed out of that with the
neighbors. So we’re basically saying do the
campus plan first, then come back with further
processing?

MS. STEINGASSER: Yes, sir; and
they could file them together, they just
couldn’t have the hearings together.
COMMISSIONER TURNBULL: Simultaneously?

MS. STEINGASSER: Right.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: Okay. I would move that we--

COMMISSIONER MAY: I'm sorry. Can I, before we go any further, I would just want to clarify. You know, amendments, sometimes they are minor amendments that are associated with further processing and this implies that we would have to have a hearing just on the amendment and then have a separate hearing for the further processing.

VICE CHAIR COHEN: It does.

COMMISSIONER MAY: So is that really what we recommend? I mean it seems to me that if we're talking about an amendment to an approved campus plan, that's something that actually could be considered with a further processing case as long as the amendment relates to that further processing case.
COMMISSIONER TURNBULL: Well, yeah, I was going to say it depends what the amendment is.

VICE CHAIR COHEN: Right. I see what you mean. We could easily incorporate that as long as it’s related directly to the further processing so that they’re not trying to deal with what we had last time. We can do that easily. Thank you.

MS. STEINGASSER: Yeah.

CHAIRMAN HOOD: Okay. It’s moved. Who seconded?

COMMISSIONER TURNBULL: Well, I started to I didn’t finish and Commissioner May had that comment about the amendment to make.

COMMISSIONER MAY: Do you want me to go ahead and make the motion then?

COMMISSIONER TURNBULL: Sure.

COMMISSIONER MAY: So I would make the motion that we require campus plan to be approved prior to the scheduling of any further processing and that, I’m sorry, let me rephrase
that. Require that a campus plan or its amendment be approved prior to scheduling and/or further processing except that an amendment may be heard when it is directly related to a further processing. They can be heard at the same time.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It’s been moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes.)

CHAIRMAN HOOD: Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve requiring that a campus plan or its amendment be approved prior to the scheduling of any further processing except an amendment can be heard if it is related to the further processing. Commissioner May moving. Commissioner Turnbull seconding. Commissioners Hood, Miller and Cohen in support.

CHAIRMAN HOOD: Okay. Zoning
Administrative Amendments allow for very minor modifications determined necessary for compliance with life, safety or building codes without an amendment to the campus plan provided the addition does not result in an increase in gross floor area or more than 1500 square feet and the addition shall only be used for purposes of ingress, egress and handicapped access.

VICE CHAIR COHEN: And the public comments are prohibit any administrative amendments without public and ZZ review and the second comment is permit the zoning administrator to approve additions up to two percent.

CHAIRMAN HOOD: And next it says to keep the ZA administrative amendments as set down. The problem, Ms. Steingasser, I see allow for very minor modifications. When I first got on here we said a minor modification and we were changing the whole use of a building, went from residential to hotel or
hotel to residential, I can=t remember. So, I mean, what is very minor?

MS. STEINGASSER: We=ve capped it at a maximum size of 1500 square feet and we=ve limited its purpose only for ingress, egress or handicapped access. So it would be to allow an entry alcove or coverage over a doorway or some kind of handicapped access.

CHAIRMAN HOOD: So it would have nothing to do with use or anything of that nature?

MS. STEINGASSER: No.

CHAIRMAN HOOD: Okay. Any other comments?

COMMISSIONER MAY: I just, 1500 seems large for me. Maybe that=s because it might be multiple floors of a stairway or something like that because otherwise, if you=re talking about a small campus, 1500 foot addition ---

COMMISSIONER TURNBULL: Thirty by fifty.
COMMISSIONER MAY: Yeah, that could be pretty big.

MS. STEINGASSER: Okay.

COMMISSIONER MAY: But I assume that if it=s limited for ingress, egress or handicapped access it=s not going to be 30 x 50, but it might be a stairway that adds up.

MS. STEINGASSER: That would go all the way up.

COMMISSIONER MAY: I don=t know. I would just suggest that maybe we need to look at the 1500 number and see if it=s really what=s necessary.

VICE CHAIR COHEN: But because we=re limiting the purpose and again, if there=s unanticipated, as you said, stairway, they may need that flexibility.

COMMISSIONER MAY: It might. I=m just asking that they take another look at that number. That=s all but otherwise I would ---

COMMISSIONER TURNBULL: I think the reason is fine. Egress, handicapped
access, I think that’s perfectly acceptable.

COMMISSIONER MAY: Anyway, I would move that we accept the recommendation to allow for very minor modifications determined necessary for compliance with life, safety or building codes without an amendment to the campus plan provided the addition does not result in an increase of gross floor area of more than 1500 square feet and the addition shall only be used for the purposes of ingress, egress or handicapped access noting that we’d like the Office of Planning to investigate the 1500 square foot number.

VICE CHAIR COHEN: I’ll second that.

CHAIRMAN HOOD: Okay, it’s been moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes.)

CHAIRMAN HOOD: Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation.
with regard to the zoning administrator amendments. Commissioner May moving, Commissioner Cohen seconding, Commissioners Hood, Miller and Turnbull in support.

CHAIRMAN HOOD: Okay, next university use of commercially zoned plan requires special exceptions be heard by the zoning commission for use of land in the C1-C2A zones by a college or university.

VICE CHAIR COHEN: The public comments are 1) too broad a restriction based on ownership not use; 2) support the special exemption requirement.

CHAIRMAN HOOD: Recommendation: Modify the sit down text and limit the special exception for academic or student specific purposes or any use by a college or university that would not otherwise be permitted as a matter of right use in the C1-C2A zone, industrial type uses. Ms. Steingasser, I think the request from the councilman in Ward 3 and this goes back a while, so I hope she=s
watching if I can get it right, I think the request was to include that as a commercially zoned as part of a campus. Did we go through that exercise and did we have a determination that we couldn’t do it or shouldn’t do it or was there some evidence of why we should not include that in the campus plan?

MS. STEINGASSER: Well that’s what this does.

CHAIRMAN HOOD: That’s what it does?

MS. STEINGASSER: Because oftentimes the commercial use, the commercial property may not be adjacent to the campus so it would be ancillary property which is fine as long as it’s not being used for these university uses.

CHAIRMAN HOOD: So if a university, I’m going to be real general, if a university is over here and the commercial zone is over here and I understand the complexity of making that a part of the plan or
in the plan=s boundaries, I=m still trying to
figure out how we capture that.

MS. STEINGASSER: Well that=s what
we thought the special exception and that
special exception is to be heard by the zoning
commission, not through the BZA, so it would be
heard by the same body that approves the campus
plan so that you=d have that institutional
knowledge of how they worked together but that
special exception is meant to parallel that
campus plan.

CHAIRMAN HOOD: Okay. Now are
these the only zones, C1 and C2A?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: That this would be
affected? Okay. And this answered
Councilmember Teays letter that I can remember,
special exception I think will get us there.
Okay.

MS. STEINGASSER: We responded
with a kind of a far reach, I don=t want to say
overreach, but we reached far based on the first
letter and then we actually got a letter from
the councilwoman saying well maybe not that
far, that it really needed to focus on the uses,
not the ownership and that=s why we paired it
back to be those university related uses or
industrial uses that often accompany a
university.

COMMISSIONER TURNBULL: I was just
going to say you=ve left it so that it can be
it=s rented or owned property.

MS. STEINGASSER: Right, and if
it=s an office, if the university=s operating
an office and an office is a permitted use by
any other then it would not require a special
exception, but if it=s the university health
clinic and that=s tied only for university
students then that would require a special
exception.

COMMISSIONER TURNBULL: Right.
Okay.

CHAIRMAIN HOOD: Okay. I would
move that we approve the recommendation as
presented by the Office of Planning for university use of commercial zoned land and ask for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: It’s been moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes.)

COMMISSIONER TURNBULL: Ms. Schellin, would you record the vote.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the university use of commercially zoned land, Commissioner Hood moving, Commissioner Turnbull seconding, Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay, next, Exempt DC Public School students from student caps do not include DC Public School students that are taking courses at the college or university in the student cap.

VICE CHAIR COHEN: Public
comments: Include all the students, even DC Public School students. And the second comment, do not count the DC Public School students.

CHAIRMAN HOOD: Recommendation: Do not include DC Public School students in campus plan student caps. I would actually agree with the recommendation and I=ll tell you why, because that would affect, I think it would affect, a lot of the students I think go to school on colleges for free and that would affect the ability and I think colleges would push back in giving our younger folks an opportunity for a higher education which they may not be able to get and later in life so I=m in tune with this recommendation but the only question, does this also include charter schools?

MS. STEINGASSER: Yes sir, it does.

CHAIRMAN HOOD: Okay. So anything that gets public money. Okay.

COMMISSIONER MAY: Charter schools
are public schools in the district.

    CHAIRMAN HOOD: Well I want to make sure because there are issues that certain charter schools can't do certain things with public schools so I just wanted to make sure it was clear.

    COMMISSIONER MAY: Well, yeah, and I agree this is really very, very important and we do not want to create any disincentives for universities offering these spaces in their classes to high school students in the district. I think we want to encourage that.

    CHAIRMAN HOOD: I would move that we approve the recommendation to exempt DC Public School students from student caps and campus plan student caps.

    COMMISSIONER MILLER: Second.

    CHAIRMAN HOOD: All right it's moved and seconded. Any further discussion?

Ok, the second is from Commissioner Miller. All in favor?

    (Chorus of ayes.)
CHAIRMAN HOOD: All right, any opposition? None. Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to exempt DC Public School students from student caps. Commissioner Hood moving, Commissioner Miller seconding, Commissioners May, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay, next clarify student counts. The set down is require a student count for every student on campus including full-time, part-time, foreign, certificate/non-degree, single course, night programs and executive program students.

VICE CHAIR COHEN: The public comments were detailed count is too restrictive and the second comment is support the detailed student count.

CHAIRMAN HOOD: The recommendation is to require a full accounting of all students that use the campus.

COMMISSIONER TURNBULL: Again based
on our past experience I think the neighborhoods want a full accounting of all the students so I would go with the OP recommendation on this one.

COMMISSIONER MAY: Well I think it=s easier for us to understand it and compare apples to apples between universities and understanding what relative impacts are.

CHAIRMAN HOOD: Would somebody like to make a motion?

COMMISSIONER MILLER: I just had a question. I haven=t sat on any campus plan cases.

COMMISSIONER TURNBULL: Oh, you= re going to love campus plans.

COMMISSIONER MILLER: Or colleges. I= ve sat on private school. But anyway, if there was a different criteria that was, if a different count was used in an approved campus plan that doesn=t include all these, they wouldn=t be automatically out of compliance until they come up for the next campus plan.
MS. STEINGASSER: That’s correct.

And the Commission has struggled in the past to try to equate any changes in student counts but it is often a shell game trying to figure out how many people are actually coming and it’s really just a way to assess the impacts and the traffic flow and that kind of thing.

CHAIRMAN HOOD: Okay, any further questions? Would somebody like to make a motion?

COMMISSIONER TURNBULL: Mr. Chair, I would move that we accept number 12, clarify student counts, OPs recommendation and go with their set down requiring a full accounting of all students that use the campus.

CHAIRMAN HOOD: I’ll second it. It’s been moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Yes, sir. Staff
records the vote 5 to 0 to 0 to accept the recommendation with regard to clarify student counts. Commissioner Turnbull moving, Commissioner Hood seconding, Commissioners May, Miller and Cohen in support.

CHAIRMAN HOOD: Okay, next I think we have complete campus and private school plans. Let’s keep pushing on. Let’s go to Chanceries. When I was looking at all the material that the vice chair and I are going to have to read, can we skim through that silently or do I still need to do it aloud? Most people, I know, like to hear me read, so.

COMMISSIONER MAY: I would suggest we jump straight to the recommendation.

CHAIRMAN HOOD: Okay. And if anybody needs a few minutes to read, refresh their memory, just let me know and that’s including the audience. Since we have so many people we can wait on everybody. Why don’t we take a minute and review it and then we will get into discussion. Let’s do it that way. Okay,
I will say the recommendations before so I will read those. Modify the set down text or strike references to the first transfer in the embassy. Have the BZA promulgate rules to be included within the zoning regulations that determine an area as being a square for purpose of determining any other as accepted pursuant to 4306(b) of the Foreign Missions Act. Keep more than 50 percent as the basis of office of institutional uses within the area and keep the uses limited to office or institutional and clarify that these do not include home occupations, accessory uses to principle residential use or residential CBIFs.

COMMISSIONER MAY: Yeah, I had a couple of issues on this. We're seeking a little bit more information, or actually clarity on one question. The first is that the continuing use of an existing chancery. I think the way it had originally been drafted if an existing chancery was not going to be used...
by a given foreign government that it would lapse or perhaps lapse after some period of time but then there was some change to that. I mean are you now allowing that it could be transferred from one foreign government to another foreign government and the chancery use could continue without further review by the FMBZA?

MS. STEINGASSER: I believe that’s what the Office of Attorney General has advised.

COMMISSIONER MAY: Okay. So and then the second thing is the 50 percent threshold and I understand the Office of the Attorney General has advised that that’s legally sufficient but we also have letters in the record from the Department of State and from NCPC saying that that’s illegal or contrary to the Foreign Missions Act, so can you explain or maybe can anybody explain why its legally sufficient?

MS. STEINGASSER: According to the
City=s Office of Attorney General the Zoning Commission does have the authority to advise the BZA on what they think those thresholds should be. The Foreign Missions Act is silent on that. It doesn=t say they can=t and as a belt and suspenders before the Office of Attorney General who is not here today has suggested that the Zoning Commission ask the BZA to promulgate their own rules that mirror these so that they would be in conformance with the Foreign Missions Act according --

COMMISSIONER MAY:  It would have to be the Foreign Missions BZA that would promulgate those rules.

CHAIRMAN HOOD:  But we do have Ms. Myers here from OAG. Aren=t you here representing the OAG?

MS. MYERS:  I am, yes.

CHAIRMAN HOOD:  Oh, okay.

MS. MYERS:  But Ms. Steingasser said it so well herself.

CHAIRMAN HOOD:  She usually does.
Okay.

MS. STEINGASSER: I'm not diminishing. I just know we've always dealt with Alan Bergstein and he's been involved directly with the attorneys from the State Department and since he's not here I --

COMMISSIONER MAY: Right. So the next for me is, in the discussion between the Department of State and the Office of the Attorney General and perhaps NCPC, has there been agreement on this yet or is it still an open issue?

MS. STEINGASSER: I believe there are still some open elements and when Alan Bergstein returns he has plans to meet with both the State Department and the National Capital Planning Commission. These recommendations are new and have not been vetted.

COMMISSIONER MAY: Fully vetted.

Got it. All right, well and I'm okay with the idea. I mean the idea that we would actually promulgate some sort of guidance on what
constitutes as it says in the regulations, it says that a chancery shall be permitted in any other area determined on the basis of existing uses which includes office of institutional uses including but not limited to any areas zoned mixed use, diplomatic or special purpose so, in other words, based on what=s there is it appropriate and it=s not, while it may be a soft standard here the idea that there would be guidance about how to determine that makes sense to me. Whether this is exactly the right guidance I don=t know and I would hope that there could be some agreement among all the lawyers about what the right standard is but I=m satisfied moving ahead with this as it=s been recommended.

COMMISSIONER MILLER: Mr. Chairman, I=m also satisfied with the recommendation by the Office of Planning. I think this has always been a balancing of interests and sometimes there=s been an agreement to disagree and we=re talking about
the District and these neighborhoods that consider themselves essentially residential neighborhoods do not want office uses in their neighborhoods and that's what we're talking about here and when you see the State Department's own letter at the top of page three, the State Department says the department acknowledges its longstanding interest in allowing the location of Chanceries, and I insert here, office uses, in lower density residential neighborhoods and the District's longstanding interest in restricting Chanceries from such areas. I think that's a brutally honest statement by the State Department and I think we are the body that needs to try to find and strike a balance here.

CHAIRMAN HOOD: Okay, somebody make a motion?

COMMISSIONER MAY: I would move that we approve the recommendation that we adopt the set down text with further qualifications to modify the set down text as
strike references to first transfer and
embassy, also to have the Foreign Missions BZA
to promulgate rules to be included in the zoning
regulations that determine that an area being
a square for the purposes of determining any
other area as acceptable to section 4306(b) of
the Foreign Missions Act and keep more than 50
percent as the basis of office or institutional
uses within the area and keep the uses limited
to office or institutional and clarify that
these do not include home occupations,
accessory uses to principle residential use or
residential CBIF.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It has been moved
and properly seconded. Any further
discussion? All those in favor?

(Chorus of ayes.)

CHAIRMAN HOOD: MS. Schellin,
would you record the vote?

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to accept the recommendation with
regard to Chanceries, the location. Commissioner May moving, Commissioner Miller seconding, Commissioners Hood, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay, I believe that’s all we have on Chanceries. Let’s go to Creation of New Zones. Set down, is this only one page? Okay. Set down subtitle X, Chapter 4, you have the regs in front of you and it’s listed from 400 to 400.7.

VICE CHAIR COHEN: The public comments were support opportunity to create new zones. Second comment delete 400.5 and the reference to diminution of property rights and the third comment was new zones should not be used to restrict otherwise permitted density.

CHAIRMAN HOOD: Okay, the first recommendation, the set down language with the following changes: Rephrase 400.6 to read evidence of a significant community support for the zones. Such evidence may include statements from affected property owners within the
defined area, resolutions from relevant civic
community and business groups and the A&C
including single member district
representation; add a 400.6 that reads a
statement of the purpose and intent of the
proposed new zone. Let’s open up any comments.
Anybody need additional time?

COMMISSIONER MAY: I just want to
ask on 400.7, there’s a term that’s bolded for
us, great consideration. The affected
property owner will be given great
consideration, is that a term of ours, is that
something that’s in the regulations somewhere?

MS. STEINGASSER: It is not in the
regulations. I just wanted to make sure there
was.

COMMISSIONER MAY: We’re just
going to pay really close attention to what
affected property owners have to say.

MS. STEINGASSER: Especially if
they’re in opposition. It’s not a great
weight. It’s not meant to rival great weight.
It’s just --

COMMISSIONER MAY: Right. Okay. So it almost sort of implies that so maybe we need to call it out in some different way but that’s a wordsmithing issue. Otherwise, I think this is perfectly fine.

COMMISSIONER TURNBULL: I would just note to correct the correct word affected and effected but that’s I’m just wordsmithing here.

MS. STEINGASSER: And I’m embarrassed.

COMMISSIONER TURNBULL: Okay.

COMMISSIONER MAY: I would make a motion that we accept the recommendation to use the set down language with the following changes: Rephrase 400.6 to read "evidence of significant community of support for the zone. Such evidence may include statements from affected property owners within the defined area or resolutions from relevant civic community and business groups and the ANC
including the single member district representation" and add section 400.6(c) that reads a statement of the purpose and intent of the proposed new zone.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: I was waiting on Commissioner Cohen. Anyway, it=s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the Creation of New Zones as recommended. Commissioner May moving, Commissioner Turnbull seconding, Commissioners Hood, Cohen and Miller in support.

CHAIRMAN HOOD: Colleagues, let=s do industrial next and let=s end up with mixed use development standards. I think industrial may go a little fast.
COMMISSIONER MAY: We also have Special Purpose Districts.

CHAIRMAN HOOD: Oh, Special K, is that what it=s called? Okay.

COMMISSIONER MAY: Subtitle K, yes.

CHAIRMAN HOOD: Okay, Subtitle K. What=d I call it, Special K? Okay, let=s do Subtitle K first. Let me just see if we all agree I think we could actually delay this and if a developer wanted to come forward with Chapters 1, 2 and what we have proposed here now, I=ll go to the Office of Planning and ask if a developer wanted to come forward with something more specific than this would that be the prime opportunity as opposed to now?

MR. LAWSON: Actually, we=d very much support that approach. The developer submitted these changes, we thought we needed to make them available to you, but we really do think it=s more appropriate that these changes come forward as a separate text amendment to
their zoning, which is what they’ve done in the past. Some of them are pretty small. Some of them are pretty small. Some of them are pretty significant.

CHAIRMAN HOOD: Okay. Colleagues, do you agree with Subtitle K, special purpose zones?

COMMISSIONER MAY: So in essence essentially just taking what exists now for these special zones and --

MR. LAWSON: Yeah. We had advised people publicly that we weren’t going to be proposing significant changes in these zones and some of these are significant which doesn’t mean that they’re necessarily bad. They’re just significant. They haven’t had any public discussion.

COMMISSIONER MAY: So, Mr. Chairman, I’ll make a motion that we essentially take or create the new Subtitle K for the Special Purpose Zones based on the existing language for the Special Purpose Zone
Southeast Federal Center Unit Station North
Capital Gateway Hill East and St. Elizabeth=s.
Is that all of them?

CHAIRMAN HOOD: Yeah, I think that was all.

COMMISSIONER MAY: And then any further changes would be brought forward in subsequent zoning cases.

CHAIRMAN HOOD: Okay. I will second that. So the move was properly seconded. Any further comments or discussion or clarification? Mr. Miller.

COMMISSIONER MILLER: Yeah, I just wanted to confirm with OP that there wasn=t any urgency for the, I saw the Southeast Federal Center I could see how that needed to be pulled into one separate case but was there some urgency with the Capital Gateway? I=m not sure where that originated from.

MR. LAWSON: I can=t imagine there was. This letter was submitted without prior discussion with OP and that would typically
happen if there was some level of urgency and frankly if there is, they could submit a text amendment which they have done more than once in the past. They could submit that tomorrow for a zoning +++10:06:37 consideration but doing it as a separate case.

COMMISSIONER MILLER: Thank you. Just wanted to know.

CHAIRMAN HOOD: Okay, it=s moved and properly seconded. Any further discussion? Who seconded? I think, oh I seconded but you can give it to Commissioner Cohen. Okay. It=s been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 with regard to the Special K Special Purpose Zones to maintain the existing language for the Southeast Federal
Center, the Union Station North, the Capital Gateway and the St. Elizabeth=s Zones and any further changes can be brought in future rule making cases. Commissioner May moving, Commissioner Hood seconding, Commissioners Cohen, Miller and Turnbull in support.

VICE CHAIR COHEN: Thank you, Ms. Schellin. We=re going to move on to Industrial Zones. Height and number of stories and we have a table. The OP recommendation is set down standards for height and number of stories. The set down proposal reflects the standards approved by the ZE in Case number 0806(d) in May 2011 as part of the initial consideration of said title J. Any discussion?

COMMISSIONER MAY: I would move that we accept the recommendation that you just stated, which is based on our guidance provided in 0806(d) in May 2011.

COMMISSIONER MILLER: Second.

VICE CHAIR COHEN: Okay, having the
moved motion and seconded properly, can I have a vote please? All those in favor?

(Chorus of ayes.)

VICE CHAIR COHEN: Hearing no no-s, Ms. Schilling can you provide the.

CHAIRMAN HOOD: Okay, the vote is 5 to 0 with who moved?

VICE CHAIR COHEN: May moved.

CHAIRMAN HOOD: May moved it.

VICE CHAIR COHEN: Miller seconded.

CHAIRMAN HOOD: And Miller seconded. Commissioner May moved and Miller second, 5 to 0 is the vote. Okay, thank you Ms. Chair I was able to locate my, I can=t read it. Okay, number two, Floor Area Ratio set down, increase the far by 0.5 and the CM-1 and CM-2 zones and require that a minimum of FAR must be used only for PDR purposes in all PDR zones and the chart is before us.

VICE CHAIR COHEN: And the public comments allow any non-PDR use to use the total
permitted FAR, do not restrict any FAR to only PDR uses.

CHAIRMAN HOOD: The recommendation: Set down standards for FAR the set down proposal reflects the standards approved by the Zoning Commission in case 0806(d) in May of 2011 as part of the initial consideration of Subtitle J.

COMMISSIONER TURNBULL: Mr. Chair if there=s no other comments, I would move that we accept item 2 Floor Area Ratio J Section 205 with the OP recommendation set down standards for FAR. The proposal reflects the standards approved by the Zoning Commission in case 0806(d) in May 2011 as part of the initial consideration of Subtitle J.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: It=s been moved and properly seconded. Any further discussion? All those in favor, aye. Not hearing any opposition, Ms. Schellin.

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to accept the Floor Area Ratio recommendation. Commissioner Turnbull moving, Commissioner Miller seconding, Commissioners Hood, May and Cohen in support.

CHAIRMAN HOOD: Okay, next rear setback increase the minimum rear setback from residentially zoned lands to 25 feet from twelve feet would be applicable in all PDR zones. The recommendation set down standards for rear setbacks. Okay, any questions or comments?

COMMISSIONER MAY: I would move that we accept the recommendation but actually if you want to include side setbacks they are very similar, we can do it all as one.

CHAIRMAN HOOD: Okay, let’s do side setbacks. Increase the minimum side setback from residentially zoned lands to 25 feet from eight feet would be applicable in all PDR zones. Set down standards for side setbacks.

COMMISSIONER MAY: So I would move that we approve the rear setback, increase the
minimum rear setback from residentially zoned
lands to 25 feet from 12 feet and that we
increase the minimum side setback from
residentially zoned lands to 25 feet from eight
feet.

VICE CHAIR COHEN: I second that.
CHAIRMAN HOOD: It=s been moved and
seconded. Any further discussion.

COMMISSIONER MILLER: I just have a
question. So, these setbacks, the rear and
side setbacks are just from residentially zoned
lands. They=re not setback from residential use
of other zoned lands. Is that correct?

MS. STEINGASSER: That=s correct.
CHAIRMAN HOOD: Ms. Steingasser, I
know we=ve been through this before, but we had
looked at where alleys did not count towards the
feet as far as distance?

MS. STEINGASSER: One quick second
and we=ll double check that.

CHAIRMAN HOOD: I=ll just tell you
my concern while you=re looking for that. I
don’t think that 25 feet is enough distance from a residential in a PDR zone especially depending upon the use. I know we had diagrams with the alley and from lot line to lot line and I think the alley was not calculated in the, I think the alley was not calculated in the distance.

MS. STEINGASSER: Well, the diagrams we have show that it can up to ten feet.

CHAIRMAN HOOD: Okay, can you tell me what it is right quick?

MS. VITALE: The diagrams are in Subtitle J, page ten and this is section 209.2.

CHAIRMAN HOOD: Okay. Can we do this, can we revisit that? I meant to ask that earlier. I don’t have a problem tonight moving forward but can we put that also in the part to see if we need to make, cause I’m thinking of a specific instance within the, well, Langdon over there, LO, within that area where this applies very well with an alley in between.

MS. VITALE: Okay.
CHAIRMAN HOOD: And we really need to relook at that. If we, maybe make it and it may be just in that instance. I=m not sure and I know we talked about parks and everything. I have to go back and look at the transcript of what we said but this particular instance, even this right here would not be suitable for what I=m thinking of in a specific overlay.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: Even if we have to look at maybe extending those distances. Okay, but I don=t have a problem with moving forward but if we can just revisit that. Any other questions? Commissioner Miller.

COMMISSIONER MILLER: Well, I was, just to follow-up on my previous question I think we need to think about maybe revisit how we=re going to protect preexisting residential uses that are adjacent that may not be in a residential zone but how are they going to be protected? They=re not going to have a buffer, they=ve been
there but they have to go and change their apply
for zoning and then map amendment then I guess
is the only way they=are going to get a required
buffer but if the Office of Planning could just
relook at that and come back to us with
something on that.

MS. STEINGASSER: Okay. That
would be fine.

CHAIRMAN HOOD: The rear and side
setback before us. It=s been moved and
properly seconded. Any further discussion?
All in favor.

(Chorus of ayes.)

CHAIRMAN HOOD: Not hearing any
opposition, Ms. Schellin.

MS. SCHELLIN: Yes, staff records
the vote 5 to 0 to 0 to move in block, or accept
in block rather, the recommendations both as
set down for the rear setbacks and the side
setbacks. Commissioner May moving,
Commissioner Cohen seconding, Commissioners
Hood, Miller and Turnbull in support.
CHAIRMAN HOOD: Transition Heights. Set down establish a new transition of height when PDR zones abut residentially zoned lands. The transition requires a 1:1 setback starting at 10 feet above residential zone height and would be measured from property line. The recommendation set down standards for Transition Height when PDR zones abut residential zone lands. Any comments or questions? Okay, I would move that we approve the recommendation as noted and asked for a second.

COMMISSIONER TURNBULL: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the transition heights.
Commissioner Hood moving, Commissioner Turnbull seconding. Commissioners May, Cohen and Miller in support.

CHAIRMAN HOOD: Okay, Setback (Buffer) Requirements. Require a 25 foot buffer between PDR zones and residential zoned lands. The buffer includes landscaping and fencing.

VICE CHAIR COHEN: Public comments were support for buffer.

CHAIRMAN HOOD: Set down standards for Setback Buffer when PDR zones abut residential zones. I move that we accept the recommendation as noted by the Office Planning=s recommendation to provide a buffer between the PDR zones and residential zone lands and ask for a second.

VICE CHAIR COHEN: Second.

COMMISSIONER MILLER: Mr. Chairman, I just had a question. How is this different from the rear and side setback?

MS. STEINGASSER: It actually
requires fencing and landscaping.

    COMMISSIONER MILLER:    Okay.

Thank you.

    CHAIRMAN HOOD:    Okay, it=s been moved and properly seconded. Any further discussion? All in favor?

    (Chorus of ayes.)

    CHAIRMAN HOOD:    Not hearing any opposition, Ms. Schellin.

    MS. SCHELLIN:    Staff records the vote 5 to 0 to 0 to accept the recommendation with regard to the setback buffer requirements. Commissioner Hood moving, Commissioner Cohen seconding, Commissioners May, Miller and Turnbull in support.

    CHAIRMAN HOOD:    Okay, number seven, Uses, set down new special exception uses for nightclubs and live entertainment venues. New matter right use for veterinary hospitals and massage therapy. The alternative additional special exceptions were set down repair garages.
VICE CHAIR COHEN: Public comments support for the new special exceptions.

CHAIRMAN HOOD: The recommendations set down and alternate special exception and matter of right uses. Ms. Steingasser, I thought that we had, I don’t know if we captured it, I thought that when it was uses and, I’m using garages because I know the Commissioner Ward 4 mentioned that but I mean repair shops but I thought we had looked that if it was on one lot, I don’t want to call them an undesirable uses because we need some of them but if it was on one lot it had to be an additional one would have to be a special exception, right?

MS. STEINGASSER: Oh, with spacing between, we did not put a spacing requirement.

CHAIRMAN HOOD: But, so, if it=s already one there I thought we prohibited, if there=s already one there we couldn’t put another on the same lot. I thought that=s where we were going.
MS. STEINGASSER: I don’t have that. We could certainly establish some kind of spacing requirement.

CHAIRMAN HOOD: But I thought that’s what we had talked about. And I think that’s what Commissioner Jones was saying, right?

MS. STEINGASSER: I don’t remember that. It was to stop new ones is what we looked at.

CHAIRMAN HOOD: From being on the same lot.

MS. VITALE: We’re just requiring a special exception approval for any new auto repair use that would be going in.

CHAIRMAN HOOD: Whether one is there or not.

MS. VITALE: Correct. This would apply only for new uses.

CHAIRMAN HOOD: And we’re going to include clubs and everything else in those zones, right because you know, we could have
clubs here and another club right next door which causes those impacts on those neighborhoods.

MS. VITALE: Well again, they would any new club or any new repair garage, the uses that are listed here would require a special exception process so that would provide an opportunity for ANC and community input so if they felt that there was too great a concentration that would be causing a negative impact on the community that special exception process would give them the chance to provide that feedback.

CHAIRMAN HOOD: And when we say new we=’re not talking about necessarily a new structure. We=’re talking about a new club.

MS. VITALE: New use, yes.

CHAIRMAN HOOD: Okay because the clubs go in and out of those warehouses like running water. Okay.

MR. LAWSON: And I think if it made the Chair more comfortable we could certainly
include in the special exception criteria that
the applicant provides a description of other
similar uses, whether it's a club or a repair
shop that are in the vicinity so that everybody
gets a good understanding of how this fits in.

CHAIRMAN HOOD: Okay. I like
that. Thank you, if we could add that. I
would move that we accept the recommendation as
the conversation has noted and ask for a second.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: The alternative
special exception and matter of right uses as
noted in the conversation with Ms. Steingasser
and I and ask for a second.

COMMISSIONER MILLER: Second.

CHAIRMAN HOOD: Okay, it's been
moved and properly seconded. Any further
discussion? All in favor, aye. Any
opposition? Ms. Schellin, would you record
the vote?

MS. SCHELLIN: Staff records the
vote 5 to 0 to 0 to accept the recommendation
and as discussed this evening regarding uses. Commissioner Hood moving, Commissioner Miller seconding, Commissioners May, Cohen, and Turnbull in support.

CHAIRMAN HOOD: Okay, Standards of External Effects. Set down standards of external effects were not called out because they are typically regulated by other city agencies. Alternate standards of external effects are proposed to be included.

VICE CHAIR COHEN: Public comments support for inclusion of standards of external effects.

CHAIRMAN HOOD: Alternate Standards of External Effects with reference to other title and requirement for external effects permit. Okay, Ms. Steingasser, so the standards of external effects, in the application they will be required to submit that they meet this requirement and so how is that going to interact with what we’re doing?

MS. STEINGASSER: The standards
have been replaced, reinstated into the regulations and the permitting that currently exists is also still required so when they go forward to get a building permit they would have to submit that permit as well with DCRA.

CHAIRMAN HOOD: Okay, because, you know standard, they have been on the books and nothing has ever happened with them so I=m just trying to figure out the trigger is that=s something they have to go when they go for the CFO?

MS. STEINGASSER: I think it depends on whether it=s at the CFO or at the Building Permit, depending on which external effect issue it is. The other part that might give you comfort is that other agencies are now enforcing these so Department of Environment looks at some of the stuff and Department of Health are both now involved.

CHAIRMAN HOOD: Okay, well I know it was an issue for me in the mid-90s but maybe it=s improved since then, so, congratulations to
VICE CHAIR COHEN: Can I ask a question then? Who issues the External Effects permit then if it’s now scattered amongst?

MS. STEINGASSER: Department of Consumer and Regulatory Affairs. They have, they call it the bull pen. They have a circle of desks and all the agencies have a seat and even historic preservation=s down there, electrical, structural, health and you can walk your permits through and each agency signs off so it=s really made it efficient for the different agencies to cooperate with review.

VICE CHAIR COHEN: And the experience to date, do you have any idea have these permits been easily granted or?

MS. STEINGASSER: I don=t know.

VICE CHAIR COHEN: You don=t?

Okay.

CHAIRMAN HOOD: Okay, I would move that we approve the Standards of External
Effects taking the Office of Planning=s recommendation and ask for a second.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the recommendation with regard to Standards of External Effects. Commissioner Hood moving, Commissioner Cohen seconding, Commissioners May, Miller and Turnbull in approval.

CHAIRMAN HOOD: Okay, I think we=re down to the last Mixed Use Development Standards. Let me check with my colleagues. Are we ready to press forward and finish this? Okay, we=ll be out of here by ten minutes to twelve. Okay. That=s actually a joke.
Okay, Mixed Use Zones. Development Standard Comparison tables are attached. Height and Number of Stories. We have the table of force. Any questions on the table?

COMMISSIONER MAY: I have one quick question, sir. C-1 would be going from 40 feet to 50 feet and I=m wondering why?

MS. STEINGASSER: Typo.

COMMISSIONER MAY: Oh, a typo.

CHAIRMAN HOOD: No, actually before we do that we didn=t read the comments. Do we need to do that? Yeah, go ahead. I think we need for the record.

COMMISSIONER MAY: All right, well while they=re looking it up.

VICE CHAIR COHEN: All right, the public comments are allow the additional 0.5 non-residential FAR for the C-2-A and C-2-B zones.

CHAIRMAN HOOD: Vice chair, I think you=re on page 3. Remember we had the double sided, the white copy? You have the white copy
there.

VICE CHAIR COHEN: Sorry. Public comments: Incorporate the adopted provisions of Chapter 4 Section 402 in order number 08-06-B dated February 7, 2011 Portals Development Associates is most interested in retaining Section 402.4 as adopted in order number as I mentioned above, which would ensure that Maryland Avenue Southwest can continue to to be the point of measurement for the portals.

CHAIRMAN HOOD: Okay, the Office of Planning=s recommendation is set down standards for heights without a story limit in the C-3-B zone and adopt provisions of Chapter 4 Section 402 in order number 08-06-B dated February 7, 2011. Commissioner May.

COMMISSIONER MAY: So I had a question about what was in the chart. The Cl zone, soon to be the M3, or I=m sorry, MU3 that=s showing up as 50 feet but I understand that=s a typo.

MS. STEINGASSER: That is correct.
COMMISSIONER MAY:  And it will remain 40 feet.

MS. STEINGASSER:  It will remain at 40 feet.

COMMISSIONER MAY:  Okie dokie. So that was my question.

CHAIRMAN HOOD:  Any other questions? Are we ready for acceptance?

COMMISSIONER MAY:  I would move that we accept the OP recommendation, which is the standards for heights, sorry, standard for heights without a story limit in the C-3-B zone and adopted provisions of Chapter 4 Section 402 in the order 08-06-B dated February 7, 2011 and all that is shown in the chart on Page 1 of our worksheet.

COMMISSIONER MILLER:  Second.

CHAIRMAN HOOD:  Moved and seconded. All in favor.

(Chorus of ayes.)

CHAIRMAN HOOD:  Ms. Schellin.

MS. SCHELLIN:  Staff records the
vote 5 to 0 to adopt the height and number of stories development standard comparison table as recommended. Commissioner May moving, Commissioner Miller seconding, Commissioners Hood, Cohen and Turnbull in support.

CHAIRMAN HOOD: Okay, Floor Area Ratio. The set down allow the non-residential FAR to be increased to 0.5 in the C-2-A and C-2-B zones on small lots less than 10,000 square feet in area and require a minimum FAR must be used only for PDR purposes in all PDR zones.

VICE CHAIR COHEN: The public comments are to allow the additional 0.5 non-residential FAR for the C-2-A and C-2-B zones and then the other comment is do not allow the additional 0.5 non-residential FAR for these zones.

CHAIRMAN HOOD: Okay, the recommendations set down standards for FAR including additional 0.5 non-residential FAR for lots 10,000 square feet or less in area in
the C-2-A and C-2-B zones. Any discussion?

COMMISSIONER MAY: Yeah, I have a, we had heard I think some substantial testimony and received evidence that people were concerned about increasing the non-residential FAR in C-2-A and C-2-B zones from 1.5 to 2.0, I understand where logically it makes sense with a three story building that half a story of non-residential FAR just doesn=t work very well but I think the concern was that restaurants or bars and perhaps some other uses would essentially be allowed to expand that additional amount and that would be problematic for neighborhoods where there=s just so many restaurants and bars that there=s already a negative impact on the immediate neighbors so I=m wondering if you might talk to that a little bit.

MS. STEINGASSER: Well one thing we could do is to restrict it that it be permitted for all uses but restaurants and bars. We could also say that for the use of restaurant
and bars it needs a special exception.

COMMISSIONER MILLER: Doesn’t it only apply to existing buildings or does it apply to new buildings as well?

MS. STEINGASSER: It’s for existing buildings and on very small lots.

COMMISSIONER MILLER: So they couldn’t expand the footprint of, well they could within the building footprint, but they couldn’t expand the building.

COMMISSIONER MAY: Right.

Picture a two story, I’m sorry, even a three story building in Adams Morgan that has a restaurant on the first floor and they’ve got half of the second floor they could use as the upstairs bar. Now they could, with this they could go to a full second story for a bar.

COMMISSIONER MILLER: I’ve been at some of those.

COMMISSIONER MAY: I did too when I was young but anyway. I mean, I think it’s a legitimate concern and actually it’s almost
like you were reading the notes off of my page, but excepting bars as a use or allowing them as a special exception I think would be appropriate and I wouldn’t limit it necessarily to bars. I’m don’t recall what all of the potentially objectionable uses were but I think that some group of uses that might be problematic for certain neighborhoods should be treated as special exceptions and not be granted as matter of right for that additional FAR. I agree but, otherwise I agree with this provision. I would move that we accept the set down statements for FAR including the additional 0.5 non-residential FAR for lots 10,000 square feet or less in the C-2-A and C-2-B zones noting that certain uses including restaurants and bars should be treated as special exceptions in order to gain that extra 0.5 FAR and that the Office of Planning will look at other uses that may also be treated as special exceptions for that additional 0.5 FAR.

COMMISSIONER TURNBULL: Second.
VICE CHAIR COHEN: Sorry.

CHAIRMAN HOOD: It's been moved and properly seconded. Anything further? All in favor.

(Chorus of ayes.)

CHAIRMAN HOOD: Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept the FAR Standards as recommended with the restaurants and bars being looked at only by special exception to get the additional 0.5 FAR and OP will look at other uses that may also need to be done by special exception. Commissioner May moving, Commissioner Miller seconding, Commissioners Hood, Turnbull and Cohen in support.

CHAIRMAN HOOD: I'd like to move the next two Rear Setback and Side Setback and we can take questions individually but let's read them right here. Rear set back maintain existing right setbacks except for the CR zone. Standardize the CR rear setback with similar medium and high density commercial zones at
2.5" per 1= of height and 12 foot minimum.

VICE CHAIR COHEN: And the public comments were maintain the current practice of allowing a conforming courtyard to act as a rear yard in lieu of a rear yard for corner lots.

CHAIRMAN HOOD: Recommendation: Set down standards for courtyard and maintain the current practice of allowing a conforming courtyard to act as a rear yard in lieu of the rear yard for corner lots. Next: Side Setback. Clarify the side setbacks are measured from the property line inward instead of measured from the house out. Maintain the minimum side setback for detached and semi-detached houses at 8 feet. Maintain the non-required standard but if provided standardized the setback for hotels and all other uses at 2 feet per 1 foot of height or 5 feet minimum. Standardize the uses and the zones.

VICE CHAIR COHEN: The public comments were maintain the existing side
setbacks. Second comment adopt the proposed side setbacks.

CHAIRMAN HOOD: Okay, recommendation set down standards for side setbacks but reinstate the 12 foot minimum for the W-zones. Any questions on either one, either the side setbacks or rear setbacks?

COMMISSIONER MAY: I just had a couple of questions on the rear setbacks or comments on that. First of all there is some slight reduction in the rear yard requirements from 3" per foot to 2 2" per foot but particularly in the W-zones but overall I think it=s all pretty minor, you know, in the worst case it reduces a 25 foot yard to a 21 foot yard based on the maximum height. The other thing that I would note is that at least one case it seems that per W-0 under the new requirement it=s 2 2" per foot of height but if you do the calculation that would actually be less than the minimum of 12 feet. So it's probably not necessary and other than that I would also note
that for the side setbacks we're seeing the
reductions that we've talked about regularly
moving things from 6 and 8 foot side yards to
5 foot side yards and I think that's sensible.

CHAIRMAN HOOD: Any other
questions or comments? Would somebody like to
make a motion on both?

COMMISSIONER TURNBULL: Yes, Mr.
Chairman I would move that we accept item 3 rear
setbacks and item 4 side setbacks and basically
go with the OP recommendation on both.

CHAIRMAN HOOD: Okay, I will second
it. It's been moved and properly seconded.
Any further?

COMMISSIONER MAY: Yes, Mr.
Chairman, I'm sorry I missed one other thing
that I wanted to comment on which is side
setbacks for the waterfront zones are dropping
for W-1, -2 and -3 now MU-12, -13, -14, dropping
from 12 feet to 5 feet and I'm wondering, these
are already kind of special that they have 12
feet to begin with. Is it, do we really want
to drop them that low?

        MS. STEINGASSER: No. And our recommendation.

        COMMISSIONER MAY: It nixes that, it reinstates the 12. Got it. I'm sorry. I did catch that when I read it but getting tired. All right. That's it. Thank you.

        CHAIRMAN HOOD: Okay, it's been moved and properly seconded. Any further discussion? All those in favor?

        (Chorus of ayes.)

        CHAIRMAN HOOD: Any opposition?

        Ms. Schellin, would you record the vote?

        MS. SCHELLIN: Staff records the vote 5 to 0 to 0 and block to approve the rear and side setbacks as recommended. Commissioner Turnbull moving, Commissioner Hood seconding, Commissioners May, Miller and Cohen in support.

        CHAIRMAN HOOD: Okay, I'd like to do courts open and courts close and block. Set down standardized minimum open courts between...
zones, non-residential uses, use of the CR zone standard at 2.5 inches and 1 foot and a 6 foot minimum residential uses of three or fewer units use the building code standards, residential use of more than three units use the lower density standards of 5 inches and 1 foot but with a minimum of 10 feet used in the CR zone.

VICE CHAIR COHEN: Public comments: None.

CHAIRMAN HOOD: Recommendations set down standards for minimum open court standards and rectify the text regarding court requirements for residential building with three or less units, courts closed set down maintain existing closed courts minimums for non-residential uses and residential uses of more than three units for residential buildings with three or fewer units use the building code for court minimums. Public comment.

VICE CHAIR COHEN: Support for.

CHAIRMAN HOOD: The recommendation
set down standards for minimum closed court standards and rectify the text regarding court requirements for residential buildings with three or less units. Any discussion?

COMMISSIONER MAY: I have no comment, Mr. Chairman.

VICE CHAIR COHEN: So make a motion.

COMMISSIONER MAY: I'll make a motion that we approve the recommendations for open courts and closed courts as just stated.

VICE CHAIR COHEN: Second.

CHAIRMAN HOOD: Okay, it's been moved and properly seconded. Any further discussion? All in favor.

(Chorus of ayes.)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to accept and block the courts open and courts closed as recommended.

Commissioner May moving, Commissioner Cohen
seconding, Commissioners Hood, Miller and Turnbull in support.

CHAIRMAN HOOD: And next, Lot Occupancy. Set down maintain the lot occupancy requirements of commercials and mixed use zones except in the W-2 and W-3 zones.

VICE CHAIR COHEN: Public comment was keep a residential lot occupancy in those zones where it is now required.

CHAIRMAN HOOD: Okay, the recommendation is keep residential lot occupancy in those zones where it is now required. Require lot occupancy in the W-2 and W-3 zones. Any comments?

COMMISSIONER MAY: Yes, I have a question about this. So, in the W-2 and W-3 zones in the charter that's shown not applicable, but now you're saying requiring a lot occupancy. Are you saying continue the current lot occupancy?

MS. STEINGASSER: Yes, yes we are.

COMMISSIONER MAY: Okay.
CHAIRMAN HOOD: Any other comments, questions? Somebody like to make a motion?

COMMISSIONER MAY: I would move that we accept the recommendation to keep residential lot occupancy in those zones where it is now required and require lot occupancy in the W-2 and W-3 zones.

CHAIRMAN HOOD: I'll second it. Moved and properly seconded. Anything further? All in favor.

(Chorus of ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to approve the recommendation for the lot occupancy. Commissioner May moving, Commissioner Hood seconding, Commissioners Miller, Turnbull and Cohen in support.

CHAIRMAN HOOD: Okay, Plazas M-10 and M-24 CR zones. The set down says require
plaza but reduce percentage from 10 percent to
8 percent and require a 10,000 square foot
minimum area. No public comment. The
recommendation is to set down as proposed. Any
comments?

VICE CHAIR COHEN: Why are we
reducing that?

MS. STEINGASSER: The original
proposal OP presented was to remove it all
together and the zoning commission felt that it
was a defining element of the neighborhood that
resulted from CR. The research we had done on
all of those plazas showed that 8 percent was
really the prevailing size even though 10 had
been required.

VICE CHAIR COHEN: Thank you. If
there's no comments.

COMMISSIONER MAY: I did have a
question, which is that the way it reads, it
says reduce the percentage from 10 to 8 percent
and require a 10,000 foot square minimum. I
assume it's a 10,000 square foot minimum lot
size, not a 10,000 square foot minimum plaza.

MS. STEINGASSER: That's correct.

COMMISSIONER MAY: Okay.

VICE CHAIR COHEN: Based upon my colleague's correction, I move to approve number 8 plazas M-10 and M-24 zones require plaza but reduce percentage from 10 to 8 percent and require a 10,000 square foot lot size.

CHAIRMAN HOOD: Okay, am I seconding?

VICE CHAIR COHEN: Can I second my own?

CHAIRMAN HOOD: Might as well, you're the second champion. Okay. I'll second it. It's been moved and properly seconded. Any further discussion? All those in favor.

(Chorus of ayes.)

CHAIRMAN HOOD: Any opposition?

Ms. Schellin.

MS. SCHELLIN: Yes, staff records the vote 5 to 0 to 0 to accept the set down
recommendation with the changing it to lot size
though. Commissioner Cohen moving,
Commissioner Hood seconding, Commissioners
May, Miller and Turnbull in support.

CHAIRMAN HOOD: Is this the last
one? Okay. HR overlay. The HR overlay was
not included in the Draft Text. The
comprehensive plan calls for encouraging
hotels in many areas of the city, not just as
a selected overlay. Hotels are seen as part of
the mix of uses and since 2000 have not been
considered as residential uses. The area
currently covered by the HR overlay is proposed
to be within a D zone which would allow
increases in height and density. No public
comment. The recommendation do not include HR
overlay in the next text. Any comments? Or a
motion?

COMMISSIONER MAY: I would make a
motion that we do not include the HR overlay in
the new text.

COMMISSIONER TURNBULL: Second.
CHAIRMAN HOOD: It's been moved and properly seconded. Any further discussion? All those in favor?

(Chorus of ayes.)

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

MS. SCHELLIN: Staff records the vote 5 to 0 to 0 to not include the HR overlay in the new text. Commissioner May moving, Commissioner Turnbull seconding, Commissioners Hood, Cohen and Miller to accept.

CHAIRMAN HOOD: Okay, Ms. Schellin, do we have anything else before us?

MS. SCHELLIN: No, sir.

COMMISSIONER MAY: Mr. Chairman.

CHAIRMAN HOOD: Yes, Commissioner May.

COMMISSIONER MAY: I have a couple of lingering questions about the ZR guidance with regard to misuse zones. We had voted in support of having some sort of regulations to control overpopulation of certain retail uses,
specifically restaurants and I'm wondering what the state of that is. That wasn't anything we voted on tonight, just didn't check the regs.

MS. STEINGASSER: I think that kind of got folded into the amendments to the Arts overlay that was done as a separate case about three years ago.

COMMISSIONER MAY: Well I know they're in the Arts overlay.

MS. STEINGASSER: Yeah.

COMMISSIONER MAY: But that's now incorporated into the zone that encompasses the special zone, whatever that encompasses that, okay. But I think that that was something that we talked about having more broadly applicable in the ZR guidance and it's hard to do.

MS. STEINGASSER: It's extremely hard to do and there is absolutely no community consensus.

COMMISSIONER MAY: And then the last question I had is we also had made
recommendations about maintaining setbacks from the water and visual access to the waterfront zones and I'm wondering if those provisions are still in there, they're in the text?

MS. STEINGASSER: They are.

MR. LAWSON: Yes, in fact, we've placed those as general provisions that would apply not just to the waterfront zones but to any zone along the waterfront.

COMMISSIONER MAY: Perfect.

Thank you.

COMMISSIONER MILLER: I just had, my ruling out of order, but I've been wanting to ask this question for some time under the ZR process are two different issues. You don't have to answer it now, but I probably should have brought this up when we did residential development standards the other night. Rear decks. When they don't meet matter of rights development standards in the lower density residential neighborhoods but there are other
decks in the square, is there a way we can look
at changing the review process from variance to
special exception? It just seems to require
homeowners to jump through a lot of hoops that
none of their neighbors have jumped through or,
if that can be looked at. I think that the goal
to simplify, I remember that was one of the
examples used when we started out this process
many years ago. It's so difficult for just a
homeowner to put a deck on the back when
everyone else has one in the neighborhood, why
do they have to go through this variance?

MS. STEINGASSER: Right.

COMMISSIONER MILLER: Anyway, that's one thing. The other one is for really
all new construction or substantial
renovation, do we require, does the zoning regs
address undergrounding of utility wires from
the street to the house or to the construction?
If not, if we could look at that at some point.

MS. STEINGASSER: Okay.

COMMISSIONER MILLER: Just a
couple of things I've been trying to, I keep
forgetting to bring up and it's been seven years
and I didn't bring them up.

MS. STEINGASSER: We'll take a look
at that. It seems like it's a very complex
issue and may --

COMMISSIONER MILLER: That one
doesn't have to be part of the ZR, just to ---

COMMISSIONER TURNBULL: Yeah, part
of the problem with the decks is that so many
of them are illegal. They just had somebody
built though. I've run into like you say so
many cases where they're illegal. The other
thing with the power lines, might be another
regulatory, like a PEPCO and getting into.

MS. STEINGASSER: In coordination
with public space. We'll look at it, not as
part of CRR but we promise to put that on our
2015 list too.

CHAIRMAN HOOD: Okay, anything
else? Okay I want to thank everyone for
hanging in there tonight. Mr. and Ms. Gates we
appreciate you all hanging and those who are watching this webcast live, more accolades to come as we get closer and closer. Okay. Good night.

(whereupon, the hearing concluded.)