

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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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

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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.

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

2 (6:08 p.m.)

3 CHAIRMAN HOOD: Good evening ladies
4 and gentlemen this is a public meeting of the
5 Zoning Commission. My name is Anthony Hood
6 along with Vice Chair Cohen, Commissioner May,
7 Commissioner Miller and Commissioner Turnbull.
8 We are also joined by the Office of Zoning Staff
9 by Director Bardin, Secretary to the Office of
10 Zoning Ms. Sharon Schellin, Special Assistant
11 Ms. Zee Hill, Counsel to the Office of Zoning
12 Ms. Bushman. Office of Planning will be joined
13 by Ms. Steingasser, is Mr. Lawson going to join
14 us? Okay Ms. Steingasser, Mr. Lawson, Mr.
15 Vitale and Mr. Cochran.

16 Copies of today=s meeting Agenda
17 are available to you and are located in the bin
18 near the door. We do not take any public
19 testimony at our meetings unless the Commission
20 requests someone to come forward. Please be
21 advised this proceeding is being recorded by
22 court reporters also webcast live. I want to

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1 remind you that we do not eat or drink in the
2 hearing room with the exception of water. The
3 Court must ask you to refrain from any
4 disruptive noises or actions in the hearing
5 room including any display of signs or objects.
6 Please turn off all beepers and cell phones.
7 Does the staff have any preliminary matters?

8 MS. VITALE: No sir.

9 CHAIRMAN HOOD: Okay colleagues
10 tonight=s a continuation of deliberations on
11 line 4 we have planned unit developments,
12 campus and private school plans,
13 chancelleries, creation of new zones, mixed use
14 development standards, downtown and
15 industrial. I would ask that we rearrange, I
16 would like to do downtown first unless someone
17 else sees another way we should do it. Let=s
18 do downtown first and we will continue in the
19 order in which is noted on the Agenda. Any
20 objections? Would somebody like to move
21 something else closer up? If we want to move
22 as we go along we can switch it around okay.

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1 Give me one moment let me shuffle my papers
2 around.

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

12 Now a few of the public comments
13 support set down proposal, do not expand, do not
14 include area west of 20th Street North of
15 Pennsylvania Avenue, do not include area west
16 of 17th Street North of Pennsylvania Avenue,
17 South, I=m sorry, South of Pennsylvania Avenue
18 do not include square 116 bounded by MN 19th 20th
19 Streets NW and Dupont Circle overlay, do not
20 include areas west of South Capitol Street
21 correct proposed zoning of

22 Hay-Adams Hotel at 16th and H

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1 Streets NW to eliminate proposed residential
2 requirement. Options: Expand and set
3 downtown with corrections, expand but
4 eliminate one or more of the areas noted in
5 public commons. Recommendations: Adopt is set
6 down and correct zoning of Hay-Adams Hotel.
7 Any comments?

8 VICE CHAIR COHEN: No.

9 CHAIRMAN HOOD: Any questions?
10 Okay quickly I just want to ask Office of
11 Planning, I am not going to belabor the point
12 I know during the testimony one of the concerns
13 from some of the groups were that we were
14 expanding downtown and I know that was this
15 whole argument about whether or not we had the
16 jurisdiction and authority to do this. I know
17 what we are trying to achieve, do we know that
18 we are able to do this from some of the comments
19 we have heard during the testimony provided by
20 some of the community folks?

21 MS. STEINGASSER: Yes sir the
22 Zoning Commission absolutely has the authority

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1 to expand the zoning regulations.

2 CHAIRMAN HOOD: Okay thank you.
3 All right that was my question let=s move along.
4 Anybody?

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

8 MS. STEINGASSER: Right now it is
9 currently C4.

10 COMMISSIONER TURNBULL: C4, okay.

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

15 COMMISSIONER TURNBULL: Okay.

16 COMMISSIONER MILLER: Mr. Chairman
17 I would just note that the proposed it=s my
18 understanding I am reading from Office of
19 Planning response to some of the comments which
20 expressed concern about the expanded downtown
21 so Office of Planning correct me if this is, if
22 the statement is wrong but the proposed new

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1 downtown zones reflect those areas within the
2 Central Washington area which are identified on
3 the comp plans future land use map as high
4 density commercial, high density residential
5 or high density mixed use.

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

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

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

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

20 (Chorus of ayes)

21 MS. SCHELLIN: Staff records a vote
22 of 5 to 0 to 0 to adopt a set down the areas where

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1 the DD will be met and correct the proposed
2 zoning of the Hay Adams Hotel Commissioner
3 Miller moving, Commissioner Hood seconding,
4 Commissioners May, Cohen, and Turnbull in
5 support.

6 CHAIRMAN HOOD: Okay next method of
7 regulation continues to regulate by zone, oh
8 I'm sorry, 1(b). Already starting off, okay
9 1(b) remove D zone areas not designated for high
10 density set down exclude non high density DD
11 areas. Public comments, there were none.
12 Office of Planning's recommendation is to adopt
13 as set down. We have the chart below.

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

19 MS. STEINGASSER: Yes, that's
20 correct they are currently in the DD but they
21 have no DD benefits that generate no bonuses
22 that don't actually have any of the advantages

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1 of requirements of the DD so we proposed to take
2 them out.

3 COMMISSIONER TURNBULL: Okay.

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

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

11 (Chorus of ayes)

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

17 MS. SCHELLIN: Staff records a vote
18 of 5 to 0 to 0 to remove the D zone areas not
19 designated for high density Commissioner Cohen
20 moving, Commissioner Miller seconding,
21 Commissioners Hood, May, and Turnbull in
22 support.

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1 CHAIRMAN HOOD: Okay now method of
2 regulation 2(a) contains to regulate by zone
3 and certain areas by both zone and location.
4 Zone names set down, consolidate 17 zone names
5 into 11 zone names. Public comments: 4-digit
6 names are too complex. Office of Planning
7 recommendation change names to be more in line
8 with naming format of other zones adding an R
9 to identify where residence is required. The
10 table is before us.

11 COMMISSIONER MILLER: Mr. Chairman
12 I have a question.

13 CHAIRMAN HOOD: Yes.

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

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

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

21 MR. COCHRAN: It=s D1.

22 COMMISSIONER MILLER: But it=s not

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1 D1R.

2 MR. COCHRAN: Correct, that it can
3 easily be added.

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

8 MR. COCHRAN: Okay.

9 CHAIRMAN HOOD: Okay any other
10 questions?

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

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

17 (Chorus of ayes)

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

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

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1 an R to identify where residential is required.
2 Commissioner Cohen moving, Commissioner
3 Turnbull seconding, Commissioners Hood, May,
4 and Miller in support.

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

20 Public comments: Proposed
21 regulations do not accurately reflect
22 previsions, urban designs, studies for South

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1 Capitol Street that came from NCPC. The
2 recommendation is to adopt the setdown and to
3 expand boundaries of proposed M and South
4 Capitol Street subarea to include all property
5 between I and M Street SW the fronts on the west
6 side of the South Capitol Street or N Street SW.
7 Any discussion?

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

11 MR. COCHRAN: That is correct.

12 VICE CHAIR COHEN: Then I have
13 another question which is a little out of left
14 field. The Arts District and then there is an
15 Arts overlay up in Adams Morgan U street
16 Corridor.

17 MR. COCHRAN: They are separate
18 zones.

19 VICE CHAIR COHEN: I know, and I am
20 wondering why don=t we make the whole city and
21 art zone? Just overlay the whole bloody city
22 because one of the things that I think our city

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1 lacks is really great outdoor art. We have a
2 lot of memorials to death, heroes but we don=t
3 have any, we really have minimum amounts of
4 sculptures that are really beautiful. I mean
5 we even lost the big chair out in Anacostia I
6 believe it=s being moved. We need more art in
7 our city and we don=t seem to encourage it.

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

21 VICE CHAIR COHEN: I just wanted to
22 throw it out there because anytime I see the

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1 word arts I start thinking more broadly and I
2 did understand there was a differentiation but
3 I am not sure actually a lot of people
4 understand, you know general public so you may
5 want to just take that into consideration.

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

12 VICE CHAIR COHEN: That=s an
13 excellent idea.

14 CHAIRMAN HOOD: Okay any other
15 comments, questions?

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

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1 to them, or one of the areas.

2 MR. COCHRAN: That is correct.
3 You will see as you go through that it is
4 addressed in other sections.

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

9 VICE CHAIR COHEN: Second.

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

13 (Chorus of ayes)

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

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

22 CHAIRMAN HOOD: Okay, next 2(a)iii

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1 designated streets, primary, secondary and
2 other special. Establish a system of
3 designated street frontages where special uses
4 or design elements are required or prohibited.
5 Designate as either secondary or primary
6 streets and frontages in existing DV zones and
7 CG overlay areas proposed for incorporation
8 into D zones where adjacent buildings must now
9 provide a minimum amount of preferred uses and
10 meet street frontage design standards.
11 Designated primary streets, all streets where
12 curbs cuts are not now permitted, restrict
13 parking or loading entrances on primary
14 streets, designate as primary streets the
15 following street frontages outside the
16 existing DD. Connecticut Avenue between K
17 Street NW and Rhode Island Avenue NW, 1st Street
18 NE between K Street NE and Florida Avenue
19 designate as unclassified designated streets
20 the frontages that are not primary or secondary
21 but not have existing requirements such as
22 setbacks above certain heights.

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1 Public comments additional streets
2 such as N Capitol Street, Independence Avenue
3 SW and K Street NW should have lower height
4 restrictions and or upper story setbacks.
5 This is a comment by NCPC. Office of Planning
6 recommendation adopt a setdown and add the
7 following streets as unclassified designation
8 streets with one to one setback above 110 feet
9 the South side of Independence Avenue SW
10 between 2nd and 12th Street SW, North Capitol
11 Street NW South of 8th Street NW the West side
12 of South Capitol Street between I and M Street
13 SW. Okay any comments? Any questions?

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

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

19 COMMISSIONER MAY: Right.

20 CHAIRMAN HOOD: Okay and you know I
21 noticed and I am going to say this while we are
22 doing this, I noticed that a lot of comments

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1 even every day that we have been deliberating
2 this week have been comments from your advisor
3 neighborhood commissions which we have given
4 them great weight as always and also community
5 organizations so I noticed that a lot of these
6 recommendations are falling in even though we
7 have it as a recommendation to us but a lot of
8 that has been inclusive of the ANC=s which we
9 give great weight to as well as community groups
10 and I am looking at this as I am reading all of
11 these again I am noticing that some of the
12 public input is also incorporated into the
13 recommendation so let everyone know that no one
14 was disregarded a lot of that was encompassing
15 to this so this is going to be a finished product
16 at the end that we all have worked on, not just
17 the Zoning Commission Office, Planning Office,
18 Office of Zoning but the City as a whole. Okay
19 would someone like to make a motion?

20 COMMISSIONER TURNBULL: Mr.
21 Chairman, I would move that we adopt OP=s
22 recommendation for the Item 2(a)iii, do I need

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1 to repeat it all?

2 CHAIRMAN HOOD: No.

3 COMMISSIONER TURNBULL: Look for a
4 second.

5 COMMISSIONER MILLER: I second it.

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

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

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

20 (Chorus of ayes)

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

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1 MS. SCHELLIN: Staff records a vote
2 of 5 to 0 to 0 to adopt a recommendation with
3 regard to the designated streets primary,
4 secondary and other special. Commissioner
5 Turnbull moving, Commissioner Miller
6 seconding, Commissioners Hood, May, and Cohen
7 in support. I do want to go back on the one
8 prior to that I think I said that the Commission
9 adopted as setdown but the recommendation was
10 as setdown and to expand the boundaries of
11 proposed M and South Capitol Streets subarea to
12 include all property between I and M=s Street
13 SW that fronts on the West side of South Capitol
14 Street SW. I just want to correct that because
15 I think I recorded the vote as just setdown,
16 thank you.

17 CHAIRMAN HOOD: Okay thank you.
18 Next three development standards general
19 height and FAR for non-historic sites not
20 otherwise noted below. The setdown is
21 contained in Table One page 5 including no FAR
22 increase from existing limits without the

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1 provisions of housing other preferred uses of
2 the purchase of credits including converted
3 TDR=s and CLB=s. No height increase without
4 the provisions of housing other preferred uses
5 of the purchase of credits including converted
6 TDR=s or CLB=s with the following exceptions:
7 C3C-TDR receiving zones propose D5 other than
8 the downtown East receiving zone without FAR
9 increases the C3C zone on South Capitol Street
10 SW between I and N Streets proposed D5R without
11 FAR increases, the DD-C3C HK zone where
12 residential uses are already required propose
13 D5R without FAR increases.

14 Public comments: Height increases
15 without FAR increases with encouraged greater
16 design flexibility support height increases in
17 existing DD zones where retaining existing
18 limits outside of existing DD. Required
19 design review for buildings in the D5 zone that
20 do not have preferred uses or credits but are
21 taller than 110 feet require designs review of
22 South Capitol Street for building taller than

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1 90 feet. Increase both height and FAR for
2 preferred uses and credits in all proposed D
3 zones and restrained heights on streets with
4 vistas deemed to be in the National interest.
5 The recommendation adopted set down with the
6 following changes, permit height increases on
7 blocks of South Capitol Street between I and M
8 streets SE with only 15 foot setbacks on the
9 West side one to one setbacks above 110 feet and
10 NCPC review. Any comments?

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

21 MR. COCHRAN: Yes sir, I will start
22 with South Capitol Street. We responded to

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1 NCPC by trying to promote symmetry in the views
2 of going north on South Capitol Street as you
3 are looking at the Capitol Street as you are
4 looking at the Capitol Dome so both sides could
5 rise as high as a 130 feet so they would setback
6 at 110 feet and the 15 foot setback on the west
7 side because of the change in the alignment of
8 the road it begins to line up those three blocks
9 of South Capitol Street with the rest of South
10 Capitol Street south of that and corresponds to
11 what the appearance is of where the building can
12 be located on the East side of South Capitol
13 Street.

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

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

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

22 MR. COCHRAN: I believe I would

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1 have to look back at the comments, I believe
2 that they did not want the buildings to go
3 taller than 110 feet.

4 COMMISSIONER MAY: At all on South
5 Capitol.

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

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

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

15 COMMISSIONER MAY: Okay, thanks.

16 CHAIRMAN HOOD: Any other
17 questions?

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

21 MR. COCHRAN: That=s correct.

22 COMMISSIONER TURNBULL: And we

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1 have review by the Zoning Commission for
2 elements to look at for a design review.

3 MR. COCHRAN: That=s correct.
4 That is one reason we expanded that subarea for
5 South Capitol M so that your review would be
6 incorporated.

7 COMMISSIONER TURNBULL: The height
8 now is?

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

11 COMMISSIONER TURNBULL: But you
12 have to have the setback.

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

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

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

21 MR. COCHRAN: That=s correct.

22 COMMISSIONER MAY: Okay.

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

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

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

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1 increased FAR.

2 CHAIRMAN HOOD: Okay. Page 7 of
3 which document?

4 MR. COCHRAN: Of the downtown
5 worksheet.

6 CHAIRMAN HOOD: Oh okay yes okay I
7 saw that.

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

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

21 MR. COCHRAN: That=s correct which
22 I also.

1 CHAIRMAN HOOD: All right I
2 appreciate Commissioner May=s comments because
3 one of the concerns was how it was going to
4 transition in scale and I see it=s not that much
5 of a major difference but it is a difference so.
6 Any other questions, comments? Mr. Miller.

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

12 MR COCHRAN: It should say SW if it
13 doesn=t.

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

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

21 COMMISSIONER MILLER: Okay, okay
22 thank you. Oh and in terms of NCPC I thought

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1 there was something in the record from; all
2 these comments were from NCPC staff as I
3 understand it and not from the Commission
4 itself but is that correct?

5 MS. STEINGASSER: That is correct,
6 yes.

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

11 MR. COCHRAN: I don=t recall seeing
12 that.

13 COMMISSIONER MILLER: Okay maybe
14 that was another issue.

15 MS. STEINGASSER: With McMillan I
16 believe there was a supplemental but we did work
17 with the staff and I want to posture there we
18 absolutely agree that there are areas that have
19 federal interest in terms of design that are
20 framing very prominent, very internationally
21 recognized federal areas and we are trying to
22 find that balance where their interests are,

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1 where they have an opportunity to weigh in,
2 their interests are respected as well as
3 recognizing that some of the stuff may end up
4 being private development. That=s the line we
5 are trying to find as we continue to work with
6 them.

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

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

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

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER MILLER: I=d like to
21 move that the Commission approve the
22 recommendation on general height and FAR for

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1 non-historic sites not otherwise noted below
2 and item 3(a) with the change that we've mostly
3 discussed regarding permitting height
4 increases on the block to South Apple Street
5 between I and N SW only with 15 foot setbacks
6 1 to 1 setbacks above 110 feet and NCP review
7 and ask for a second.

8 VICE CHAIR COHEN: Second.

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

12 (Chorus of ayes)

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

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

22 CHAIRMAN HOOD: Okay next 3(b)

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1 height for historic properties and locations
2 not otherwise noted below. Setdown limit to 90
3 feet the height of a building on a portion of
4 a site occupied by historic landmark or
5 contributing building in the D1R-D2-D3 zones in
6 the D4 zone and the D5 zone and D5R zone.

7 Public comments: Limitation
8 reduces potential by right building heights by
9 20 feet and discretionary heights by up to 40
10 feet in the D5 zone. OP recommendation and the
11 D1R through D5 and D5R zones limit to 90 feet
12 the height of a building on the portion of site
13 occupied by historic landmark or contributing
14 building unless a greater height is permitted
15 as a special exception by the Board of Zone
16 Adjustment and with the following additional
17 criteria. The avocation shall be sent to the
18 Office of Planning for review and comment by the
19 Historic Preservation Review Board staff or
20 whether and where a height greater than 90 feet
21 on the site would not be substantially
22 detrimental to the historic property. Any

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1 comments?

2 MS. STEINGASSER: Mr. Hood I am
3 sorry to interrupt but I have to correct this
4 and I apologize. This actually is not our
5 recommendation I didn=t want to interrupt you
6 and I didn=t want to make you read it all the
7 way through it either. Our recommendation is
8 simply the setdown. We have looked at this but
9 it clearly mingles the jurisdictions in a way
10 between the HPRB and the BZA that is completely
11 inappropriate and I apologize. Our
12 recommendation is simply that of the setdown
13 text.

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

19 COMMISSIONER MAY: No special
20 exception and no HPO review.

21 COMMISSIONER MILLER: Won=t the
22 HPO review happen anyway? That was my question

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1 I was going to ask.

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

5 COMMISSIONER MILLER: That was
6 going to be my question about the
7 recommendation that it didn=t seem necessary,
8 it seemed redundant.

9 CHAIRMAN HOOD: Okay well since you
10 struck it I won=t ask the question about the HPO
11 staff because I was wondering was it a staff or
12 was it board but that=s been struck so I won=t
13 worry about that. Any other questions? We
14 have before us a recommendation.

15 COMMISSIONER MILLER: Mr.
16 Chairman, I would move that the Commission
17 accept the recommendation made in item 3(b)
18 height for historic properties and locations
19 not otherwise noted below limit to 90 feet the
20 height of the building on the portion of the
21 site occupied by historic landmark or
22 contributing building in the D1R, D2, D3 zones

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1 and the D4 zone and the D5 zone and then the D5R
2 zone and ask for a second.

3 COMMISSIONER TURNBULL: Second.

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

7 (Chorus of ayes)

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

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

16 CHAIRMAN HOOD: Okay next the
17 height adjacent to the east side of North
18 Capitol Street between G Street NE and Florida
19 Avenue NE and the west side of North Capitol
20 Street between 8th Street NE and D Street NE
21 setdown adopt proposed new zones retaining
22 existing non-discretionary height limits to

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1 public comment required 1 to 1 setback above 110
2 feet on North Capitol Street South of K Street.
3 The recommendation is to adopt a setdown and
4 require 1 to 1 setback above 110 feet along
5 North Capitol Street between Louisiana Avenue
6 and H Street NW and designated sections of North
7 Capitol Street as an unclassified designated
8 street. We have the pictoral on the very next
9 page. Any comments or questions?

10 VICE CHAIR COHEN: I just want to
11 again I don=t think we dealt with this
12 definition in classified designated street so
13 is it necessary to add that to a definition or
14 is it something that everybody assumes that
15 what an unclassified designated street is.

16 MR. COCHRAN: Earlier this evening
17 you adopted a classifications of primary and
18 secondary streets. What could otherwise be
19 called tertiary streets sound funny so we just
20 called them unclassified designated streets.
21 If you would like we could come up with a
22 different name for them but a designated

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1 unclassified street is a street that has some
2 sort of restriction other than the kind of
3 retail requirements and design requirements
4 that primary or secondary. An example of what
5 is not an unclassified designated street is
6 Massachusetts Avenue where there is a setback
7 at 110 feet or above 110 feet.

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

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

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

19 COMMISSIONER MAY: Okay so this is
20 an area where you actually have spelled out the
21 difference between what NCPC would recommend
22 and what you=ve recommended which is that they

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1 would like to continue the 1 to 1 setback north
2 of H Street all the way out to K and you are
3 recommending that we allow 130 feet all the way
4 up in that same segment.

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

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

10 MR. COCHRAN: In that particular
11 block?

12 COMMISSIONER MAY: Well in between
13 H and K yes.

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

20 COMMISSIONER MAY: It=s not likely
21 that one side of that block is Gonzaga it=s not
22 likely that is going to change much right.

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1 Aren=t most of those designated?

2 MR. COCHRAN: They are all
3 designated yes.

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

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

13 COMMISSIONER MAY: My memory
14 doesn=t go back that far the park service
15 anyway. The PUD that=s right at the corner of
16 H and how tall is that?

17 MR. COCHRAN: Actually that may be
18 110, I am not sure sorry.

19 COMMISSIONER MAY: Yes it=s pretty
20 big.

21 MR. COCHRAN: It=s as tall as the
22 GPO and the GPO is 110 to the first coronus.

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1 COMMISSIONER MAY: Okay. And on
2 the other side of the street we have your former
3 offices.

4 MR. COCHRAN: Correct.

5 COMMISSIONER MAY: Everything
6 north of that to K.

7 Mr. COCHRAN: Correct.

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

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

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

19 MR. COCHRAN: Yes sir.

20 COMMISSIONER MAY: Thank you.

21 VICE CHAIR COHEN: Mr. Chairman I
22 move to accept 3(c) height adjacent to east side

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1 of North Capitol Street between G Street NE and
2 Florida Avenue NE and west side of North Capitol
3 Street between H Street NE and D Street NE and
4 require 1 to 1 setback above 110 feet along
5 North Capitol Street between Louisiana Avenue
6 and H Street NW and designated a section of
7 North Capitol Street as an unclassified
8 designated street. That will be clarified
9 maybe in the definitions. Can I have a second?

10 COMMISSIONER MILLER: Second.

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

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

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

19 COMMISSIONER MAY: So I just want
20 to say I am sympathetic to the concern that was
21 raised by NCPC I think at this point I am okay
22 with proceeding with this vote but I would just

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1 note that there is some unease on my part and
2 I would expect that this is something that would
3 come back as a comment from the full Commission
4 when it is reviewed by the Commission later on
5 in the process and we may need to take that up
6 again at that point or I may want to not that
7 I could necessarily prevail on it but it=s just
8 one of those areas of unease.

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

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

15 COMMISSIONER TURNBULL: Right.

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

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

22 COMMISSIONER MAY: We don=t, not

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1 between H and K.

2 COMMISSIONER TURNBULL: Oh but not
3 between H and K.

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

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

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

14 COMMISSIONER TURNBULL: I would
15 agree.

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

20 CHAIRMAN HOOD: Okay Ms. Schellin
21 record the vote.

22 MS. SCHELLIN: Staff records a vote

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1 of 5 to 0 to 0 to accept the height adjacent to
2 east side of North Capitol Street between G
3 Street NE and Florida Avenue NE and the west
4 side of North Capitol Street between H Street
5 NE and D Street NE as recommended by the Office
6 of Planning with the Office of Planning taking
7 a look at the unclassified designated street
8 and the comments that Commissioner May just
9 made. Commissioner Cohen moving, Commissioner
10 Miller seconding, Commissioners Hood, May, and
11 Turnbull in support.

12 CHAIRMAN HOOD: Let me just say so
13 it won=t be a shock to anyone later on that a
14 lot of these once I see them formatted and be
15 able to really read them in the text while I am
16 sitting here approving things now and as long
17 as it doesn=t jump out at me right now there may
18 be some things that I may revisit so I don=t want
19 anybody to be shocked and I appreciate that
20 point Mr. May because I would agree with it 100
21 percent. Okay let=s go on to 3(d). Height
22 adjacent to the west side of South Capitol

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1 Street between I and M SW setback between I
2 Street SW and .200 north of the centerline of
3 M Street SW and include in the proposed D5 zone
4 all property bounded by N, M, Half and South
5 Capitol Street SW currently zoned C3C or CG/C3C
6 increased non-discretionary height from 90
7 feet to 130.

8 Public comments: Additional
9 studies needed for implications of the 130 foot
10 height do not permit 130 foot heights and
11 increased densities without public input
12 through a PUD. Office Planning
13 recommendations and illustrations above see
14 Section 2-a-2 include in a proposed D5 zone the
15 squares bounded by South Capitol Street, Half,
16 I and M Street SW permit up to 130 feet of height
17 require 1 to 1 setback above 110 feet require
18 15 foot setback for the entire length of
19 building frontages on South Capitol Street.
20 Prohibit interests to parking and low on
21 facades facing South Capitol Street required
22 design review and comment by NCPC for buildings

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1 taller than 110 feet through the expansion of
2 the M Street South and South Capitol Streets
3 Suburra. Designate this portion of South
4 Capitol Street as the other unclassified
5 Street. Any comments?

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

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

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

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

21 COMMISSIONER MAY: They don=t on
22 the west side.

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1 MR. COCHRAN: A very small portion
2 of the NW corner of South Capitol on M is in the
3 Capitol Gateway possibly not even large enough
4 to be an entire building. The rest of that area
5 is permitted 90 feet by right and 130 by PUD.

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

8 MR. COCHRAN: As part of the PUD
9 yes.

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

12 MR. COCHRAN: They do participate
13 in that.

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

16 MR. COCHRAN: That is correct

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

22 MR. COCHRAN: That is correct.

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1 COMMISSIONER MAY: I am just trying
2 to decipher the distinction here not that I have
3 any great discomfort about it I am just trying
4 to understand this point. Okay.

5 COMMISSIONER TURNBULL: Why
6 wouldn't you extend it?

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

17 COMMISSIONER TURNBULL: Okay
18 you're basically-- this requirement is
19 basically bearing the other side of the street.

20 MR. COCHRAN: That is correct.

21 COMMISSIONER TURNBULL: Okay.

22 COMMISSIONER MILLER: Mr.

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1 Chairman, I don=t know if there is further
2 discussion but I would like to move that we,
3 that the Commission accept item 3(d) the
4 recommendation for the height adjacent to the
5 Office of Planning recommendation adjacent for
6 the height adjacent to the west side of South
7 Capitol between I and N Street SW and ask for
8 a second.

9 VICE CHAIR COHEN: Seconded.

10 CHAIRMAN HOOD: Okay it has been
11 moved and properly seconded. Any further
12 discussion? All those in favor aye.

13 (Chorus of ayes)

14 CHAIRMAN HOOD: Ms. Schellin will
15 record the vote.

16 MS. SCHELLIN: Staff records a vote
17 of 5 to 0 to 0 to accept the recommendations for
18 the height adjacent to the west side of South
19 Capitol Street between I and M Streets SW.
20 Commissioner Miller moving, Commissioner Cohen
21 seconding, Commissioners May, Hood, and
22 Turnbull in support.

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1 CHAIRMAN HOOD: Okay next, height
2 and setback of south side of Independence
3 Avenue SW between Second and 12th Street SW
4 subject to CFA review setdown increase permit
5 non-discretionary height from 90 feet to 130
6 feet with no setbacks through preferred use
7 bonuses. Public comments require building
8 face setback of 88 feet from centerline of
9 Independence Avenue permit up to 110 feet of
10 height plus 20 feet penthouse at 1 and 1
11 setback. The recommendation, permit
12 non-discretionary heights up to 130 feet
13 through preferred uses of credits bonuses.
14 Require 1 to 1 setback above 110 feet. Require
15 building line setback of 88 feet from the
16 centerline of Independence Avenue and
17 designate as an unclassified designated
18 street. We have a graphic chart below. Any
19 comments?

20 COMMISSIONER MAY: Yes, so I
21 definitely appreciate the fact that the Office
22 of Planning is now recommending a setback of 88

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1 feet from the centerline of Independence
2 Avenue. As I recall this is roughly equivalent
3 to the face of that one little corner at
4 Department of Agriculture the South building
5 there that aligns more or less with that.

6 MR. COCHRAN: That is correct I
7 measured to Forrestal but I think that=s the
8 same.

9 COMMISSIONER MAY: Right, so I
10 appreciate that that=s included. What I would
11 like to speak up for at this moment is actually
12 adopting their recommendation that the height
13 of buildings along Independence Avenue be
14 limited to 110 feet with the, of course they
15 will have whatever penthouse above that but I
16 think that they submitted some simulations of
17 what it would look like with buildings setback
18 at or rather not setback at the full height of
19 130 feet and that=s quite disturbing. They
20 also showed views of buildings, and what I am
21 talking about views of views of buildings from
22 the Mall so this is one of those circumstances

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1 where this is a National Park Service interest
2 in fact we have a letter in the record from the
3 National Park Service supporting NCPC on this
4 and I think that 110 feet is a more appropriate
5 height for buildings along that line. I think
6 there is a lot of new density that is going to
7 come into that area and I would just prefer that
8 it would be a little bit further off the mall
9 rather than having it crowding in, if you will,
10 on what is otherwise a spacious area on the
11 mall.

12 COMMISSIONER MAY: Mr. Chairman, I
13 mean--

14 VICE CHAIR COHEN: I have a
15 question.

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

19 VICE CHAIR COHEN: I was just, you
20 had indicated that you were very uncomfortable
21 with some of their materials and their studies;
22 so I was wondering, I assume you're more

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1 comfortable with these.

2 COMMISSIONER MAY: I don=t think I
3 ever said I was very uncomfortable with their
4 studies. I think what I--

5 VICE CHAIR COHEN: You questioned.

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

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

18 CHAIRMAN HOOD: Actually--

19 VICE CHAIR COHEN: Yes?

20 CHAIRMAN HOOD: I don=t
21 necessarily need to review. I=ll be frank and
22 honest; any time it=s a hundred and thirty feet,

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1 I get itchy. I don=t care where it is. So, I=m
2 just being honest about it, so; I support
3 Commissioner May=s addition or amendment, or
4 however you want to put it.

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

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

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

21 And it, again to be formalistic, if
22 you go take a dividing line down the center of

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1 the Mall and you follow them, they=re twin
2 streets, Independence and Constitution. So
3 we=re applying the same standards.

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

11 MR. COCHRAN: I=m sorry; I don=t
12 know.

13 COMMISSIONER MAY: I don=t believe
14 they do. I believe that the buildings
15 themselves rise up there, there=s an upper
16 setback area there. I don=t think there=s
17 another--

18 MR. COCHRAN: Yes.

19 COMMISSIONER MAY: --residence
20 above that. So, and I think that=s what NCPC
21 is trying to accomplish as well. You know, I
22 could be wrong; but that=s my impression. Or

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1 that=s my recollection, and we got into the
2 heights of the buildings on Constitution Avenue
3 and to a great extent on, at NCPC when we were
4 reviewing the Museum of African-American
5 History and Culture. And so we were studying
6 those buildings carefully. That was my
7 recollection.

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

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

16 COMMISSIONER MAY: You know, I=m
17 not sure that it can, because from that angle,
18 you know, stepping it back, I mean, you=re at
19 such a shallow angle when you=re seeing it from
20 the Mall; that pushing it back a little further
21 isn=t necessarily going to make that much
22 difference in terms of the perceived height.

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1 It may look like it=s, you know, two
2 or three feet lower. I mean, it=s certainly
3 something that if somebody wanted to do a
4 further simulation and we want to revisit the
5 issue later on, I=d have no objection to that
6 if there were, you know, if it could be shown
7 by simulations that it=s, you know, stepping it
8 back further is no big deal.

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

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

19 COMMISSIONER MILLER: I would like
20 to see those additional simulations, and also
21 get confirmation of the, of how Constitution
22 Avenue actually, if it does, if the height does

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1 function with the penthouse as Commissioner May
2 has said.

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

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

17 But I would agree. I'm am nervous
18 about the height, because we went through a lot
19 of concerns about the view shed, even looking
20 at the Eisenhower Memorial. And what you see
21 and how the buildings line up and the view along
22 Maryland Avenue to the Capitol; so I would agree

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1 with Commissioner May and Commissioner Hood,
2 that I think we ought to take a look at limiting
3 the height along here.

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

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

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

19 (Chorus of ayes)

20 CHAIRMAN HOOD: Any opposition?
21 Ms. Schellin, would you record the vote?

22 MS. SCHELLIN: The staff records

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1 the vote 5 to 0 to 0 to permit nondiscretionary
2 heights of up to a hundred and ten feet through
3 preferred uses or credit bonuses. Regular
4 building lines setback of eighty-eight feet
5 from the center line of Independence Avenue,
6 and designate as an unclassified designated
7 street. Commissioner May moving,
8 Commissioner Hood seconding; and Commissioners
9 Miller, Turnbull and Cohen in support.

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

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

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

22 Public comment: Make consistent

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1 with the Pennsylvania Avenue Development
2 Corporation=s plan. I believe that=s what
3 that stands for. The Office of Planning
4 recommendation: Adopt as setdown. Any
5 comments? Vice Chair Cohen.

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

10 MR. COCHRAN: What we=ve done is
11 moved the existing zoning regulations into the
12 new zoning regulations. nothing has changed.
13 There is a study that=s just started on the PADC
14 Plan and I=m sure that once that is completed,
15 OP will be considering that and its impact on
16 any zoning regulations. But for now, we have
17 not proposed changing anything.

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

21 MR. COCHRAN: It=s no different.

22 COMMISSIONER TURNBULL: Than the

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1 old plan.

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

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

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

17 MS. STEINGASSER: If I could add a
18 little bit. This zone reflects what's the
19 current C5 zone and the C5 zone was based on the
20 PADC Plan at that time. We do not want to go
21 back and mend the C5 zone to reflect the PADC
22 Plan, because the PADC Plan is being revised.

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1 Once the PADC Plan is revised, we will
2 absolutely bring back any necessary changes for
3 inclusion in the zoning regulations.

4 COMMISSIONER TURNBULL: Okay, can
5 we make sure that=s on your calendar to do that
6 for us?

7 MS. STEINGASSER: As we=re part of
8 the--

9 COMMISSIONER TURNBULL: Okay.

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

14 CHAIRMAN HOOD: Any other
15 comments? Questions?

16 COMMISSIONER MAY: Yeah. So I=m
17 also heavily involved in the PADC, or the study
18 of the PADC Plan and potential updates to it.
19 And I=m not sure how far it will go into any
20 treatment of buildings. You know, my
21 perception of it is that it=s mostly about
22 street scape and about enlivening the street

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1 and uses and things like that. It=s less about
2 anything having to do with building form. So
3 I think it=s highly unlikely that there=s going
4 to be any significant difference in the future.
5 I also think that the time frame for that is such
6 that it is a few years into the future; not to
7 mention the fact that there are certain things
8 that would have to happen probably on the
9 Congressional level in order for there to be any
10 real change. I mean, I think one of the
11 objectives of that whole study is to move out
12 of the PADC mode where we=re dealing with the
13 legacy of an organization that doesn=t exist
14 and you have sort of a cobbled-together review
15 process involving NCPC and GSA and others; and
16 it=s more complicated than it needs to be. So
17 it needs to move out of that mode, but again,
18 I don=t think that=s going to result in
19 significant changes to the form of buildings
20 and so I would strongly suggest that we should
21 go ahead. Right now, the zoning regulations
22 are not consistent with the setback revisions

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1 of the PADC, I would suggest that we get them
2 in sync now. I mean, this is our opportunity
3 to kind of fix things in the regulations.

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

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

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

21 And if we were going to do this, I
22 would suggest that for now, simply move the

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1 existing regulations in, which haven=t done any
2 harm, and then ask us to look at it as the new
3 PADC Plan unfolds.

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

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

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

22 Because I just, I think it=s, it

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

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

18 COMMISSIONER MAY: Its actually
19 about not casting shadows, I think, ore about,
20 than about casting shadows. But I, I wouldn=t
21 agree with that. I mean, Pennsylvania Avenue
22 is, it is a street within the District, but it

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1 is also Pennsylvania Avenue.

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

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

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

17 VICE CHAIR COHEN: Mm-hmm.

18 COMMISSIONER TURNBULL: I mean,
19 that revitalized all of Pennsylvania Avenue;
20 that was a huge effort. And it was a
21 significant effort for the city. And I think
22 that we really need as Commissioner May said,

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1 I think we're going to see both sides of the
2 balance sheet and see what we have.

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

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

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

20 But I will tell you that I do agree
21 with the comments that I heard from
22 Commissioner May; that is a very important

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1 street. And the thing, the one thing I like
2 about anything is consistency, so I would take
3 their recommendation. And I'm not sure where
4 everyone else is.

5 VICE CHAIR COHEN: That's fine.

6 CHAIRMAN HOOD: Okay.

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

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

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

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

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

20 VICE CHAIR COHEN: November 3rd,
21 and then we'll bring it back up at the, we'll
22 take it up in December. Okay.

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1 CHAIRMAN HOOD: Okay. Next,
2 height and setbacks adjacent to residential
3 areas of West End. Setdown eliminating
4 existing requirement for structures and the
5 current new downtown TDR receiving zone to be
6 setback at the 45 degree angle above ninety
7 feet.

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

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

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

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1 COMMISSIONER TURNBULL: Second.

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

5 (Chorus of ayes)

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

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

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

22 Public comments: Do not permit

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1 heights greater without rededication of
2 L=Enfant Street and provisions of preferred
3 uses or purchase of credits. Give NCPC design
4 review of all projects. Permit height greater
5 than ninety feet only through a PUD. Permit
6 nondiscretionary heights up to a hundred and
7 thirty feet to promote the sale of GSA land to
8 the private sector for mixed use development.

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

17 Maryland Avenue between 9th and 12th
18 Streets Southwest, C Street between 7th and 12th
19 Streets Southwest. D Street between L=Enfant
20 Promenade, 10th Street Southwest and 12th Street
21 Southwest; 12th Street, 11th Street, L=Enfant
22 Promenade, 10th Street Southwest between

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1 Independence Avenue Southwest and the former
2 right of way of Maryland Avenue Southwest.

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

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

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

19 Any comments? Okay, Commissioner
20 Miller?

21 COMMISSIONER MILLER: Mr.
22 Chairman, I would be inclined to go with

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1 alternative number two, to permit heights up to
2 a hundred and thirty feet or as limited by
3 Federal legislation, only through Planned Unit
4 Development review.

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

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

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

19 CHAIRMAN HOOD: Okay.

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

22 CHAIRMAN HOOD: Okay, well, I know

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1 there was quite a bit in the recommendation, but
2 the alternative, Mr. Cochran, help me
3 understand. Give it to me in layman=s terms.
4 The hundred and thirty feet or as limited by
5 Federal legislation only though; help me
6 understand that.

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

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

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1 the 1960=s.

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

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

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

20 Alternative two would permit
21 buildings to rise to what=s permitted by the
22 Height Act, and not have to dedicate the

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1 streets. And a refinement on that, which we
2 had intended, would be that they would get the
3 additional height and/or density then, only
4 through the provision of residential uses,
5 credits, etc., just like in the rest of town.
6 Downtown, rather.

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

15 MS. STEINGASSER: So if I can
16 paraphrase that, tell me if I'm wrong. Under
17 the OP recommendation, it's a by rights
18 scenario where the streets are identified as
19 being required to be dedicated; and that's
20 either, may not be right of way dedication could
21 be an easement dedication; but it's purpose is
22 to re-establish those L'Enfant streets.

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1 And then there=s design review that
2 goes to the Zoning Commission as well as CFA and
3 if it=s not going to CFA, then it would also go
4 to NCPC. So it=s a, it=s a matter of rights
5 scenario where we kind of establish basically
6 the primary public benefit would be those
7 street rights of way.

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

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

19 Colleagues, for me alternative one
20 and two, the way I read and understand it, to
21 me the unintended consequences. And I think,
22 what I see here, especially some kind of review

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1 over a hundred and ten feet is in line with what
2 I believe I would like to go with. But let me
3 open it up for comments.

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

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

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

19 COMMISSIONER MAY: I would agree
20 wholeheartedly. I think the challenge in this
21 area, when it gets redeveloped, if the GSA
22 starts to sell of these properties. Right now,

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1 they have a bunch of buildings on superblocks.
2 And their mantra when they sell off real estate
3 is to get the absolute maximum value for that.

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

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

22 You know, it takes out some of the

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1 uncertainty in the bidding process; they know
2 what they have to do to comply with it. I think
3 this is absolutely the right way to go and it=s,
4 I think, it=s very smartly done.

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

9 COMMISSIONER MAY: Second.

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

13 (Chorus of ayes)

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

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

22 Commissioner Hood moving,

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1 Commissioner Miller seconding, Peter May
2 seconded, Commissioners May, Cohen and
3 Turnbull in support.

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

8 Public comment says: Do not
9 increase any nondiscretionary or discretionary
10 FAR=s for any zone. And the recommendation is
11 to adopt as setdown, which is on C Table on Page
12 5.

13 Any questions or comments?

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

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

21 (Chorus of ayes)

22 CHAIRMAN HOOD: Ms. Schellin,

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1 would you record the vote?

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

9 CHAIRMAN HOOD: Okay next,
10 nondiscretionary densities not involving
11 historic properties in proposed D5 zone, set
12 down in a proposed D 5 zone, existing C3C TDR,
13 retain the existing 6.5 FAR for office only uses
14 and increase the FAR for residential and other
15 preferred uses. Or for credits, from 10 FAR to
16 an FAR limited only by height and bulk,
17 consistent with the other D zones.

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

22 VICE CHAIR COHEN: Hearing no

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1 comments, Mr. Chairman, I move to accept 3(j)
2 nondiscretionary densities not involving
3 historic properties in the proposed D5 zone.
4 Existing C3, CTDR. Retain the existing 6.5 FAR
5 for office only uses and increase the FAR for
6 residential and other preferred uses or for
7 credits from 10 FAR to an FAR limited only by
8 height and bulk, consistent with other D zones.

9 COMMISSIONER TURNBULL: Second.

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

13 (Chorus of ayes)

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

16 MS. SCHELLIN: The staff records
17 the vote 5 to 0 to 0, to adopt setdown for the
18 nondiscretionary densities not involving
19 historic properties in the proposed D5 zone.
20 Commissioner Cohen moving, Commissioner
21 Turnbull seconded, and Commissioners Hood, May
22 and Miller in support.

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1 CHAIRMAN HOOD: Okay. Vice Chair,
2 I=m going to read the first part and you=re
3 going to read the public comments to the end.

4 VICE CHAIR COHEN: Sure.

5 CHAIRMAN HOOD: Tag team on this
6 one.

7 Set down in the proposed
8 nondiscretionary densities not involving
9 historic properties in the proposed D8 zone.
10 Setdown in the proposed D8 zone existing C3C
11 zone and Federal Triangle south. Permit
12 increases in nondiscretionary densities up to
13 those permitted by height and bulk, subject to
14 the following:

15 The rededication of former L=Enfant
16 Streets, consistent with an adopted street plan
17 for the District of Columbia and reviewed by the
18 Zoning Commission of the development plan,
19 design and uses of new building construction or
20 building expansions for structures that are or
21 would be at least 9 FAR and a street right of
22 way less than a hundred and ten feet wide and/or

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1 at least 10 FAR on a street right of way at least
2 a hundred and ten feet wide.

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

13 VICE CHAIR COHEN: And the public
14 comments are: (1) Access to nondiscretionary
15 FAR increases in the proposed D8 zone should not
16 require the reinstatement of former L=Enfant
17 Streets. (2) The conversion of Federal
18 properties to private ownership and use and
19 access to bonus density. Should be part of a
20 master development oriented PUD process that
21 focuses on achieving adequate infrastructure
22 improvements as public benefits. (3) In the D8

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1 zone, the proposed procedure for accessing
2 additional nondiscretionary density and height
3 will discourage the conversion of Federal land
4 to private use. And (4) the owner of a property
5 in a D8 zone is not legally permitted to set
6 physical or financial conditions for a property
7 prior to sale.

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

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

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1 than a hundred ten feet wide, or at least 20 FAR
2 on the street right of way.

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

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

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

21 MR. COCHRAN: That=s correct.

22 COMMISSIONER MAY: We could just

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1 simply strike that one. And there=s nothing
2 else in there that we voted on, that this would
3 contradict. Everything else here is
4 consistent with what we=ve--

5 MR. COCHRAN: That=s correct.

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

8 CHAIRMAN HOOD: Commissioner
9 Miller?

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

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

18 COMMISSIONER MILLER: And how is it
19 incentivized?

20 MR. COCHRAN: You can't get more
21 than 6.5 FAR unless you provide either housing
22 or a limited number of other preferred uses.

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1 COMMISSIONER MILLER: Thank you.

2 MR. COCHRAN: And it is subject to
3 IZ.

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

7 MR. COCHRAN: There=s not an
8 incentive for retail. There are design
9 requirements for certain streets.

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

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

18 VICE CHAIR COHEN: All right.
19 There=s no way to give a bigger boost to
20 housing? In other words, I think culture, I
21 mean, I don=t want to diminish cultural
22 institutions; I really think they=re

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1 important. But right now, I think housing is
2 our most critical need in the city. So I would
3 love to see wherever we can, encouraging
4 housing.

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

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

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

18 VICE CHAIR COHEN: I know that
19 Holiday Inn.

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

22 VICE CHAIR COHEN: I have stayed at

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1 the Holiday Inn.

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

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

13 MS. STEINGASSER: They do.

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

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

20 COMMISSIONER MAY: In my view,
21 that=s a lot of housing and I think actually
22 it=s vitally important to include the cultural

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1 uses; because part of what we're trying to
2 encourage here is, you know, a neighborhood
3 that people flow through to get all the way down
4 to the waterfront and to, you know, I mean,
5 bring people off the Mall into other
6 interesting, exciting things. And--

7 VICE CHAIR COHEN: I think
8 housing--

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

17 COMMISSIONER TURNBULL: If we're
18 finished with our comments, I would move that
19 we accept the OP recommendation for 3(k)
20 nondiscretionary densities not involving
21 historic properties in their proposed D8 zone.
22 And I'm not going to go through the whole list

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1 of recommendations. And I guess the only thing
2 is are we asking OP to look at anything else?
3 Or are we satisfied with what, I mean I heard
4 a lot of different comments, but--

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

8 COMMISSIONER TURNBULL: Yeah, I
9 don=t know if there was anything else that we
10 asked them to look at. I mean, we talked about
11 housing, but it sounded like the amount of
12 housing from OP, I mean, they said that they
13 might be able to do more, but it sounded like
14 also from comments I heard that there was, there
15 is a significant amount going in there, or
16 proposed to go in there. Am I reading that
17 right?

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

20 COMMISSIONER TURNBULL: Yeah.

21 MR. COCHRAN: Minus whatever
22 cultural use is going.

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1 COMMISSIONER TURNBULL: Right.

2 COMMISSIONER MILLER: Is it 4.5 or
3 3.5?

4 MR. COCHRAN: Did I add wrong?
5 6.5.

6 COMMISSIONER MILLER: 3.5.

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

11 COMMISSIONER MILLER: Oh, okay.

12 MR. COCHRAN: --on a square site.

13 COMMISSIONER TURNBULL: All right.
14 Then my motion stands.

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

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

19 MR. COCHRAN: You have a friendly
20 amendment?

21 COMMISSIONER MAY: I assume you=re
22 adopting the OP recommendation that appears on

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1 the top of Page 13.

2 COMMISSIONER TURNBULL: Yes.

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

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

10 COMMISSIONER MAY: Okay.

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

15 (Chorus of ayes)

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

19 MS. SCHELLIN: Yes. The staff
20 records the vote 5 to 0 to 0, to accept the OP
21 recommendation and not the alternative; and
22 that=s based on previous discussions this

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1 evening and votes. With regard to the
2 nondiscretionary densities not involving
3 historic properties in the proposed D8 zone.
4 Commissioner Turnbull moving, Commissioner
5 Hood seconding, and Commissioners May, Cohen
6 and Miller in support.

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

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

18 COMMISSIONER MAY: I didn=t
19 understand this. Can you explain it?

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

22 COMMISSIONER MAY: Did you just

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1 call them irregulation?

2 MR. COCHRAN: That would be kind.
3 The Mount Vernon Triangle was developed before
4 the Green Area Ratio Concept was in play; and
5 this was a very early attempt to get a green
6 element in. It has not been used, and since
7 then a far more sophisticated program is in
8 place and so since this has never been used,
9 we're going to rely on the GAR instead of this
10 very primitive attempt.

11 COMMISSIONER MAY: Thank you for
12 that excellent explanation.

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

15 COMMISSIONER MAY: We vote to
16 retain it.

17 CHAIRMAN HOOD: Retain it, okay.

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

20 VICE CHAIR COHEN: I second it.

21 CHAIRMAN HOOD: No, hold tight. I
22 think--

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1 COMMISSIONER MAY: No, I=m sorry;
2 that we do not transfer it.

3 CHAIRMAN HOOD: Not transfer it.

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

6 CHAIRMAN HOOD: The bottom line.
7 Okay, it=s been moved, who seconded it?

8 VICE CHAIR COHEN: I did.

9 COMMISSIONER MAY: Okay, would you
10 modify?

11 CHAIRMAN HOOD: We modify.

12 COMMISSIONER MAY: Do not
13 transfer.

14 CHAIRMAN HOOD: Do not transfer the
15 provisions.

16 COMMISSIONER MAY: Got it.

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

20 (Chorus of ayes)

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

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1 MS. SCHELLIN: The staff records the
2 vote 5 to 0 to 0, to not transfer the provision
3 with regards to the FAR in Mount Vernon Triangle
4 subarea courtyards. Commissioner May moving,
5 Commissioner Cohen seconding, and
6 Commissioners Hood, Miller and Turnbull in
7 support.

8 CHAIRMAN HOOD: Okay. next,
9 historic and pre-

10 MS. STEINGASSER: Again, I
11 apologize. I don=t want to make you read.

12 CHAIRMAN HOOD: Thank you.

13 MS. STEINGASSER: This half a page,
14 because this is also one where we inserted the
15 wrong recommendation. Our recommendation is
16 to, I don=t know what it is.

17 MR. COCHRAN: The OP
18 recommendation is to adopt with the revision,
19 well, our changes, take out the references to
20 any building that received its first CFO before
21 1936.

22 They would not be limited to an FAR

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1 of more than 6.0, period.

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

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

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

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

20 MS. STEINGASSER: Yes, thank you.
21 And again, we apologize for that. It=s my
22 fault.

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1 CHAIRMAN HOOD: Okay. We have a
2 recommendation in front of us. Everybody
3 understand what we=re doing? Okay. The
4 recommendation basically is the two bullet
5 points that were up top under setdown.

6 COMMISSIONER TURNBULL: If no one
7 has any comments, I would move that we accept
8 3M Historic and pre-1936 sites; using the two
9 bullets under the setdown category as listed by
10 OP. The first two bullets.

11 CHAIRMAN HOOD: I=ll second it.
12 it=s been moved and properly seconded. Any
13 further discussion? All those in favor?

14 (Chorus of ayes)

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

18 MS. SCHELLIN: The staff records the
19 vote 5 to 0 to 0, to accept the recommendation,
20 the first two bullets, that is, with regard to
21 the historic and pre-1936 sites. Commissioner
22 Turnbull moving, Commissioner Hood seconding,

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1 and Commissioners May, Cohen and Miller in
2 support.

3 CHAIRMAN HOOD: Okay, I'm going to
4 try something different on these next three:
5 3N, 3O and 3P. You see the setdown and you see
6 the recommendations? Let's review those three
7 and if there are any comments, just let us,
8 identify which one.

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

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

18 CHAIRMAN HOOD: Okay. So
19 composite FAR for historic properties is 3N.
20 FAR for historic properties employing credits,
21 3O. And then new communities, 3P.

22 COMMISSIONER MILLER: Mr.

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

4 VICE CHAIR COHEN: Second.

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

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

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

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

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

19 VICE CHAIR COHEN: I=m sorry.

20 CHAIRMAN HOOD: You want to sit
21 down with the Office of Planning and field some
22 questions?

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1 COMMISSIONER MAY: Yeah, actually.

2 MS. STEINGASSER: No, plus one.

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

5 VICE CHAIR COHEN: Why aren=t there
6 others there?

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

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

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

15 (Chorus of ayes)

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

19 MS. SCHELLIN: The staff records the
20 vote 5 to 0 to 0, en bloc, to approve the
21 composite FAR for historic properties, FAR for
22 historic properties employing credits, and the

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1 new communities as to adopt as set down. I'm
2 sorry for the composite FAR for historic
3 properties adopting as recommended the other
4 two as set down. Commissioner Miller moving,
5 Commissioner Cohen seconding, and
6 Commissioners Hood, May and Turnbull in
7 support.

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

21 VICE CHAIR COHEN: The public
22 comments are: Include I Street Northeast as a

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1 retail required street, but adjust FAR
2 requirements to respond to the deeper than
3 typical square in building depths on the west
4 side of I Street. And the second one is include
5 Connecticut Avenue as a primary street.

6 CHAIRMAN HOOD: And the
7 recommended--

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

13 CHAIRMAN HOOD: Okay. We=ll do
14 the corrections at the end from here on out so
15 we can, because we be on a roll, she do her part
16 and then we can get through it. Are the
17 recommendations adopt as set down but the
18 following changes: Apply retail requirements
19 for 1st Street Northeast between K Street and
20 Florida Avenue, to only the first hundred and
21 fifty feet of ground floor depth, from 1st
22 Street property line. Consolidate two use

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1 categories into one, delete category
2 designations from zone name. Let=s open up,
3 any corrections, Mr. Cochran?

4 MR. COCHRAN: Actually I have no
5 corrections.

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

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

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

18 COMMISSIONER TURNBULL: Okay,
19 okay.

20 CHAIRMAN HOOD: Okay. Mr.
21 Turnbull?

22 COMMISSIONER TURNBULL: Mr. Chair,

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1 I would, if there=s no other comments, I would
2 move that we accept 4A, consolidate use
3 categories and requirements and use the OP
4 setdown. Apply retail requirement for 1st
5 Street Northeast between K Street and Florida
6 Avenue to only the first hundred and fifty feet
7 of ground floor depth from the 1st Street
8 property line. Consolidate two use categories
9 into one, delete category designation from zone
10 name.

11 VICE CHAIR COHEN: Second.

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

15 (Chorus of ayes)

16 CHAIRMAN HOOD: Any opposition?
17 Ms. Schellin, would you record the vote?

18 MS. SCHELLIN: The staff records
19 the vote 5 to 0 to 0, to adopt a setdown along
20 with the changes that are listed. The uses
21 with regard to the consolidated use categories
22 and requirements. Commissioner Turnbull

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

3 COMMISSIONER MILLER: Mr.
4 Chairman?

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

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

17 MS. SCHELLIN: I did correct that.

18 COMMISSIONER MILLER: You
19 corrected it?

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

22 COMMISSIONER MILLER: Okay,

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1 thanks. I'm a little slower.

2 MS. SCHELLIN: We work together.

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

8 MS. SCHELLIN: No, let's just keep
9 going.

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

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

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

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1 Public comment?

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

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

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

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

22 This was an R5E with a D overlay, and

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1 now that we're making it part of the D zone, we
2 want to clarify which ones are actually
3 residential for the purposes of other
4 regulations.

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

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

12 COMMISSIONER MAY: It shows up as
13 DDR5E, right?

14 MR. COCHRAN: Correct. No. On
15 the existing zoning, it's right along
16 Massachusetts Avenue. Yes, it's on the south
17 side of Massachusetts Avenue in between 13th and
18 15th Street; and then there are two locations,
19 small locations, in China Town and one just to
20 the north of Judiciary Square.

21 COMMISSIONER MILLER: Thank you.

22 VICE CHAIR COHEN: If there are no

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1 other questions--

2 COMMISSIONER MAY: I have a
3 question.

4 VICE CHAIR COHEN: Okay.

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

15 COMMISSIONER MILLER: The latter.

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

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

22 COMMISSIONER MAY: Thanks.

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

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

9 (Chorus of ayes)

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

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

19 CHAIRMAN HOOD: Next, inclusion of
20 their zoning set down require IZ in all areas
21 where it is now required, including any
22 expansion areas in the proposed D Zone areas

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1 near the West End, Foggy Bottom, and South
2 Capitol Street, retain existing lines, the
3 exemptions DD Zones, TDR Zone areas, C4 Zones.

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

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

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

19 MR. COCHRAN: I'm sorry. It was
20 one of the original principles that we were
21 going to decrease property values and certainly
22 at that time residential was seen as a lesser

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1 value than a commercial. Right now they are
2 exempt from IZ and we simply retain that.

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

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

17 VICE CHAIR COHEN: Okay.

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

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

22 COMMISSIONER MAY: I would make a

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1 motion that we adopt the recommendation to
2 require IZ in all areas where it is now
3 required, including any expansion areas in the
4 proposed D Zone areas near the West End, Foggy
5 Bottom, and South Capitol Street, retain
6 existing IZ exemptions and correct. Include
7 the proposed D8 Zone, currently Zone C3C in the
8 IZ requirements.

9 COMMISSIONER TURNBULL: Second.

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

13 (Chorus of ayes)

14 CHAIRMAN HOOD: Any opposition?
15 Ms. Schellin, if you'd record the vote.

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

21 CHAIRMAN HOOD: Next, build to
22 lines, apply existing downtown area design

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1 standards to all proposed primary and secondary
2 streets, no public comment. Okay. And then
3 the recommendation is adopt as set down. Any
4 comments? I would move that we approve the
5 build to lines set down and ask for a second.
6 It's been moved and properly seconded. Any
7 further discussion? All those in favor?

8 (Chorus of ayes)

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

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

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

20 VICE CHAIR COHEN: The public
21 comment is require a building face set back of
22 88 feet from center line of Independence Avenue

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1 Southwest on the south side of Independence
2 Avenue, between 2nd and 12th Streets.

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

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

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

20 COMMISSIONER TURNBULL: Second.

21 CHAIRMAN HOOD: Okay. It's been
22 moved and properly seconded. Anything

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1 further? All those in favor?

2 (Chorus of ayes)

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

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

13 CHAIRMAN HOOD: Okay. Facade
14 openings for access to parking and loading set
15 down in conjunction with other zone based
16 design regulations, permit vehicular entrances
17 to garage or loading to be located on the public
18 street facing building facades in the D Zones,
19 only if one of the following conditions are met:
20 access is not possible through an at least
21 15-foot wide alley system connecting to the
22 public street, a street facing entrance is

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1 required by DDOT, the building is governed by
2 less restrictive regulations in the Mt. Vernon
3 Triangle sub area, the entrance is approved by
4 BZA as a special exception subject to
5 additional criteria regarding and practicality
6 and alternatives minimal impact on pedestrian
7 traffic and consistency with DDOT public space
8 plans.

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

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

13 COMMISSIONER MAY: I have a
14 comment. So I'm not so keen on the idea that
15 we would defer to DDOT requiring a street facing
16 entrance. I think they're going to be
17 intelligent about it, but I think that
18 we're setting this down as a zoning restriction
19 and then we're going to say, well, no, DDOT can
20 make an exception to it. So I would prefer that
21 in that sort of a circumstance that it have to
22 be subject to a special exception. So I would

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1 lump it in as a criteria as the entrance being
2 approved as a special exception, that last
3 bullet. That was my thought. I don't know if
4 anybody else has a reaction to that.

5 MR. COCHRAN: That seems fine.

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

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

15 CHAIRMAN HOOD: Okay.

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

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

21 CHAIRMAN HOOD: Yeah, I think
22 that's a good suggestion. Thank you.

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1 COMMISSIONER MAY: For me it's just
2 a matter of taking a zoning decision and putting
3 it in the hands of DDOT.

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

7 COMMISSIONER MAY: Yeah, I would
8 move that we accept the recommendation of the
9 Office of Planning with some slight
10 modifications so that recommendation was in
11 conjunction with other zone-based design
12 regulations, permit vehicular entrance to
13 garage or loading to be located on a public
14 street facing building facade in the D Zones
15 only if access is not possible through at least
16 a 15-foot wide alley system connected to a
17 public street or the building is covered by less
18 restrictive regulations in the Mt. Vernon
19 Triangle sub area or the entrance is approved
20 by BZA as a special exception subject to
21 additional criteria regarding the practicality
22 of alternatives, minimal impact on pedestrian

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1 traffic, and consistency with DDOT public space
2 plans, and also if the entrance is approved by
3 BZA potentially on the expedited review
4 calendar because the street facing entrance has
5 been recommended by DDOT.

6 CHAIRMAN HOOD: Okay. Is there is
7 a second?

8 VICE CHAIR COHEN: Second.

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

12 (Chorus of ayes)

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

15 MS. SCHELLIN: The staff records
16 the vote 5 to 0 to 0 to approve the facade
17 openings for access to parking and loading as
18 set down with the modification as read by
19 Commissioner May, Commissioner May making the
20 motion, Commissioner Cohen seconding,
21 Commissioners Hood, Miller, and Turnbull in
22 support.

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1 CHAIRMAN HOOD: Okay. Design
2 review in street southwest to South Capitol
3 Street sub area set down said required zoning
4 commissioning review and approving of proposed
5 design and uses of new building construction or
6 building expanse of structures that are or
7 would be at least 9 FAR on a street right of way
8 less than 110 feet wide or at least 10 FAR on
9 the street right of way at least 110 feet wide.

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

14 CHAIRMAN HOOD: The recommendation
15 is adopt as set down and expand boundaries of
16 sub area to include the west side of South
17 Capitol Street from I to M Street Southwest
18 requiring one to one set back above 110 feet,
19 require referral review and comments for the
20 National Capitol Planning Commission, NCPD,
21 for all buildings subject to the zoning
22 commissioner review that are not within the

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1 Shipstead-Luce Act purview of the Commission of
2 Fine Arts. Any comments?

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

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

9 (Chorus of ayes)

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

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

19 CHAIRMAN HOOD: Proposed D-8 Zone,
20 require zoning commissioner review and
21 approval of proposed development plans for
22 their congruence and a comprehensive plan.

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1 The Maryland Avenue Southwest Plan and
2 subsequent adopted plans for the area within
3 near the D-8 Zone before post development may
4 access the proposed tools by which to achieve
5 greater density and height within the proposed
6 zone.

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

11 CHAIRMAN HOOD: Recommendations,
12 as set down with the following refinements:
13 The zoning commission shall review and approve
14 all proposed development plans for new
15 buildings or expansions that would be at least
16 9 FAR on the street right of way, less than
17 110 feet wide or at least 10 FAR on the street
18 right of way of at least 110 feet wide. NCPC
19 shall review and comment on proposed
20 development plans for new buildings or
21 expansions that would be at least 9 FAR on the
22 right of way of less than 110 feet wide or at

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1 least 10 FAR on the street right of way at least
2 110 feet wide in areas where the CFA does not
3 have any reviews jurisdiction. I will move
4 that we accept the recommendation as proposed
5 and ask for a second.

6 COMMISSIONER MAY: Second.

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

9 VICE CHAIR COHEN: One question.
10 What exactly is NCPC asking for when they say
11 the whole D-8?

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

21 VICE CHAIR COHEN: All right.
22 Because I just think that that would be very

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1 painful for people.

2 MR. COCHRAN: What to do?

3 VICE CHAIR COHEN: Yeah.

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

6 (Chorus of ayes)

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

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

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

21 VICE CHAIR COHEN: Public comment,
22 do not eliminate all parking requirements for

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1 location near residential in the West End and
2 Foggy Bottom.

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

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

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

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

16 MR. COCHRAN: Yes, yes.

17 COMMISSIONER TURNBULL: That Foggy
18 Bottom was.

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

22 COMMISSIONER TURNBULL: Okay.

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1 Thank you.

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

7 VICE CHAIR COHEN: Second.

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

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

19 VICE CHAIR COHEN: We didn't --

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

22 VICE CHAIR COHEN: You don't need

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1 to take a vote on it?

2 CHAIRMAN HOOD: No.

3 VICE CHAIR COHEN: Okay.

4 CHAIRMAN HOOD: Am I right, Mr.

5 Cochran, I don't think we need to --

6 MR. COCHRAN: That's correct.

7 CHAIRMAN HOOD: Actually, we did it

8 last night and I voted against it.

9 MR. COCHRAN: That's correct.

10 CHAIRMAN HOOD: But I only --

11 COMMISSIONER TURNBULL: We already

12 retained. We already retained the parking

13 requirement in west --

14 CHAIRMAN HOOD: But I voted against

15 that and the vice chair went with me this time.

16 So thank you.

17 COMMISSIONER TURNBULL: Oh.

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER MILLER: Mr.

20 Chairman?

21 CHAIRMAN HOOD: Yes?

22 COMMISSIONER MILLER: I think we

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1 should. I think we should vote.

2 CHAIRMAN HOOD: Okay. So you
3 all --

4 COMMISSIONER MILLER: Just so
5 there's no confusion.

6 CHAIRMAN HOOD: Okay. Go ahead.

7 COMMISSIONER MILLER: So I
8 would would move that on Item 7, that we approve
9 the OP recommendation to set down. Set down
10 not located in the subtitle that's eliminating
11 mandatory parking requirements in proposed D
12 Zones, eliminating requirements for loading
13 berths longer than 30 feet, 5 feet D Zones, but
14 also consistent with our action last night with
15 parking requirements that you can park your car
16 in the proposed D Zones west of 20th Street
17 Northwest as revised in Subtitle C and ask for
18 a second.

19 COMMISSIONER TURNBULL: Second.

20 CHAIRMAN HOOD: Moved and properly
21 seconded. Any further discussion? All is in
22 favor?

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1 (Chorus of ayes)

2 COMMISSIONER HOOD: Any opposed?
3 Opposed. Ms. Schellin, record the vote.

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

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

21 VICE CHAIR COHEN: And the public
22 comments are keep the provision allowing

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1 generation of credits for the provision of open
2 space and plazas in NoMa that meet specified
3 criteria, allow credit generating NoMA open
4 spaces and plazas to be closed to the public at
5 8:00 p.m. rather than 10:00 p.m., allow credits
6 generated by arts, uses of the downtown arts sub
7 area to be traded for any credit generating uses
8 in any credit trade area.

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

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

22 MR. COCHRAN: At the time this was

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1 written there was no provision whatsoever to
2 achieve open space or park space in NoMa so we
3 put this in. Since then there have been other
4 mechanisms that are in place now to purchase
5 open space in NoMa. We thought that because
6 the open space in NoMa the credit generation
7 was so high that it would displace a
8 significant amount of housing. I can go into
9 that but because you're generating credits not
10 just for one area, but for one area times 10 or
11 11 stories and that began to compete with
12 credits for housing and basically for a
13 5,000-square foot plaza you start competing
14 with 250 housing units and that keeps going up.
15 For a half-acre park it would be several hundred
16 housing units and so since there was another
17 mechanism that's now in place to purchase open
18 space, we thought the trade off should be in
19 favor of housing.

20 VICE CHAIR COHEN: And I certainly
21 support that. Mr. Chairman, I move to adopt
22 the set down and correct to specify that an arts

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1 credits may be used to enable additional
2 nonresidential use on a property only within
3 the arts sub area, delete section permitting
4 the generation of credits through the provision
5 of open spaces or plazas.

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

9 (Chorus of ayes)

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

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

19 CHAIRMAN HOOD: Okay. Set down
20 the uses that generated credits other than
21 those generated by open spaces, plaza
22 construction must be maintained within the same

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1 credit trade area and may not generate
2 additional credits. Purchase credits expire
3 upon use and retain no value.

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

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

22 MR. COCHRAN: In some ways it's

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1 more of a public comment. Some people simply
2 preferred what we had set down and then that
3 other phrase just took into account that you may
4 not tonight delete the credit provisions for
5 open space in NoMa.

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

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

10 CHAIRMAN HOOD: Okay. All right.
11 Let me open up for any comments.

12 VICE CHAIR COHEN: Hearing none,
13 Mr. Chairman, I make a motion to approve 8-B,
14 duration of credit permissions, if a building
15 that achieved non-preferred GFA through credit
16 purchases no longer exists, the same amount of
17 additional non-preferred uses that had
18 previously existed on the site may be rebuilt
19 on the site as long as the linked preferred use
20 GFA is covenanted. Delete references to open
21 space plaza credit generation and I ask for a
22 second.

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1 CHAIRMAN HOOD: It's been moved and
2 properly seconded. Any further discussion?
3 All that's in favor?

4 (Chorus of ayes)

5 CHAIRMAN HOOD: Any opposition?
6 Ms. Schellin.

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

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

17 VICE CHAIR COHEN: And the public
18 comments were, one, eliminate conversion time
19 frame, two, make consistent references to
20 owners of TDRs and CLDs as persons, entities
21 owning rights to TDRs or CLDs rather than to
22 owners.

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1 CHAIRMAN HOOD: The Office of
2 Planning's alternatives is to eliminate
3 conversion time frame and the recommendation is
4 to adopt the alternative. I move that we adopt
5 the alternative and ask for a second. Moved
6 and properly seconded. Any further
7 discussion?

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

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

15 VICE CHAIR COHEN: Okay. Good.
16 Thank you.

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

19 (Chorus of ayes)

20 CHAIRMAN HOOD: Any opposition?
21 Ms. Schellin.

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to adopt the alternative, which
2 is to eliminate conversion time frame with
3 regard to conversion of TDRs and CLDs to
4 credits. Commissioner Hood moving,
5 Commissioner Turnbull seconding,
6 Commissioners May, Miller, and Cohen in
7 support.

8 CHAIRMAN HOOD: Okay. Credit
9 certification process and documentation, set
10 down, adopt core process based on existing
11 certification regulations for newly generated
12 residential arts of open space plaza, adopt
13 additional regulations pertinent only to
14 residential or arts uses including existing
15 escrow provisions, adopt separate process
16 based on existing procedures for the generation
17 of escrow provisions for and certification of
18 historic preservation credits, adopt separate
19 process for generation and certification of
20 credits for child development centers and
21 LSDBEs.

22 VICE CHAIR COHEN: And the public

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1 comments were procedures are too complex and
2 too costly to execute, the second one is process
3 is not transparent, and the third one is process
4 did not allow for public understanding of the
5 credits, market and values.

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

15 VICE CHAIR COHEN: I second.

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

19 (Chorus of ayes)

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

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to accept the recommendation
2 with regard to the credit certification process
3 and documentation. Commissioner Hood moving,
4 Commissioner Cohen seconding, Commissioners
5 May, Miller, and Turnbull in support.

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

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

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1 trade area.

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

5 (Chorus of ayes)

6 CHAIRMAN HOOD: Any opposition?
7 Ms. Schellin.

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

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

21 VICE CHAIR COHEN: And the public
22 comment is allow credits generated by arts uses

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1 in the arts sub area to be traded for any credit
2 generating uses in any credit trade area.

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

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

8 CHAIRMAN HOOD: Somebody else like
9 to second?

10 COMMISSIONER MAY: Second.

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

14 (Chorus of ayes)

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

17 MS. SCHELLIN: Staff records the
18 vote 5 to 0 to 0 to adopt as set down to areas
19 where credits can be used. Commissioner Cohen
20 moving, Commissioner May seconding,
21 Commissioners Hood, Miller, and Turnbull in
22 support.

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1 CHAIRMAN HOOD: Okay. I'll move
2 the next two in block. Amount of credits that
3 may be accepted at the set down, continue to
4 limit the maximum residential FAR generated by
5 credits that may be accepted on a given lot for
6 the D-3, D-4, D-5, D-6.

7 VICE CHAIR COHEN: You skipped one.

8 CHAIRMAN HOOD: What did I skip?

9 VICE CHAIR COHEN: 8-E.

10 CHAIRMAN HOOD: Oh, okay. Yeah,
11 okay. I'll go back. And do that one. I'm
12 sorry. Zones that limit shall be maximum
13 nonresidential FAR permitted without credits
14 for the D-4R Zone up to 3.5 FAR may be accepted,
15 for the D-5R Zone up to 6.0 FAR may be accepted,
16 for the D-6R Zone up to 8.0 FAR may be accepted.
17 No public comment and adopt as set down. Now,
18 AG is the status of used credit. The set down
19 credit expires upon use. Unused credits may be
20 transferred and used. No public comment,
21 again as set down. I move that we approve AF
22 and AG and as accepted by the recommendation at

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1 set down and ask for a second.

2 COMMISSIONER TURNBULL: Second.

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

5 All those in favor?

6 (Chorus of ayes)

7 CHAIRMAN HOOD: Any opposition?

8 Ms. Schellin.

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

16 CHAIRMAN HOOD: I'm sorry. Let's
17 go back to 8-E, where I skipped. Limitation on
18 credits that can be used to reduce residential
19 requirements, the set down said unused TDRs may
20 not be used to reduce residential requirements.
21 The recommendation, only credits generated by
22 residential uses and unassigned CLDs that have

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1 been converted to credits may be used to reduce
2 residential requirements. Vice Chair Cohen.

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

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

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

20 MR. COCHRAN: Okay. Perhaps it is
21 not phrased correctly. It should be
22 residential requirements on the sending area.

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1 That's what it really means.

2 VICE CHAIR COHEN: Say again,
3 please.

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

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

15 MR. COCHRAN: I will take care of
16 that.

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

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1 replace --

2 MR. COCHRAN: On sending lots.

3 VICE CHAIR COHEN: On sending lots.

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

8 VICE CHAIR COHEN: Please.

9 MR. COCHRAN: In November to make
10 that clearer.

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

17 COMMISSIONER MILLER: Second.

18 VICE CHAIR COHEN: Okay, thank you.

19 CHAIRMAN HOOD: Okay. It's be
20 moved and properly seconded but any further
21 discussion? We're expecting to come back with
22 come clarification. Okay. Any further

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1 discussion? All those in favor?

2 (Chorus of ayes)

3 CHAIRMAN HOOD: Any opposition?

4 Ms. Schellin.

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

11 CHAIRMAN HOOD: Okay. Next let's
12 go to 8F, transfer of credit ownership. Set
13 down and establish procedures for transferring
14 and recording new ownership of credits.
15 Public comment, procedures for existing D
16 Zones and expanded credit areas would remain
17 similar to the existing CLD convenient
18 complexity. Procedures within existing TDR
19 receiving areas could become more complicated
20 for credits. The recording and transfer
21 process needs to be more transparent. The
22 recommendations of adopted set down with

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1 permissions to work with DC area and OAG on the
2 subsequent administrative improvements. I
3 would move that we accept that recommendation
4 and I would ask that we also look at some of
5 those public comments and ask for a second.
6 It's been moved and properly seconded. Any
7 further discussion? All those in favor?

8 (Chorus of ayes)

9 CHAIRMAN HOOD: Any opposition?
10 Ms. Schellin.

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

17 CHAIRMAN HOOD: Okay. Plan unit
18 developments --

19 COMMISSIONER MILLER: Mr.
20 Chairman?

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER MILLER: Before we

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

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

21 VICE CHAIR COHEN: We're just
22 receiving --

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1 CHAIRMAN HOOD: Oh, we're not doing
2 it?

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

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

7 COMMISSIONER MAY: We've got until
8 December.

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

12 CHAIRMAN HOOD: Oh, I thought we
13 were going to be doing this November 3rd.
14 Okay. Okay. Maybe I'm getting confused.
15 Okay. I'm sorry. Yeah, okay. Okay. Plan
16 unit developments, Office of Planning
17 recommendation, in addition to filing the PD
18 regulations, Subtitle X and PUD in the D Zone,
19 zone shell be superior in achieving the purpose
20 of D Zone chapter in the Comprehensive Plan,
21 Central Washington area element not be used to
22 reduce D Zone requirements for preferred uses.

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1 If within the D-3 through D-8 Zones demonstrate
2 that credits have been acquired to the maximum
3 extent feasible prior to the PED application.
4 No public comments. The recommendation is as
5 set down.

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

10 VICE CHAIR COHEN: Second.

11 CHAIRMAN HOOD: Any further
12 discussion? All in favor?

13 (Chorus of ayes)

14 CHAIRMAN HOOD: Any opposition?
15 Ms. Schellin.

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

22 CHAIRMAN HOOD: Okay. We have a

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

14 MS. SCHELLIN: Tuesday or
15 Wednesday next week.

16 CHAIRMAN HOOD: Okay. When is
17 volleyball night?

18 MS. SCHELLIN: He can't play.

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

21 COMMISSIONER MAY: You know, I did
22 have a meeting I was going to go to with our

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1 congressional representative, but I'm sure she
2 won't miss me.

3 CHAIRMAN HOOD: Which night? It's
4 Tuesday?

5 COMMISSIONER MAY: That was
6 Tuesday.

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

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

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

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

18 CHAIRMAN HOOD: I'm just throwing
19 that out there. We may get through, but I think
20 we need to do another session. So let's take
21 a break. I don't want us to belabor too much
22 more time. Thanks.

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1 (Whereupon, the above-entitled
2 matter went off the record at 8:42 p.m. and
3 resumed at 8:52 p.m.)

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

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

16 CHAIRMAN HOOD: I already read
17 that.

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

20 CHAIRMAN HOOD: Okay. Any
21 comments?

22 COMMISSIONER MILLER: Mr.

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1 Chairman, I would move that the zoning
2 commission approve minimum land area
3 requirements for PUDs as shown in the table in
4 Item 1.

5 COMMISSIONER TURNBULL: Second.

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

9 (Chorus of ayes)

10 CHAIRMAN HOOD: Any opposition?
11 Ms. Schellin.

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

18 CHAIRMAN HOOD: Next, new
19 standards for ZC reduction of minimal land area
20 requirements. Set down, ZC flexibility to
21 reduce the minimum required land area by
22 50 percent is expanded to include City or

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1 Federal Government projects, any project
2 identified in small area plan.

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

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

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

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

16 (Chorus of ayes)

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

19 MS. SCHELLIN: Staff records the
20 vote 5 to 0 to 0 to accept the new standards for
21 the zoning commission reduction of minimum land
22 area requirements. Commissioner May moving,

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1 Commissioner Miller seconding, Commissioners
2 Hood, Cohen, and Turnbull in support.

3 CHAIRMAN HOOD: Okay. PUD
4 densities, total PUD densities, the set down
5 instead of a set FAR increase for each zone
6 establishes standard 20 percent increase above
7 the matter right FAR. See attached 1
8 spreadsheet for comparison.

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

13 CHAIRMAN HOOD: The set down says
14 establish the PUD floor areas, standard
15 20 percent increase above the matter of right
16 FAR. Any questions or comments?

17 COMMISSIONER MAY: Yeah, I have a
18 comment. I went through the whole chart,
19 looked at the differences between the old
20 standards and the new, and what I'm coming away
21 with is this, the old standard for PUDs was kind
22 of random. Now it's more coherent and logical

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1 across the board.

2 VICE CHAIR COHEN: And I also
3 clarify that when we say matter of right of FAR,
4 we mean the IZ matter of right.

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

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

19 VICE CHAIR COHEN: That is correct
20 on your PUD.

21 CHAIRMAN HOOD: Okay. All right.
22 Any further questions? Did somebody make a

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1 motion?

2 VICE CHAIR COHEN: Yeah, why are we
3 doing that?

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

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

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

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

21 (Chorus of ayes)

22 CHAIRMAN HOOD: Any opposition?

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1 Ms. Schellin.

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

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

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

20 CHAIRMAN HOOD: The recommendation
21 is the same as the set down and that's before
22 us. Any questions or comments? Okay. I

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1 would move nonresidential density increases as
2 proposed and ask for a second.

3 COMMISSIONER TURNBULL: Second.

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

7 (Chorus of ayes)

8 CHAIRMAN HOOD: Any opposition?
9 Ms. Schellin.

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

17 CHAIRMAN HOOD: Okay. Next is PUD
18 heights. Heights are the same as existing.
19 See attached 2 spreadsheet for comparison.
20 Accept for a decrease in R-4 from 60 to 50, an
21 increase in the C-2C from 90 feet to 110 feet,
22 an increase in the W-2 from 60 feet to 80 feet,

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1 an increase in the W-3 from 90 feet to 100 feet.
2 The recommendation is set down and adopt
3 proposed changes to heights. Questions or
4 comments?

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

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

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

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

19 MS. STEINGASSER: Well, the R-4
20 matter of right height is 40 feet. So to have
21 a 20-foot jump through a PUD seemed to be, it's
22 that neighborhood character and transition

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1 that we've heard so much about. So we tried to
2 bring that back to a more consistent
3 relationship.

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

6 MS. STEINGASSER: No.

7 COMMISSIONER MILLER: Or any?

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

11 COMMISSIONER MILLER: Right.

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

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

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1 All in favor?

2 (Chorus of ayes)

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

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

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

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

21 CHAIRMAN HOOD: Recommendation,
22 set down language with an alignment of the

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1 definitions of low and moderate income with IZ.

2 Any comments?

3 VICE CHAIR COHEN: Can you --

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

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

16 COMMISSIONER TURNBULL: Okay.

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

20 COMMISSIONER TURNBULL: But it
21 would be more of a checklist or an applicant
22 that when they come before you, that they're

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1 going to be able to readily see what they need
2 or what they can be able to provide.

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

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

10 MS. STEINGASSER: Yes.

11 COMMISSIONER TURNBULL: Okay.

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

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

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

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1 COMMISSIONER MILLER: Second.

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

8 (Chorus of ayes)

9 CHAIRMAN HOOD: Any opposition?
10 Ms. Schellin.

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

18 CHAIRMAN HOOD: Okay. Limits of
19 extensions, set down limit extensions to two,
20 establish a rule that an extension request may
21 not be acted upon sooner than six months prior
22 to the PUD expiration. ZC may hold limited

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1 scope hearings if parties have a material
2 factual conflict over criteria.

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

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

20 MS. STEINGASSER: Well, it's to
21 give the commission some leverage not to have
22 to do that. We've seen throughout the years

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1 frustration on the part of the Zoning
2 Commission that there's not really an
3 opportunity to deny an extension, that the
4 criteria is kind of vague, it's not always
5 well-proven, and some of these PUDs have been
6 on the books since the '90s and it's just, they
7 begin to get into multiple financial
8 development cycles and a PUD is supposed to be
9 a project that's fairly ready to break ground.
10 You've got limitations on when they need to pull
11 a building permit and when they need to make
12 these actions and what we've seen in some cases
13 is basically they're buying entitlements that
14 just get flipped and modified and flipped and
15 modified and this is just a way to try to get
16 control of that and make it at least
17 accountable.

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

21 COMMISSIONER TURNBULL: But, you
22 know, I'm thinking that the other night we voted

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1 on this in Z, two extensions, two years for the
2 first one and one year for the --

3 VICE CHAIR COHEN: Yes.

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

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

8 COMMISSIONER TURNBULL: They
9 overlap.

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

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

17 CHAIRMAN HOOD: Okay.

18 VICE CHAIR COHEN: So, Mr.
19 Chairman, I would like to move on Number 6,
20 limits of extension and go with the set down to
21 limit extensions to two and to establish a rule,
22 an extension request may not be acted upon

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1 sooner than six months prior to the PUD
2 expiration and the Zoning Commission may hold
3 limited scope hearing if parties have material
4 factual conflict over criteria.

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

7 (Chorus of ayes)

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

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

17 CHAIRMAN HOOD: Okay. Next, set
18 down, establish four types of modifications
19 with correlated hearing requirements. ZA
20 modifications, two percent change in height
21 number of dwelling units, hotel rooms GFA for
22 commercial space or accessory uses, number of

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1 parking or loading spaces and change in
2 footprint by no more than five feet, no hearing.
3 Technical correction or modification of little
4 or no consequences, no hearing on consent
5 calendar agenda, modification of consequence,
6 a change in design or an issue discussed by the
7 ZC incited in the order, no hearing but proposed
8 action with opportunity for written comment,
9 significant modifications, change in use new
10 relief, consider the second stage application
11 with a public hearing.

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

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

21 COMMISSIONER TURNBULL: I'm trying
22 to, a modification of consequence, no hearing,

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1 but proposed action with opportunity for
2 written comment. So I mean, right now if we
3 have a major modification, it comes back to us.

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

6 COMMISSIONER TURNBULL: Right,
7 right, yeah.

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

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

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

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1 COMMISSIONER TURNBULL: Okay.

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

9 COMMISSIONER MAY: Exactly. I was
10 going to suggest that that point we=d have a
11 hearing, wouldn=t we?

12 CHAIRMAN HOOD: So it=s like taking
13 it off the consent calendar?

14 VICE CHAIR COHEN: Yes, sir.

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

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

22 CHAIRMAN HOOD: Well, we just need

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1 to make sure it=s clear, exactly what you=re
2 saying.

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

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

12 VICE CHAIR COHEN: Second.

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

16 (Chorus of ayes)

17 CHAIRMAN HOOD: not hearing any
18 opposition; any opposition?

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

21 MS. SCHELLIN: Yes.

22 COMMISSIONER TURNBULL: There

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1 would be a fee as usual? Okay.

2 CHAIRMAN HOOD: All in favor?
3 Aye?

4 (Chorus of ayes)

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

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

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

18 VICE CHAIR COHEN: And the public
19 comments were: IZ standards should apply.
20 There should be an income limit based on IZ.
21 There should be no twenty year limit on rental,
22 and WMATA site should not be excluded.

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1 CHAIRMAN HOOD: The recommendation
2 is set down in language but modified to (1)
3 Establish there is an IZ component and an income
4 limits. (2) Clarify the squares where a PUD
5 would not be subject to linkage based on
6 existing DD overlay zone sites. (3) Remove
7 WMATA and application filed by a Federal
8 Government agency from the exclusion of X and
9 (4) Remove twenty year limit for rental
10 housing. Any questions or comments?

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

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

16 VICE CHAIR COHEN: Oh, okay.

17 MS. STEINGASSER: Except the
18 public comment.

19 VICE CHAIR COHEN: Okay.

20 COMMISSIONER MILLER: And so
21 we=re, so on the, Mr. Chairman on the, or to Miss
22 Steingasser; so we=re not making any change to

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1 the exemption from housing linkage for the
2 downtown overlay? The downtown district?

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

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

18 MS. STEINGASSER: We=re happy to--

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

21 VICE CHAIR COHEN: And then I have
22 another question with regard to removing the

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1 twenty year limit; what are we going to then
2 substitute?

3 MS. STEINGASSER: The life of the
4 project.

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

13 MS. STEINGASSER: Yes, sir.

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

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

22 CHAIRMAN HOOD: Okay, well, we can

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1 do a motion and leave that rest of it out. I
2 just don=t want nothing to get lost; we=ve got
3 a lot going on.

4 COMMISSIONER MILLER: Right.

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

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

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: Okay, it=s been

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1 moved and properly seconded. Any further
2 discussion? All those in favor?

3 (Chorus of ayes)

4 CHAIRMAN HOOD: Any opposition?
5 Miss Schelling?

6 MS. SCHELLIN: The staff records
7 the vote 5 to 0 to 0 with regard to adopting the
8 housing linkage clarification, adopting Items
9 1, 3 and 4; and holding off on Item 2 until you
10 get more clarification. Commissioner Miller
11 moving, Commissioner Turnbull seconding and
12 Commissioners Hood, Cohen and May in support.

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

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

22 CHAIRMAN HOOD: The

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1 recommendations, alternative, adopt
2 prehearing party status text that matches the
3 Subtitle Z language. I would move that we stay
4 consistent and we adopt the prehearing party
5 status text that matches this Subtitle Z
6 language and ask for a second.

7 COMMISSIONER MILLER: Second.

8 CHAIRMAN HOOD: Moved and properly
9 seconded. Any further? All those in favor?

10 (Chorus of ayes)

11 CHAIRMAN HOOD: Miss Schellin?

12 MS. SCHELLIN: The staff records the
13 vote 5 to 0 to 0 to adopt prehearing party status
14 text that matches the Subtitle Z language.
15 Commissioner Hood moving, Commissioner Miller
16 seconding and Commissioners May, Cohen and
17 Turnbull in support.

18 CHAIRMAN HOOD: Okay, setdown,
19 require that the expert witness be present at
20 the hearing and develop of cross-examination
21 that evidence be provided to the ZC documenting
22 the qualifications that make the witness an

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1 expert and setdown language in advance. The
2 setdown language is before us and I would move
3 that we approve the recommendation. I don=t
4 know that we need to clarify and say in advance,
5 but I don=t know if that=s, I guess that=s
6 already known. Or should we say in advance?

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

9 CHAIRMAN HOOD: Okay, in advance.
10 We shouldn=t say in advance if possible, let=s
11 just say in advance. And I, that=s my motion
12 and I need a second.

13 VICE CHAIR COHEN: Second.

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

16 (Chorus of ayes)

17 CHAIRMAN HOOD: Any opposition?
18 Miss Schellin?

19 MS. SCHELLIN: The staff records the
20 vote 5 to 0 to 0 to adopt the setdown language
21 and adding the words, receiving the information
22 in advance. Commissioner Hood moving,

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1 Commissioner Cohen seconding and Commissioners
2 Ma, Miller and Turnbull in support.

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

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

7 CHAIRMAN HOOD: Yes, go right
8 ahead.

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

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

21 COMMISSIONER MAY: Okay, and the
22 public benefit point system?

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1 MS. STEINGASSER: Same thing. The
2 Commission was uncomfortable. The public was
3 generally uncomfortable with, you know, it was
4 basically--

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

8 MS. STEINGASSER: You endorsed us
9 looking into it.

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

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

19 COMMISSIONER MAY: I'm just, never
20 mind.

21 CHAIRMAN HOOD: That's not what I
22 read in the City paper. It's getting late, so

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1 I may say anything.

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

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

11 VICE CHAIR COHEN: Public comments
12 were to support.

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

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

22 VICE CHAIR COHEN: Second.

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

4 (Chorus of ayes)

5 CHAIRMAN HOOD: Miss Schellin?

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

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

19 VICE CHAIR COHEN: The public
20 comments were: Reference to educational
21 mission is too restrictive. The second
22 comment was support the proposed standards.

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1 CHAIRMAN HOOD: Okay, the setdown
2 says, I mean, I=m sorry. The recommendation is
3 the setdown, which says to modify setdown
4 language to include, or student life after
5 educational mission. So we=re adding that to
6 the setdown. Any comments?

7 COMMISSIONER TURNBULL: I think,
8 Mr. Chair that I think OP is responding to a lot
9 of comments that we=ve had on a lot of the
10 previous campus plans. I=m thinking of one in
11 particular, which I won=t mention; but I think
12 this makes a lot of sense, too. It will ease
13 a lot of angst for a lot of neighbors. And if
14 there=s no other comments, I would move that we
15 accept Number 2, new language regarding
16 commercial activities within a campus; with the
17 OP setdown recommendation to modify the
18 language that it has in the setdown to include
19 quote "Or student life after educational
20 mission."

21 VICE CHAIR COHEN: Second it.

22 CHAIRMAN HOOD: It is moved and

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1 properly seconded. Any further discussion?

2 All those in favor?

3 (Chorus of ayes)

4 CHAIRMAN HOOD: Any opposition?

5 Miss Schellin.

6 MS. SCHELLIN: The staff records
7 the vote 5 to 0 to 0 to approve the new language
8 regarding commercial activities within a
9 campus as modified; or accepting the setdown as
10 modified. Commissioner Turnbull moving,
11 Commissioner Cohen seconding and Commissioners
12 Hood, May and Miller in support.

13 CHAIRMAN HOOD: Okay, next, new
14 language regarding commercial activities
15 within a campus. Setdown says, require
16 commercial activities or developments to be
17 located as internally centered, central to the
18 campus as possible.

19 VICE CHAIR COHEN: And the public
20 comments were: (1) Requirement is too
21 restrictive; doesn't recognize urban context
22 of some campuses could limit neighborhood use

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1 or facilities. And the second comment is,
2 support the proposed restrictions.

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

9 COMMISSIONER MILLER: Mr.
10 Chairman?

11 CHAIRMAN HOOD: Yes?

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

19 I mean, there=s some people who
20 oppose the university being there at all, and
21 they=ll object to any use, so. I mean, I would
22 prefer for us a more, a less subjective standard

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1 that says to avoid adverse impacts upon
2 non-university residential neighbors.

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

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

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

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

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1 text.

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

4 COMMISSIONER MILLER: Try to
5 avoid--

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

9 COMMISSIONER MILLER: Right.

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

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

17 COMMISSIONER MILLER: I would move
18 approval of the OP language, OP recommendation
19 to, regarding the new language regarding
20 commercial activities within a campus; and
21 amend the standard to on objectionability to be
22 consistent with our use of that phrase

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1 elsewhere in the zoning regulations and ask for
2 a second.

3 VICE CHAIR COHEN: Second.

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

7 (Chorus of ayes)

8 CHAIRMAN HOOD: Any opposition?
9 Miss Schellin.

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

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

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1 ratio.

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

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

16 MS. STEINGASSER: It=s Number 10.

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

20 COMMISSIONER MAY: Mr. Chairman,
21 ten percent does seem like a lot, but I don=t,
22 I mean, I see the benefit of not being, not

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1 setting an arbitrary number on it. So I'm
2 comfortable with relying on the language that
3 we've previously established.

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

12 COMMISSIONER MILLER: Seconded.

13 COMMISSIONER MAY: Thank you.

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

19 MS. STEINGASSER: The idea was to
20 contain the amount of commercial activity; we
21 saw that growing and growing through some of the
22 campus plans we have dealt with over the last

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1 couple of years. In one in particular, they
2 wanted to have basically a commercial center
3 that had general retail activities that were
4 going to draw far beyond the student.

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

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

18 The ten percent was an issue and
19 some of the neighbors were concerned that
20 setting that number almost invited people to
21 reach it. Yeah. It created a false sense of
22 entitlement, so.

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1 CHAIRMAN HOOD: Any further, thank
2 you; any further discussion? All those in
3 favor?

4 (Chorus of ayes)

5 CHAIRMAN HOOD: Miss Schellin?

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

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

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

21 CHAIRMAN HOOD: And the
22 recommendation says to amend the setdown text

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1 and do not include private roads in FAR
2 calculations. Any comments or questions? Or
3 motions?

4 COMMISSIONER MAY: Yeah, I think it
5 was an attempt to sort of make it consistent
6 with the way we've been treating PUD=s for
7 residential developments where we don=t want
8 roads; even if they=re private roads, to be
9 considered in the FAR calculations because it
10 gives you a false impression of the density.

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

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

20 COMMISSIONER MILLER: Second.

21 CHAIRMAN HOOD: It=s been moved and
22 properly seconded. Any further discussion?

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1 Who seconded that?

2 VICE CHAIR COHEN: Me.

3 CHAIRMAN HOOD: The permanent
4 seconder.

5 MS. SCHELLIN: No, Miller did.
6 Didn=t he?

7 CHAIRMAN HOOD: They both did.

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

12 CHAIRMAN HOOD: It=s been moved and
13 properly seconded. Further discussion? All
14 those in favor?

15 (Chorus of ayes)

16 CHAIRMAN HOOD: Any opposition?
17 Miss Schellin?

18 MS. SCHELLIN: The staff records
19 the vote 5 to 0 to 0 to approve, to accept the
20 recommendation with regard to the floor area
21 ratio calculation. Commissioner May moving,
22 Commissioner Miller seconding and

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1 Commissioners Hood, Cohen and Turnbull in
2 support.

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

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

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

21 Any questions?

22 COMMISSIONER MICHAEL TURNBULL: I

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

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

10 (Chorus of ayes)

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

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

20 CHAIRMAN HOOD: The next,
21 measuring building height within campus and
22 private school plans. The setdown says, does

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1 not address the measuring of buildings within
2 a campus plan.

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

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

12 COMMISSIONER MAY: I have a
13 question.

14 CHAIRMAN HOOD: Yes.

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

18 MS. STEINGASSER: That=s correct.

19 COMMISSIONER MAY: And then if it,
20 or the standards, standard building height
21 measuring points. But when it=s setback one to
22 one, you=d use the façade?

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1 MS. STEINGASSER: The façade.

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

8 COMMISSIONER MILLER: Seconded.

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

12 (Chorus of ayes)

13 CHAIRMAN HOOD: Miss Schellin?

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

22 CHAIRMAN HOOD: Okay. Simultaneous

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1 review of further processing and campus plan
2 approval or amendments. Setdown does not
3 address the simultaneous filing and review.

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

8 CHAIRMAN HOOD: Okay, the
9 recommendation required that a campus plan or
10 it=s amendment be approved prior to the
11 scheduling of any further processing.

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

20 MS. STEINGASSER: Yes, sir; and
21 they could file them together, they just
22 couldn=t have the hearings together.

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1 COMMISSIONER TURNBULL:

2 Simultaneously?

3 MS. STEINGASSER: Right.

4 CHAIRMAN HOOD: Okay.

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

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

15 VICE CHAIR COHEN: It does.

16 COMMISSIONER MAY: So is that
17 really what we recommend? I mean it seems to me
18 that if we're talking about an amendment to an
19 approved campus plan, that's something that
20 actually could be considered with a further
21 processing case as long as the amendment
22 relates to that further processing case.

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1 COMMISSIONER TURNBULL: Well,
2 yeah, I was going to say it depends what the
3 amendment is.

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

10 MS. STEINGASSER: Yeah.

11 CHAIRMAN HOOD: Okay. It=s moved.
12 Who seconded?

13 COMMISSIONER TURNBULL: Well, I
14 started to I didn=t finish and Commissioner May
15 had that comment about the amendment to make.

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

18 COMMISSIONER TURNBULL: Sure.

19 COMMISSIONER MAY: So I would make
20 the motion that we require campus plan to be
21 approved prior to the scheduling of any further
22 processing and that, I=m sorry, let me rephrase

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1 that. Require that a campus plan or its
2 amendment be approved prior to scheduling
3 and/or further processing except that an
4 amendment may be heard when it is directly
5 related to a further processing. They can be
6 heard at the same time.

7 COMMISSIONER TURNBULL: Second.

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

11 (Chorus of ayes.)

12 CHAIRMAN HOOD: Ms. Schellin.

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

22 CHAIRMAN HOOD: Okay. Zoning

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1 Administrative Amendments allow for very minor
2 modifications determined necessary for
3 compliance with life, safety or building codes
4 without an amendment to the campus plan
5 provided the addition does not result in an
6 increase in gross floor area or more than 1500
7 square feet and the addition shall only be used
8 for purposes of ingress, egress and handicapped
9 access.

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

16 CHAIRMAN HOOD: And next it says to
17 keep the ZA administrative amendments as set
18 down. The problem, Ms. Steingasser, I see
19 allow for very minor modifications. When I
20 first got on here we said a minor modification
21 and we were changing the whole use of a
22 building, went from residential to hotel or

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1 hotel to residential, I can=t remember. So, I
2 mean, what is very minor?

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

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

12 MS. STEINGASSER: No.

13 CHAIRMAN HOOD: Okay. Any other
14 comments?

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

21 COMMISSIONER TURNBULL: Thirty by
22 fifty.

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1 COMMISSIONER MAY: Yeah, that
2 could be pretty big.

3 MS. STEINGASSER: Okay.

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

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

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

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

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

21 COMMISSIONER TURNBULL: I think
22 the reason is fine. Egress, handicapped

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1 access, I think that=s perfectly acceptable.

2 COMMISSIONER MAY: Anyway, I would
3 move that we accept the recommendation to allow
4 for very minor modifications determined
5 necessary for compliance with life, safety or
6 building codes without an amendment to the
7 campus plan provided the addition does not
8 result in an increase of gross floor area of
9 more than 1500 square feet and the addition
10 shall only be used for the purposes of ingress,
11 egress or handicapped access noting that we=d
12 like the Office of Planning to investigate the
13 1500 square foot number.

14 VICE CHAIR COHEN: I=ll second
15 that.

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

19 (Chorus of ayes.)

20 CHAIRMAN HOOD: Ms. Schellin.

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 to 0 to accept the recommendation

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1 with regard to the zoning administrator
2 amendments. Commissioner May moving,
3 Commissioner Cohen seconding, Commissioners
4 Hood, Miller and Turnbull in support.

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

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

14 CHAIRMAN HOOD: Recommendation:
15 Modify the sit down text and limit the special
16 exception for academic or student specific
17 purposes or any use by a college or university
18 that would not otherwise be permitted as a
19 matter of right use in the C1-C2A zone,
20 industrial type uses. Ms. Steingasser, I
21 think the request from the councilman in Ward
22 3 and this goes back a while, so I hope she=s

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1 watching if I can get it right, I think the
2 request was to include that as a commercially
3 zoned as part of a campus. Did we go through
4 that exercise and did we have a determination
5 that we couldn't do it or shouldn't do it or was
6 there some evidence of why we should not include
7 that in the campus plan?

8 MS. STEINGASSER: Well that=s what
9 this does.

10 CHAIRMAN HOOD: That=s what it
11 does?

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

18 CHAIRMAN HOOD: So if a
19 university, I=m going to be real general, if a
20 university=s over here and the commercial
21 zone is over here and I understand the
22 complexity of making that a part of the plan or

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1 in the plan=s boundaries, I=m still trying to
2 figure out how we capture that.

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

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

14 MS. STEINGASSER: Yes, sir.

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

20 MS. STEINGASSER: We responded
21 with a kind of a far reach, I don=t want to say
22 overreach, but we reached far based on the first

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1 letter and then we actually got a letter from
2 the councilwoman saying well maybe not that
3 far, that it really needed to focus on the uses,
4 not the ownership and that=s why we paired it
5 back to be those university related uses or
6 industrial uses that often accompany a
7 university.

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

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

19 COMMISSIONER TURNBULL: Right.
20 Okay.

21 CHAIRMAIN HOOD: Okay. I would
22 move that we approve the recommendation as

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1 presented by the Office of Planning for
2 university use of commercial zoned land and ask
3 for a second.

4 COMMISSIONER TURNBULL: Second.

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

8 (Chorus of ayes.)

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

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

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

22 VICE CHAIR COHEN: Public

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1 comments: Include all the students, even DC
2 Public School students. And the second
3 comment, do not count the DC Public School
4 students.

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

19 MS. STEINGASSER: Yes sir, it does.

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

22 COMMISSIONER MAY: Charter schools

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1 are public schools in the district.

2 CHAIRMAN HOOD: Well I want to make
3 sure because there are issues that certain
4 charter schools can=t do certain things with
5 public schools so I just wanted to make sure it
6 was clear.

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

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

17 COMMISSIONER MILLER: Second.

18 CHAIRMAN HOOD: All right it=s
19 moved and seconded. Any further discussion?
20 Okay. The second is from Commissioner Miller.
21 All in favor?

22 (Chorus of ayes.)

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1 CHAIRMAN HOOD: All right, any
2 opposition? None. Ms. Schellin.

3 MS. SCHELLIN: Staff records the
4 vote 5 to 0 to 0 to accept the recommendation
5 with regard to exempt DC Public School students
6 from student caps. Commissioner Hood moving,
7 Commissioner Miller seconding, Commissioners
8 May, Cohen and Turnbull in support.

9 CHAIRMAN HOOD: Okay, next clarify
10 student counts. The set down is require a
11 student count for every student on campus
12 including full-time, part-time, foreign,
13 certificate/non-degree, single course, night
14 programs and executive program students.

15 VICE CHAIR COHEN: The public
16 comments were detailed count is too restrictive
17 and the second comment is support the detailed
18 student count.

19 CHAIRMAN HOOD: The recommendation
20 is to require a full accounting of all students
21 that use the campus.

22 COMMISIONER TURNBULL: Again based

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1 on our past experience I think the
2 neighborhoods want a full accounting of all the
3 students so I would go with the OP
4 recommendation on this one.

5 COMMISSIONER MAY: Well I think
6 it=s easier for us to understand it and compare
7 apples to apples between universities and
8 understanding what relative impacts are.

9 CHAIRMAN HOOD: Would somebody
10 like to make a motion?

11 COMMISSIONER MILLER: I just had a
12 question. I haven=t sat on any campus plan
13 cases.

14 COMMISSIONER TURNBULL: Oh, you=re
15 going to love campus plans.

16 COMMISSIONER MILLER: Or colleges.
17 I=ve sat on private school. But anyway, if there
18 was a different criteria that was, if a
19 different count was used in an approved campus
20 plan that doesn=t include all these, they
21 wouldn=t be automatically out of compliance
22 until they come up for the next campus plan.

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1 MS. STEINGASSER: That=s correct.
2 And the Commission has struggled in the past to
3 try to equate any changes in student counts but
4 it is often a shell game trying to figure out
5 how many people are actually coming and it=s
6 really just a way to assess the impacts and the
7 traffic flow and that kind of thing.

8 CHAIRMAN HOOD: Okay, any further
9 questions? Would somebody like to make a
10 motion?

11 COMMISSIONER TURNBULL: Mr. Chair,
12 I would move that we accept number 12, clarify
13 student counts, OPs recommendation and go with
14 their set down requiring a full accounting of
15 all students that use the campus.

16 CHAIRMAN HOOD: I=ll second it.
17 It=s been moved and properly seconded. Any
18 further discussion? All in favor?

19 (Chorus of ayes.)

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

22 MS. SCHELLIN: Yes, sir. Staff

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1 records the vote 5 to 0 to 0 to accept the
2 recommendation with regard to clarify student
3 counts. Commissioner Turnbull moving,
4 Commissioner Hood seconding, Commissioners
5 May, Miller and Cohen in support.

6 CHAIRMAN HOOD: Okay, next I think
7 we have complete campus and private school
8 plans. Let=s keep pushing on. Let=s go to
9 Chanceries. When I was looking at all the
10 material that the vice chair and I are going to
11 have to read, can we skim through that silently
12 or do I still need to do it aloud? Most people,
13 I know, like to hear me read, so.

14 COMMISSIONER MAY: I would suggest
15 we jump straight to the recommendation.

16 CHAIRMAN HOOD: Okay. And if
17 anybody needs a few minutes to read, refresh
18 their memory, just let me know and that=s
19 including the audience. Since we have so many
20 people we can wait on everybody. Why don=t we
21 take a minute and review it and then we will get
22 into discussion. Let=s do it that way. Okay,

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1 I will say the recommendations before so I will
2 read those. Modify the set down text or strike
3 references to the first transfer in the
4 embassy. Have the BZA promulgate rules to be
5 included within the zoning regulations that
6 determine an area as being a square for purpose
7 of determining any other as accepted pursuant
8 to 4306(b) of the Foreign Missions Act. Keep
9 more than 50 percent as the basis of office of
10 institutional uses within the area and keep the
11 uses limited to office or institutional and
12 clarify that these do not include home
13 occupations, accessory uses to principle
14 residential use or residential CBIFs.
15 Commissioner May?

16 COMMISSIONER MAY: Yeah, I had a
17 couple of issues on this. We=re seeking a
18 little bit more information, or actually
19 clarity on one question. The first is that the
20 continuing use of an existing chancery. I
21 think the way it had originally been drafted if
22 an existing chancery was not going to be used

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1 by a given foreign government that it would
2 lapse or perhaps lapse after some period of time
3 but then there was some change to that. I mean
4 are you now allowing that it could be
5 transferred from one foreign government to
6 another foreign government and the chancery use
7 could continue without further review by the
8 FMBZA?

9 MS. STEINGASSER: I believe that=s
10 what the Office of Attorney General has
11 advised.

12 COMMISSIONER MAY: Okay. So and
13 then the second thing is the 50 percent
14 threshold and I understand the Office of the
15 Attorney General has advised that that=s
16 legally sufficient but we also have letters in
17 the record from the Department of State and from
18 NCPC saying that that=s illegal or contrary to
19 the Foreign Missions Act, so can you explain or
20 maybe can anybody explain why its legally
21 sufficient?

22 MS. STEINGASSER: According to the

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1 City=s Office of Attorney General the Zoning
2 Commission does have the authority to advise
3 the BZA on what they think those thresholds
4 should be. The Foreign Missions Act is silent
5 on that. It doesn=t say they can=t and as a
6 belt and suspenders before the Office of
7 Attorney General who is not here today has
8 suggested that the Zoning Commission ask the
9 BZA to promulgate their own rules that mirror
10 these so that they would be in conformance with
11 the Foreign Missions Act according --

12 COMMISSIONER MAY: It would have to
13 be the Foreign Missions BZA that would
14 promulgate those rules.

15 CHAIRMAN HOOD: But we do have Ms.
16 Myers here from OAG. Aren=t you here
17 representing the OAG?

18 MS. MYERS: I am, yes.

19 CHAIRMAN HOOD: Oh, okay.

20 MS. MYERS: But Ms. Steingasser
21 said it so well herself.

22 CHAIRMAN HOOD: She usually does.

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1 Okay.

2 MS. STEINGASSER: I'm not
3 diminishing. I just know we've always dealt
4 with Alan Bergstein and he's been involved
5 directly with the attorneys from the State
6 Department and since he's not here I --

7 COMMISSIONER MAY: Right. So the
8 next for me is, in the discussion between the
9 Department of State and the Office of the
10 Attorney General and perhaps NCPC, has there
11 been agreement on this yet or is it still an open
12 issue?

13 MS. STEINGASSER: I believe there
14 are still some open elements and when Alan
15 Bergstein returns he has plans to meet with both
16 the State Department and the National Capital
17 Planning Commission. These recommendations
18 are new and have not been vetted.

19 COMMISSIONER MAY: Fully vetted.
20 Got it. All right, well and I'm okay with the
21 idea. I mean the idea that we would actually
22 promulgate some sort of guidance on what

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1 constitutes as it says in the regulations, it
2 says that a chancery shall be permitted in any
3 other area determined on the basis of existing
4 uses which includes office of institutional
5 uses including but not limited to any areas
6 zoned mixed use, diplomatic or special purpose
7 so, in other words, based on what=s there is it
8 appropriate and it=s not, while it may be a soft
9 standard here the idea that there would be
10 guidance about how to determine that makes
11 sense to me. Whether this is exactly the right
12 guidance I don=t know and I would hope that
13 there could be some agreement among all the
14 lawyers about what the right standard is but I=m
15 satisfied moving ahead with this as it=s been
16 recommended.

17 COMMISSIONER MILLER: Mr.
18 Chairman, I=m also satisfied with the
19 recommendation by the Office of Planning. I
20 think this has always been a balancing of
21 interests and sometimes there=s been an
22 agreement to disagree and we=re talking about

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1 the District and these neighborhoods that
2 consider themselves essentially residential
3 neighborhoods do not want office uses in their
4 neighborhoods and that=s what we=re talking
5 about here and when you see the State
6 Department=s own letter at the top of page
7 three, the State Department says the department
8 acknowledges its longstanding interest in
9 allowing the location of Chanceries, and I
10 insert here, office uses, in lower density
11 residential neighborhoods and the District=s
12 longstanding interest in restricting
13 Chanceries from such areas. I think that=s a
14 brutally honest statement by the State
15 Department and I think we are the body that
16 needs to try to find and strike a balance here.

17 CHAIRMAN HOOD: Okay, somebody
18 make a motion?

19 COMMISSIONER MAY: I would move
20 that we approve the recommendation that we
21 adopt the set down text with further
22 qualifications to modify the set down text as

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1 strike references to first transfer and
2 embassy, also to have the Foreign Missions BZA
3 to promulgate rules to be included in the zoning
4 regulations that determine that an area being
5 a square for the purposes of determining any
6 other area as acceptable to section 4306(b) of
7 the Foreign Missions Act and keep more than 50
8 percent as the basis of office or institutional
9 uses within the area and keep the uses limited
10 to office or institutional and clarify that
11 these do not include home occupations,
12 accessory uses to principle residential use or
13 residential CBIF.

14 COMMISSIONER MILLER: Second.

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

18 (Chorus of ayes.)

19 CHAIRMAN HOOD: MS. Schellin,
20 would you record the vote?

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 t 0 to accept the recommendation with

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1 regard to Chanceries, the location.
2 Commissioner May moving, Commissioner Miller
3 seconding, Commissioners Hood, Cohen and
4 Turnbull in support.

5 CHAIRMAN HOOD: Okay, I believe
6 that=s all we have on Chanceries. Let=s go to
7 Creation of New Zones. Set down, is this only
8 one page? Okay. Set down subtitle X, Chapter
9 4, you have the regs in front of you and it=s
10 listed from 400 to 400.7.

11 VICE CHAIR COHEN: The public
12 comments were support opportunity to create new
13 zones. Second comment delete 400.5 and the
14 reference to diminution of property rights and
15 the third comment was new zones should not be
16 used to restrict otherwise permitted density.

17 CHAIRMAN HOOD: Okay, the first
18 recommendation, the set down language with the
19 following changes: Rephrase 400.6 to read
20 evidence of a significant community support for
21 the zones. Such evidence may include statements
22 from affected property owners within the

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1 defined area, resolutions from relevant civic
2 community and business groups and the A&C
3 including single member district
4 representation; add a 400.6 that reads a
5 statement of the purpose and intent of the
6 proposed new zone. Let=s open up any comments.
7 Anybody need additional time?

8 COMMISSIONER MAY: I just want to
9 ask on 400.7, there=s a term that=s bolded for
10 us, great consideration. The affected
11 property owner will be given great
12 consideration, is that a term of ours, is that
13 something that=s in the regulations somewhere?

14 MS. STEINGASSER: It is not in the
15 regulations. I just wanted to make sure there
16 was.

17 COMMISSIONER MAY: We=re just
18 going to pay really close attention to what
19 affected property owners have to say.

20 MS. STEINGASSER: Especially if
21 they=re in opposition. It=s not a great
22 weight. It=s not meant to rival great weight.

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1 It=s just --

2 COMMISSIONER MAY: Right. Okay.
3 So it almost sort of implies that so maybe we
4 need to call it out in some different way but
5 that=s a wordsmithing issue. Otherwise, I
6 think this is perfectly fine.

7 COMMISSIONER TURNBULL: I would
8 just note to correct the correct word affected
9 and effected but that=s I=m just wordsmithing
10 here.

11 MS. STEINGASSER: And I=m
12 embarrassed.

13 COMMISSIONER TURNBULL: Okay.

14 COMMISSIONER MAY: I would make a
15 motion that we accept the recommendation to use
16 the set down language with the following
17 changes: Rephrase 400.6 to read "evidence of
18 significant community of support for the zone.
19 Such evidence may include statements from
20 affected property owners within the defined
21 area or resolutions from relevant civic
22 community and business groups and the ANC

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1 including the single member district
2 representation" and add section 400.6(c) that
3 reads a statement of the purpose and intent of
4 the proposed new zone.

5 COMMISSIONER TURNBULL: Second.

6 CHAIRMAN HOOD: I was waiting on
7 Commissioner Cohen. Anyway, it=s been moved and
8 properly seconded. Any further discussion?
9 All those in favor?

10 (Chorus of ayes.)

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

13 MS. SCHELLIN: Staff records the
14 vote 5 to 0 to 0 to approve the Creation of New
15 Zones as recommended. Commissioner May
16 moving, Commissioner Turnbull seconding,
17 Commissioners Hood, Cohen and Miller in
18 support.

19 CHAIRMAN HOOD: Colleagues, let=s
20 do industrial next and lets end up with mixed
21 use development standards. I think industrial
22 may go a little fast.

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1 COMMISSIONER MAY: We also have
2 Special Purpose Districts.

3 CHAIRMAN HOOD: Oh, Special K, is
4 that what it=s called? Okay.

5 COMMISSIONER MAY: Subtitle K,
6 yes.

7 CHAIRMAN HOOD: Okay, Subtitle K.
8 What=d I call it, Special K? Okay, let=s do
9 Subtitle K first. Let me just see if we all
10 agree I think we could actually delay this and
11 if a developer wanted to come forward with
12 Chapters 1, 2 and what we have proposed here
13 now, I=ll go to the Office of Planning and ask
14 if a developer wanted to come forward with
15 something more specific than this would that be
16 the prime opportunity as opposed to now?

17 MR. LAWSON: Actually, we=d very
18 much support that approach. The developer
19 submitted these changes, we thought we needed
20 to make them available to you, but we really do
21 think it=s more appropriate that these changes
22 come forward as a separate text amendment to

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1 their zoning, which is what they've done in the
2 past. Some of them are pretty small. Some of
3 them are pretty small. Some of them are pretty
4 significant.

5 CHAIRMAN HOOD: Okay.
6 Colleagues, do you agree with Subtitle K,
7 special purpose zones?

8 COMMISSIONER MAY: So in essence
9 essentially just taking what exists now for
10 these special zones and --

11 MR. LAWSON: Yeah. We had advised
12 people publicly that we weren't going to be
13 proposing significant changes in these zones
14 and some of these are significant which doesn't
15 mean that they're necessarily bad. They're
16 just significant. They haven't had any public
17 discussion.

18 COMMISSIONER MAY: So, Mr.
19 Chairman, I'll make a motion that we
20 essentially take or create the new Subtitle K
21 for the Special Purpose Zones based on the
22 existing language for the Special Purpose Zone

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1 Southeast Federal Center Unit Station North
2 Capital Gateway Hill East and St. Elizabeth=s.
3 Is that all of them?

4 CHAIRMAN HOOD: Yeah, I think that
5 was all.

6 COMMISSIONER MAY: And then any
7 further changes would be brought forward in
8 subsequent zoning cases.

9 CHAIRMAN HOOD: Okay. I will
10 second that. So the move was properly
11 seconded. Any further comments or discussion
12 or clarification? Mr. Miller.

13 COMMISSIONER MILLER: Yeah, I just
14 wanted to confirm with OP that there wasn=t any
15 urgency for the, I saw the Southeast Federal
16 Center I could see how that needed to be pulled
17 into one separate case but was there some
18 urgency with the Capital Gateway? I=m not sure
19 where that originated from.

20 MR. LAWSON: I can=t imagine there
21 was. This letter was submitted without prior
22 discussion with OP and that would typically

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1 happen if there was some level of urgency and
2 frankly if there is, they could submit a text
3 amendment which they have done more than once
4 in the past. They could submit that tomorrow
5 for a zoning +++10:06:37 consideration but
6 doing it as a separate case.

7 COMMISSIONER MILLER: Thank you.
8 Just wanted to know.

9 CHAIRMAN HOOD: Okay, it=s moved
10 and properly seconded. Any further
11 discussion? Who seconded? I think, oh I
12 seconded but you can give it to Commissioner
13 Cohen. Okay. It=s been moved and properly
14 seconded. Any further discussion? All those
15 in favor?

16 (Chorus of ayes.)

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

19 MS. SCHELLIN: Yes, staff records
20 the vote 5 to 0 to 0 with regard to the Special
21 K Special Purpose Zones to maintain the
22 existing language for the Southeast Federal

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1 Center, the Union Station North, the Capital
2 Gateway and the St. Elizabeth=s Zones and any
3 further changes can be brought in future rule
4 making cases. Commissioner May moving,
5 Commissioner Hood seconding, Commissioners
6 Cohen, Miller and Turnbull in support.

7 VICE CHAIR COHEN: Thank you, Ms.
8 Schellin. We=re going to move on to Industrial
9 Zones. Height and number of stories and we
10 have a table. The OP recommendation is set
11 down standards for height and number of
12 stories. The set down proposal reflects the
13 standards approved by the ZE in Case number
14 0806(d) in May 2011 as part of the initial
15 consideration of said title J. Any
16 discussion?

17 COMMISSIONER MAY: I would move
18 that we accept the recommendation that you just
19 stated, which is based on our guidance provided
20 in 0806(d) in May 2011.

21 COMMISSIONER MILLER: Second.

22 VICE CHAIR COHEN: Okay, having the

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1 moved motion and seconded properly, can I have
2 a vote please? All those in favor?

3 (Chorus of ayes.)

4 VICE CHAIR COHEN: Hearing no no=s,
5 Ms. Schilling can you provide the.

6 CHAIRMAN HOOD: Okay, the vote is 5
7 to 0 with who moved?

8 VICE CHAIR COHEN: May moved.

9 CHAIRMAN HOOD: May moved it.

10 VICE CHAIR COHEN: Miller
11 seconded.

12 CHAIRMAN HOOD: And Miller
13 seconded. Commissioner May moved and Miller
14 second, 5 to 0 is the vote. Okay, thank you Ms.
15 Chair I was able to locate my, I can=t read it.
16 Okay, number two, Floor Area Ratio set down,
17 increase the far by 0.5 and the CM-1 and CM-2
18 zones and require that a minimum of FAR must be
19 used only for PDR purposes in all PDR zones and
20 the chart is before us.

21 VICE CHAIR COHEN: And the public
22 comments allow any non-PDR use to use the total

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1 permitted FAR, do not restrict any FAR to only
2 PDR uses.

3 CHAIRMAN HOOD: The
4 recommendation: Set down standards for FAR
5 the set down proposal reflects the standards
6 approved by the Zoning Commission in case
7 0806(d) in May of 2011 as part of the initial
8 consideration of Subtitle J.

9 COMMISSIONER TURNBULL: Mr. Chair
10 if there=s no other comments, I would move that
11 we accept item 2 Floor Area Ratio J Section 205
12 with the OP recommendation set down standards
13 for FAR. The proposal reflects the standards
14 approved by the Zoning Commission in case
15 0806(d) in May 2011 as part of the initial
16 consideration of Subtitle J.

17 COMMISSIONER MILLER: Second.

18 CHAIRMAN HOOD: It=s been moved and
19 properly seconded. Any further discussion?
20 All those in favor, aye. Not hearing any
21 opposition, Ms. Schellin.

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to accept the Floor Area Ratio
2 recommendation. Commissioner Turnbull
3 moving, Commissioner Miller seconding,
4 Commissioners Hood, May and Cohen in support.

5 CHAIRMAN HOOD: Okay, next rear
6 setback increase the minimum rear setback from
7 residentially zoned lands to 25 feet from
8 twelve feet would be applicable in all PDR
9 zones. The recommendation set down standards
10 for rear setbacks. Okay, any questions or
11 comments?

12 COMMISSIONER MAY: I would move
13 that we accept the recommendation but actually
14 if you want to include side setbacks they are
15 very similar, we can do it all as one.

16 CHAIRMAN HOOD: Okay, let's do side
17 setbacks. Increase the minimum side setback
18 from residentially zoned lands to 25 feet from
19 eight feet would be applicable in all PDR zones.
20 Set down standards for side setbacks.

21 COMMISSIONER MAY: So I would move
22 that we approve the rear setback, increase the

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1 minimum rear setback from residentially zoned
2 lands to 25 feet from 12 feet and that we
3 increase the minimum side setback from
4 residentially zoned lands to 25 feet from eight
5 feet.

6 VICE CHAIR COHEN: I second that.

7 CHAIRMAN HOOD: It=s been moved and
8 seconded. Any further discussion.

9 COMMISSIONER MILLER: I just have a
10 question. So, these setbacks, the rear and
11 side setbacks are just from residentially zoned
12 lands. They=re not setback from residential use
13 of other zoned lands. Is that correct?

14 MS. STEINGASSER: That=s correct.

15 CHAIRMAN HOOD: Ms. Steingasser, I
16 know we=ve been through this before, but we had
17 looked at where alleys did not count towards the
18 feet as far as distance?

19 MS. STEINGASSER: One quick second
20 and we=ll double check that.

21 CHAIRMAN HOOD: I=ll just tell you
22 my concern while you=re looking for that. I

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1 don=t think that 25 feet is enough distance from
2 a residential in a PDR zone especially
3 depending upon the use. I know we had diagrams
4 with the alley and from lot line to lot line and
5 I think the alley was not calculated in the, I
6 think the alley was not calculated in the
7 distance.

8 MS. STEINGASSER: Well, the
9 diagrams we have show that it can up to ten feet.

10 CHAIRMAN HOOD: Okay, can you tell
11 me what it is right quick?

12 MS. VITALE: The diagrams are in
13 Subtitle J, page ten and this is section 209.2.

14 CHAIRMAN HOOD: Okay. Can we do
15 this, can we revisit that? I meant to ask that
16 earlier. I don=t have a problem tonight moving
17 forward but can we put that also in the part to
18 see if we need to make, cause I=m thinking of
19 a specific instance within the, well, Langdon
20 over there, LO, within that area where this
21 applies very well with an alley in between.

22 MS. VITALE: Okay.

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1 CHAIRMAN HOOD: And we really need
2 to relook at that. If we, maybe make it and it
3 may be just in that instance. I=m not sure and
4 I know we talked about parks and everything. I
5 have to go back and look at the transcript of
6 what we said but this particular instance, even
7 this right here would not be suitable for what
8 I=m thinking of in a specific overlay.

9 MS. STEINGASSER: Okay.

10 CHAIRMAN HOOD: Even if we have to
11 look at maybe extending those distances.
12 Okay, but I don=t have a problem with moving
13 forward but if we can just revisit that. Any
14 other questions? Commissioner Miller.

15 COMMISSIONER MILLER: Well, I was,
16 just to follow-up on my previous question I
17 think we need to think about maybe revisit how
18 we=re going to protect preexisting residential
19 uses that are adjacent that may not be in a
20 residential zone but how are they going to be
21 protected? They=re not going to have a buffer,
22 they=re not going to have, and they=ve been

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1 there but they have to go and change their apply
2 for zoning and then map amendment then I guess
3 is the only way they=re going to get a required
4 buffer but if the Office of Planning could just
5 relook at that and come back to us with
6 something on that.

7 MS. STEINGASSER: Okay. That
8 would be fine.

9 CHAIRMAN HOOD: The rear and side
10 setback before us. It=s been moved and
11 properly seconded. Any further discussion?
12 All in favor.

13 (Chorus of ayes.)

14 CHAIRMAN HOOD: Not hearing any
15 opposition, Ms. Schellin.

16 MS. SCHELLIN: Yes, staff records
17 the vote 5 to 0 to 0 to move in block, or accept
18 in block rather, the recommendations both as
19 set down for the rear setbacks and the side
20 setbacks. Commissioner May moving,
21 Commissioner Cohen seconding, Commissioners
22 Hood, Miller and Turnbull in support.

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1 CHAIRMAN HOOD: Transition
2 Heights. Set down establish a new transition
3 of height when PDR zones abut residentially
4 zoned lands. The transition requires a 1:1
5 setback starting at 10 feet above residential
6 zone height and would be measured from property
7 line. The recommendation set down standards
8 for Transition Height when PDR zones abut
9 residential zone lands. Any comments or
10 questions? Okay, I would move that we approve
11 the recommendation as noted and asked for a
12 second.

13 COMMISSIONER TURNBULL: Second.

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

17 (Chorus of ayes.)

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

20 MS. SCHELLIN: Staff records the
21 vote 5 to 0 to 0 to accept the recommendation
22 with regard to the transition heights.

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

4 CHAIRMAN HOOD: Okay, Setback
5 (Buffer) Requirements. Require a 25 foot
6 buffer between PDR zones and residential zoned
7 lands. The buffer includes landscaping and
8 fencing.

9 VICE CHAIR COHEN: Public comments
10 were support for buffer.

11 CHAIRMAN HOOD: Set down standards
12 for Setback Buffer when PDR zones abut
13 residential zones. I move that we accept the
14 recommendation as noted by the Office
15 Planning=s recommendation to provide a buffer
16 between the PDR zones and residential zone
17 lands and ask for a second.

18 VICE CHAIR COHEN: Second.

19 COMMISSIONER MILLER: Mr.
20 Chairman, I just had a question. How is this
21 different from the rear and side setback?

22 MS. STEINGASSER: It actually

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1 requires fencing and landscaping.

2 COMMISSIONER MILLER: Okay.

3 Thank you.

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

7 (Chorus of ayes.)

8 CHAIRMAN HOOD: Not hearing any
9 opposition, Ms. Schellin.

10 MS. SCHELLIN: Staff records the
11 vote 5 to 0 to 0 to accept the recommendation
12 with regard to the setback buffer requirements.
13 Commissioner Hood moving, Commissioner Cohen
14 seconding, Commissioners May, Miller and
15 Turnbull in support.

16 CHAIRMAN HOOD: Okay, number
17 seven, Uses, set down new special exception
18 uses for nightclubs and live entertainment
19 venues. New matter right use for veterinary
20 hospitals and massage therapy. The
21 alternative additional special exceptions were
22 set down repair garages.

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1 VICE CHAIR COHEN: Public comments
2 support for the new special exceptions.

3 CHAIRMAN HOOD: The
4 recommendations set down and alternate special
5 exception and matter of right uses. Ms.
6 Steingasser, I thought that we had, I don=t know
7 if we captured it, I thought that when it was
8 uses and, I=m using garages because I know the
9 Commissioner Ward 4 mentioned that but I mean
10 repair shops but I thought we had looked that
11 if it was on one lot, I don=t want to call them
12 an undesirable uses because we need some of them
13 but if it was on one lot it had to be an
14 additional one would have to be a special
15 exception, right?

16 MS. STEINGASSER: Oh, with spacing
17 between, we did not put a spacing requirement.

18 CHAIRMAN HOOD: But, so, if it=s
19 already one there I thought we prohibited, if
20 there=s already one there we couldn=t put
21 another on the same lot. I thought that=s
22 where we were going.

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1 MS. STEINGASSER: I don=t have
2 that. We could certainly establish some kind
3 of spacing requirement.

4 CHAIRMAN HOOD: But I thought
5 that=s what we had talked about. And I think
6 that=s what Commissioner Jones was saying,
7 right?

8 MS. STEINGASSER: I don=t remember
9 that. It was to stop new ones is what we looked
10 at.

11 CHAIRMAN HOOD: From being on the
12 same lot.

13 MS. VITALE: We=re just requiring a
14 special exception approval for any new auto
15 repair use that would be going in.

16 CHAIRMAN HOOD: Whether one is
17 there or not.

18 MS. VITALE: Correct. This would
19 apply only for new uses.

20 CHAIRMAN HOOD: And we=re going to
21 include clubs and everything else in those
22 zones, right because you know, we could have

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1 clubs here and another club right next door
2 which causes those impacts on those
3 neighborhoods.

4 MS. VITALE: Well again, they would
5 any new club or any new repair garage, the uses
6 that are listed here would require a special
7 exception process so that would provide an
8 opportunity for ANC and community input so if
9 they felt that there was too great a
10 concentration that would be causing a negative
11 impact on the community that special exception
12 process would give them the chance to provide
13 that feedback.

14 CHAIRMAN HOOD: And when we say new
15 we=re not talking about necessarily a new
16 structure. We=re talking about a new club.

17 MS. VITALE: New use, yes.

18 CHAIRMAN HOOD: Okay because the
19 clubs go in and out of those warehouses like
20 running water. Okay.

21 MR. LAWSON: And I think if it made
22 the Chair more comfortable we could certainly

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1 include in the special exception criteria that
2 the applicant provides a description of other
3 similar uses, whether it=s a club or a repair
4 shop that are in the vicinity so that everybody
5 gets a good understanding of how this fits in.

6 CHAIRMAN HOOD: Okay. I like
7 that. Thank you, if we could add that. I
8 would move that we accept the recommendation as
9 the conversation has noted and ask for a second.

10 COMMISSIONER MILLER: Second.

11 CHAIRMAN HOOD: The alternative
12 special exception and matter of right uses as
13 noted in the conversation with Ms. Steingasser
14 and I and ask for a second.

15 COMMISSIONER MILLER: Second.

16 CHAIRMAN HOOD: Okay, it=s been
17 moved and properly seconded. Any further
18 discussion? All in favor, aye. Any
19 opposition? Ms. Schellin, would you record
20 the vote?

21 MS. SCHELLIN: Staff records the
22 vote 5 to 0 to 0 to accept the recommendation

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1 and as discussed this evening regarding uses.
2 Commissioner Hood moving, Commissioner Miller
3 seconding, Commissioners May, Cohen, and
4 Turnbull in support.

5 CHAIRMAN HOOD: Okay, Standards of
6 External Effects. Set down standards of
7 external effects were not called out because
8 they are typically regulated by other city
9 agencies. Alternate standards of external
10 effects are proposed to be included

11 VICE CHAIR COHEN: Public comments
12 support for inclusion of standards of external
13 effects.

14 CHAIRMAN HOOD: Alternate
15 Standards of External Effects with reference to
16 other title and requirement for external
17 effects permit. Okay, Ms. Steingasser, so the
18 standards of external effects, in the
19 application they will be required to submit
20 that they meet this requirement and so how is
21 that going to interact with what we're doing?

22 MS. STEINGASSER: The standards

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1 have been replaced, reinstated into the
2 regulations and the permitting that currently
3 exists is also still required so when they go
4 forward to get a building permit they would have
5 to submit that permit as well with DCRA.

6 CHAIRMAN HOOD: Okay, because, you
7 know standard, they have been on the books and
8 nothing has ever happened with them so I=m just
9 trying to figure out the trigger is that=s
10 something they have to go when they go for the
11 CFO?

12 MS. STEINGASSER: I think it
13 depends on whether it=s at the CFO or at the
14 Building Permit, depending on which external
15 effect issue it is. The other part that might
16 give you comfort is that other agencies are now
17 enforcing these so Department of Environment
18 looks at some of the stuff and Department of
19 Health are both now involved.

20 CHAIRMAN HOOD: Okay, well I know it
21 was an issue for me in the mid-90s but maybe it=s
22 improved since then, so, congratulations to

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1 you.

2 VICE CHAIR COHEN: Can I ask a
3 question then? Who issues the External
4 Effects permit then if it=s now scattered
5 amongst?

6 MS. STEINGASSER: Department of
7 Consumer and Regulatory Affairs. They have,
8 they call it the bull pen. They have a circle
9 of desks and all the agencies have a seat and
10 even historic preservation=s down there,
11 electrical, structural, health and you can walk
12 your permits through and each agency signs off
13 so it=s really made it efficient for the
14 different agencies to cooperate with review.

15 VICE CHAIR COHEN: And the
16 experience to date, do you have any idea have
17 these permits been easily granted or?

18 MS. STEINGASSER: I don=t know.

19 VICE CHAIR COHEN: You don=t?
20 Okay.

21 CHAIRMAN HOOD: Okay, I would move
22 that we approve the Standards of External

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1 Effects taking the Office of Planning=s
2 recommendation and ask for a second.

3 VICE CHAIR COHEN: Second.

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

7 (Chorus of ayes.)

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

11 MS. SCHELLIN: Staff records the
12 vote 5 to 0 to 0 to approve the recommendation
13 with regard to Standards of External Effects.
14 Commissioner Hood moving, Commissioner Cohen
15 seconding, Commissioners May, Miller and
16 Turnbull in approval.

17 CHAIRMAN HOOD: Okay, I think we=re
18 down to the last Mixed Use Development
19 Standards. Let me check with my colleagues.
20 Are we ready to press forward and finish this?
21 Okay, we=ll be out of here by ten minutes to
22 twelve. Okay. That=s actually a joke.

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1 Okay, Mixed Use Zones. Development Standard
2 Comparison tables are attached. Height and
3 Number of Stories. We have the table of force.
4 Any questions on the table?

5 COMMISSIONER MAY: I have one quick
6 question, sir. C-1 would be going from 40 feet
7 to 50 feet and I'm wondering why?

8 MS. STEINGASSER: Typo.

9 COMMISSIONER MAY: Oh, a typo.

10 CHAIRMAN HOOD: No, actually
11 before we do that we didn't read the comments.
12 Do we need to do that? Yeah, go ahead. I think
13 we need for the record.

14 COMMISSIONER MAY: All right, well
15 while they're looking it up.

16 VICE CHAIR COHEN: All right, the
17 public comments are allow the additional 0.5
18 non-residential FAR for the C-2-A and C-2-B
19 zones.

20 CHAIRMAN HOOD: Vice chair, I think
21 you're on page 3. Remember we had the double
22 sided, the white copy? You have the white copy

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1 there.

2 VICE CHAIR COHEN: Sorry. Public
3 comments: Incorporate the adopted provisions
4 of Chapter 4 Section 402 in order number 08-06-B
5 dated February 7, 2011 Portals Development
6 Associates is most interested in retaining
7 Section 402.4 as adopted in order number as I
8 mentioned above, which would ensure that
9 Maryland Avenue Southwest can continue to to be
10 the point of measurement for the portals.

11 CHAIRMAN HOOD: Okay, the Office of
12 Planning=s recommendation is set down
13 standards for heights without a story limit in
14 the C-3-B zone and adopt provisions of Chapter
15 4 Section 402 in order number 08-06-B dated
16 February 7, 2011. Commissioner May.

17 COMMISSIONER MAY: So I had a
18 question about what was in the chart. The C1
19 zone, soon to be the M3, or I=m sorry, MU3 that=s
20 showing up as 50 feet but I understand that=s
21 a typo.

22 MS. STEINGASSER: That is correct.

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1 COMMISSIONER MAY: And it will
2 remain 40 feet.

3 MS. STEINGASSER: It will remain at
4 40 feet.

5 COMMISSIONER MAY: Okie dokie. So
6 that was my question.

7 CHAIRMAN HOOD: Any other
8 questions? Are we ready for acceptance?

9 COMMISSIONER MAY: I would move
10 that we accept the OP recommendation, which is
11 the standards for heights, sorry, standard for
12 heights without a story limit in the C-3-B zone
13 and adopted provisions of Chapter 4 Section 402
14 in the order 08-06-B dated February 7, 2011 and
15 all that is shown in the chart on Page 1 of our
16 worksheet.

17 COMMISSIONER MILLER: Second.

18 CHAIRMAN HOOD: Moved and
19 seconded. All in favor.

20 (Chorus of ayes.)

21 CHAIRMAN HOOD: Ms. Schellin.

22 MS. SCHELLIN: Staff records the

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1 vote 5 to 0 to 0 to adopt the height and number
2 of stories development standard comparison
3 table as recommended. Commissioner May
4 moving, Commissioner Miller seconding,
5 Commissioners Hood, Cohen and Turnbull in
6 support.

7 CHAIRMAN HOOD: Okay, Floor Area
8 Ratio. The set down allow the non-residential
9 FAR to be increased to 0.5 in the C-2-A and C-2-B
10 zones on small lots less than 10,000 square feet
11 in area and require a minimum FAR must be used
12 only for PDR purposes in all PDR zones.

13 VICE CHAIR COHEN: The public
14 comments are to allow the additional 0.5
15 non-residential FAR for the C-2-A and C-2-B
16 zones and then the other comment is do not allow
17 the additional 0.5 non-residential FAR for
18 these zones.

19 CHAIRMAN HOOD: Okay, the
20 recommendations set down standards for FAR
21 including additional 0.5 non-residential FAR
22 for lots 10,000 square feet or less in area in

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1 the C-2-A and C-2-B zones. Any discussion?

2 COMMISSIONER MAY: Yeah, I have a,
3 we had heard I think some substantial testimony
4 and received evidence that people were
5 concerned about increasing the non-residential
6 FAR in C-2-A and C-2-B zones from 1.5 to 2.0,
7 I understand where logically it makes sense
8 with a three story building that half a story
9 of non-residential FAR just doesn=t work very
10 well but I think the concern was that
11 restaurants or bars and perhaps some other uses
12 would essentially be allowed to expand that
13 additional amount and that would be problematic
14 for neighborhoods where there=s just so many
15 restaurants and bars that there=s already a
16 negative impact on the immediate neighbors so
17 I=m wondering if you might talk to that a little
18 bit.

19 MS. STEINGASSER: Well one thing we
20 could do is to restrict it that it be permitted
21 for all uses but restaurants and bars. We
22 could also say that for the use of restaurant

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1 and bars it needs a special exception.

2 COMMISSIONER MILLER: Doesn't it
3 only apply to existing buildings or does it
4 apply to new buildings as well?

5 MS. STEINGASSER: It's for
6 existing buildings and on very small lots.

7 COMMISSIONER MILLER: So they
8 couldn't expand the footprint of, well they
9 could within the building footprint, but they
10 couldn't expand the building.

11 COMMISSIONER MAY: Right.
12 Picture a two story, I'm sorry, even a three
13 story building in Adams Morgan that has a
14 restaurant on the first floor and they've got
15 half of the second floor they could use as the
16 upstairs bar. Now they could, with this they
17 could go to a full second story for a bar.

18 COMMISSIONER MILLER: I've been at
19 some of those.

20 COMMISSIONER MAY: I did too when I
21 was young but anyway. I mean, I think it's a
22 legitimate concern and actually it's almost

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1 VICE CHAIR COHEN: Sorry.

2 CHAIRMAN HOOD: Its= been moved and
3 properly seconded. Anything further? All in
4 favor.

5 (Chorus of ayes.)

6 CHAIRMAN HOOD: Ms. Schellin.

7 MS. SCHELLIN: Staff records the
8 vote 5 to 0 to 0 to accept the FAR Standards as
9 recommended with the restaurants and bars being
10 looked at only by special exception to get the
11 additional 0.5 FAR and OP will look at other
12 uses that may also need to be done by special
13 exception. Commissioner May moving,
14 Commissioner Miller seconding, Commissioners
15 Hood, Turnbull and Cohen in support.

16 CHAIRMAN HOOD: I=d like to move
17 the next two Rear Setback and Side Setback and
18 we can take questions individually but let=s
19 read them right here. Rear set back maintain
20 existing right setbacks except for the CR zone.
21 Standardize the CR rear setback with similar
22 medium and high density commercial zones at

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1 2.5" per 1= of height and 12 foot minimum.

2 VICE CHAIR COHEN: And the public
3 comments were maintain the current practice of
4 allowing a conforming courtyard to act as a rear
5 yard in lieu of a rear yard for corner lots.

6 CHAIRMAN HOOD: Recommendation:
7 Set down standards for courtyard and maintain
8 the current practice of allowing a conforming
9 courtyard to act as a rear yard in lieu of the
10 rear yard for corner lots. Next: Side
11 Setback. Clarify the side setbacks are
12 measured from the property line inward instead
13 of measured from the house out. Maintain the
14 minimum side setback for detached and
15 semi-detached houses at 8 feet. Maintain the
16 non-required standard but if provided
17 standardized the setback for hotels and all
18 other uses at 2 feet per 1 foot of height or 5
19 feet minimum. Standardize the uses and the
20 zones.

21 VICE CHAIR COHEN: The public
22 comments were maintain the existing side

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1 setbacks. Second comment adopt the proposed
2 side setbacks.

3 CHAIRMAN HOOD: Okay,
4 recommendation set down standards for side
5 setbacks but reinstate the 12 foot minimum for
6 the W-zones. Any questions on either one,
7 either the side setbacks or rear setbacks?

8 COMMISSIONER MAY: I just had a
9 couple of questions on the rear setbacks or
10 comments on that. First of all there is some
11 slight reduction in the rear yard requirements
12 from 3" per foot to 2 2" per foot but
13 particularly in the W-zones but overall I think
14 it=s all pretty minor, you know, in the worst
15 case it reduces a 25 foot yard to a 21 foot yard
16 based on the maximum height. The other thing
17 that I would note is that at least one case it
18 seems that per W-0 under the new requirement
19 it=s 2 2" per foot of height but if you do the
20 calculation that would actually be less than
21 the minimum of 12 feet. So it's probably not
22 necessary and other than that I would also note

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1 that for the side setbacks we're seeing the
2 reductions that we've talked about regularly
3 moving things from 6 and 8 foot side yards to
4 5 foot side yards and I think that's sensible.

5 CHAIRMAN HOOD: Any other
6 questions or comments? Would somebody like to
7 make a motion on both?

8 COMMISSIONER TURNBULL: Yes, Mr.
9 Chairman I would move that we accept item 3 rear
10 setbacks and item 4 side setbacks and basically
11 go with the OP recommendation on both.

12 CHAIRMAN HOOD: Okay, I will second
13 it. It's been moved and properly seconded.
14 Any further?

15 COMMISSIONER MAY: Yes, Mr.
16 Chairman, I'm sorry I missed one other thing
17 that I wanted to comment on which is side
18 setbacks for the waterfront zones are dropping
19 for W-1, -2 and -3 now MU-12, -13, -14, dropping
20 from 12 feet to 5 feet and I'm wondering, these
21 are already kind of special that they have 12
22 feet to begin with. Is it, do we really want

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1 to drop them that low?

2 MS. STEINGASSER: No. And our
3 recommendation.

4 COMMISSIONER MAY: It nixes that,
5 it reinstates the 12. Got it. I'm sorry. I
6 did catch that when I read it but getting tired.
7 All right. That's it. Thank you.

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

11 (Chorus of ayes.)

12 CHAIRMAN HOOD: Any opposition?
13 Ms. Schellin, would you record the vote?

14 MS. SCHELLIN: Staff records the
15 vote 5 to 0 to 0 and block to approve the rear
16 and side setbacks as recommended.
17 Commissioner Turnbull moving, Commissioner
18 Hood seconding, Commissioners May, Miller and
19 Cohen in support.

20 CHAIRMAN HOOD: Okay, I'd like to
21 do courts open and courts close and block. Set
22 down standardized minimum open courts between

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1 zones, non-residential uses, use of the CR zone
2 standard at 2.5 inches and 1 foot and a 6 foot
3 minimum residential uses of three or fewer
4 units use the building code standards,
5 residential use of more than three units use the
6 lower density standards of 5 inches and 1 foot
7 but with a minimum of 10 feet used in the CR
8 zone.

9 VICE CHAIR COHEN: Public
10 comments: None.

11 CHAIRMAN HOOD: Recommendations
12 set down standards for minimum open court
13 standards and rectify the text regarding court
14 requirements for residential building with
15 three or less units, courts closed set down
16 maintain existing closed courts minimums for
17 non-residential uses and residential uses of
18 more than three units for residential buildings
19 with three or fewer units use the building code
20 for court minimums. Public comment.

21 VICE CHAIR COHEN: Support for.

22 CHAIRMAN HOOD: The recommendation

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1 set down standards for minimum closed court
2 standards and rectify the text regarding court
3 requirements for residential buildings with
4 three or less units. Any discussion?

5 COMMISSIONER MAY: I have no
6 comment, Mr. Chairman.

7 VICE CHAIR COHEN: So make a
8 motion.

9 COMMISSIONER MAY: I'll make a
10 motion that we approve the recommendations for
11 open courts and closed courts as just stated.

12 VICE CHAIR COHEN: Second.

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

16 (Chorus of ayes.)

17 CHAIRMAN HOOD: Any opposition?
18 Ms. Schellin.

19 MS. SCHELLIN: Staff records the
20 vote 5 to 0 to 0 to accept and block the courts
21 open and courts closed as recommended.
22 Commissioner May moving, Commissioner Cohen

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1 seconding, Commissioners Hood, Miller and
2 Turnbull in support.

3 CHAIRMAN HOOD: And next, Lot
4 Occupancy. Set down maintain the lot occupancy
5 requirements of commercials and mixed use zones
6 except in the W-2 and W-3 zones.

7 VICE CHAIR COHEN: Public comment
8 was keep a residential lot occupancy in those
9 zones where it is now required.

10 CHAIRMAN HOOD: Okay, the
11 recommendation is keep residential lot
12 occupancy in those zones where it is now
13 required. Require lot occupancy in the W-2 and
14 W-3 zones. Any comments?

15 COMMISSIONER MAY: Yes, I have a
16 question about this. So, in the W-2 and W-3
17 zones in the charter that's shown not
18 applicable, but now you're saying requiring a
19 lot occupancy. Are you saying continue the
20 current lot occupancy?

21 MS. STEINGASSER: Yes, yes we are.

22 COMMISSIONER MAY: Okay.

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1 CHAIRMAN HOOD: Any other
2 comments, questions? Somebody like to make a
3 motion?

4 COMMISSIONER MAY: I would move
5 that we accept the recommendation to keep
6 residential lot occupancy in those zones where
7 it is now required and require lot occupancy in
8 the W-2 and W-3 zones.

9 CHAIRMAN HOOD: I'll second it.
10 Moved and properly seconded. Anything
11 further? All in favor.

12 (Chorus of ayes.)

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

15 MS. SCHELLIN: Staff records the
16 vote 5 to 0 to 0 to approve the recommendation
17 for the lot occupancy. Commissioner May
18 moving, Commissioner Hood seconding,
19 Commissioners Miller, Turnbull and Cohen in
20 support.

21 CHAIRMAN HOOD: Okay, Plazas M-10
22 and M-24 CR zones. The set down says require

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1 plaza but reduce percentage from 10 percent to
2 8 percent and require a 10,000 square foot
3 minimum area. No public comment. The
4 recommendation is to set down as proposed. Any
5 comments?

6 VICE CHAIR COHEN: Why are we
7 reducing that?

8 MS. STEINGASSER: The original
9 proposal OP presented was to remove it all
10 together and the zoning commission felt that it
11 was a defining element of the neighborhood that
12 resulted from CR. The research we had done on
13 all of those plazas showed that 8 percent was
14 really the prevailing size even though 10 had
15 been required.

16 VICE CHAIR COHEN: Thank you. If
17 there's no comments.

18 COMMISSIONER MAY: I did have a
19 question, which is that the way it reads, it
20 says reduce the percentage from 10 to 8 percent
21 and require a 10,000 foot square minimum. I
22 assume it's a 10,000 square foot minimum lot

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1 size, not a 10,000 square foot minimum plaza.

2 MS. STEINGASSER: That's correct.

3 COMMISSIONER MAY: Okay.

4 VICE CHAIR COHEN: Based upon my
5 colleague's correction, I move to approve
6 number 8 plazas M-10 and M-24 zones require
7 plaza but reduce percentage from 10 to 8 percent
8 and require a 10,000 square foot lot size.

9 CHAIRMAN HOOD: Okay, am I
10 seconding?

11 VICE CHAIR COHEN: Can I second my
12 own?

13 CHAIRMAN HOOD: Might as well,
14 you're the second champion. Okay. I'll
15 second it. It's been moved and properly
16 seconded. Any further discussion? All those
17 in favor.

18 (Chorus of ayes.)

19 CHAIRMAN HOOD: Any opposition?
20 Ms. Schellin.

21 MS. SCHELLIN: Yes, staff records
22 the vote 5 to 0 to 0 to accept the set down

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1 recommendation with the changing it to lot size
2 though. Commissioner Cohen moving,
3 Commissioner Hood seconding, Commissioners
4 May, Miller and Turnbull in support.

5 CHAIRMAN HOOD: Is this the last
6 one? Okay. HR overlay. The HR overlay was
7 not included in the Draft Text. The
8 comprehensive plan calls for encouraging
9 hotels in many areas of the city, not just as
10 a selected overlay. Hotels are seen as part of
11 the mix of uses and since 2000 have not been
12 considered as residential uses. The area
13 currently covered by the HR overlay is proposed
14 to be within a D zone which would allow
15 increases in height and density. No public
16 comment. The recommendation do not include HR
17 overlay in the next text. Any comments? Or a
18 motion?

19 COMMISSIONER MAY: I would make a
20 motion that we do not include the HR overlay in
21 the new text.

22 COMMISSIONER TURNBULL: Second.

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

4 (Chorus of ayes.)

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

7 MS. SCHELLIN: Staff records the
8 vote 5 to 0 to 0 to not include the HR overlay
9 in the new text. Commissioner May moving,
10 Commissioner Turnbull seconding,
11 Commissioners Hood, Cohen and Miller to accept.

12 CHAIRMAN HOOD: Okay, Ms.
13 Schellin, do we have anything else before us?

14 MS. SCHELLIN: No, sir.

15 COMMISSIONER MAY: Mr. Chairman.

16 CHAIRMAN HOOD: Yes, Commissioner
17 May.

18 COMMISSIONER MAY: I have a couple
19 of lingering questions about the ZR guidance
20 with regard to misuse zones. We had voted in
21 support of having some sort of regulations to
22 control overpopulation of certain retail uses,

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1 specifically restaurants and I'm wondering
2 what the state of that is. That wasn't
3 anything we voted on tonight, just didn't check
4 the regs.

5 MS. STEINGASSER: I think that kind
6 of got folded into the amendments to the Arts
7 overlay that was done as a separate case about
8 three years ago.

9 COMMISSIONER MAY: Well I know
10 they're in the Arts overlay.

11 MS. STEINGASSER: Yeah.

12 COMMISSIONER MAY: But that's now
13 incorporated into the zone that encompasses the
14 special zone, whatever that encompasses that,
15 okay. But I think that that was something that
16 we talked about having more broadly applicable
17 in the ZR guidance and it's hard to do.

18 MS. STEINGASSER: It's extremely
19 hard to do and there is absolutely no community
20 consensus.

21 COMMISSIONER MAY: And then the
22 last question I had is we also had made

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1 recommendations about maintaining setbacks
2 from the water and visual access to the
3 waterfront zones and I'm wondering if those
4 provisions are still in there, they're in the
5 text?

6 MS. STEINGASSER: They are.

7 MR. LAWSON: Yes, in fact, we've
8 placed those as general provisions that would
9 apply not just to the waterfront zones but to
10 any zone along the waterfront.

11 COMMISSIONER MAY: Perfect.
12 Thank you.

13 COMMISSIONER MILLER: I just had,
14 my ruling out of order, but I've been wanting
15 to ask this question for some time under the ZR
16 process are two different issues. You don't
17 have to answer it now, but I probably should
18 have brought this up when we did residential
19 development standards the other night. Rear
20 decks. When they don't meet matter of rights
21 development standards in the lower density
22 residential neighborhoods but there are other

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1 decks in the square, is there a way we can look
2 at changing the review process from variance to
3 special exception? It just seems to require
4 homeowners to jump through a lot of hoops that
5 none of their neighbors have jumped through or,
6 if that can be looked at. I think that the goal
7 to simplify, I remember that was one of the
8 examples used when we started out this process
9 many years ago. It's so difficult for just a
10 homeowner to put a deck on the back when
11 everyone else has one in the neighborhood, why
12 do they have to go through this variance?

13 MS. STEINGASSER: Right.

14 COMMISSIONER MILLER: Anyway,
15 that's one thing. The other one is for really
16 all new construction or substantial
17 renovation, do we require, does the zoning regs
18 address undergrounding of utility wires from
19 the street to the house or to the construction?
20 If not, if we could look at that at some point.

21 MS. STEINGASSER: Okay.

22 COMMISSIONER MILLER: Just a

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1 couple of things I've been trying to, I keep
2 forgetting to bring up and it's been seven years
3 and I didn't bring them up.

4 MS. STEINGASSER: We'll take a look
5 at that. It seems like it's a very complex
6 issue and may --

7 COMMISSIONER MILLER: That one
8 doesn't have to be part of the ZR, just to ---

9 COMMISSIONER TURNBULL: Yeah, part
10 of the problem with the decks is that so many
11 of them are illegal. They just had somebody
12 built though. I've run into like you say so
13 many cases where they're illegal. The other
14 thing with the power lines, might be another
15 regulatory, like a PEPCO and getting into.

16 MS. STEINGASSER: In coordination
17 with public space. We'll look at it, not as
18 part of CRR but we promise to put that on our
19 2015 list too.

20 CHAIRMAN HOOD: Okay, anything
21 else? Okay I want to thank everyone for
22 hanging in there tonight. Mr. and Ms. Gates we

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1 appreciate you all hanging and those who are
2 watching this webcast live, more accolades to
3 come as we get closer and closer. Okay. Good
4 night.

5 (Whereupon, the hearing
6 concluded.)

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