

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

----- :
IN THE MATTER OF: :
 :
TITLE 11 ZONING REGULATIONS- :
COMPREHENSIVE TEXT REVISIONS : Case No.
 : 08-06A
 :
----- :

Wednesday,
November 6, 2013

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-06A by the District of Columbia Zoning Commission convened at 6:01 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SARA BARDIN, Director
SHARON S. SCHELLIN, Secretary
STEPHEN VARGA, Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
ELISE VITALE
PAUL GOLDSTEIN

The transcript constitutes the minutes from the Public Hearing held on November 6, 2013.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(6:02 p.m.)

CHAIRMAN HOOD: Good evening ladies and gentleman. This is the Public Hearing of the Zoning Commission for the District of Columbia for the month. Okay. I know I've been here at least two nights, so tonight must be Wednesday.

Okay, Wednesday, November 6th. I have Monday, November 6th. Well, anyway, Wednesday, November 6th. My name is Anthony Hood. Joining this evening are Vice Chair Marcie Cohen and Commissioners Miller, May and Turnbull.

We're also joined by our Office of Zoning Staff, by our director, Sara Bardin, Sharon Schellin and (Z. HILTON?).

MALE PARTICIPANT: Mr. Goldstein, too.

CHAIRMAN HOOD: Also the Office of Planning Staff, Ms. Steingasser and Mr. Lawson and Mr. Vitale. Okay. And this proceeding is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 being recorded by a Court Reporter and is also
2 Webcast live.

3 Accordingly, we must ask you refrain
4 from any disruptive noises or actions in the
5 hearing room including display of any signs or
6 objects.

7 The subject of this evening's
8 hearing is Zone Commission Case No. 08-06A.
9 This is a request by the Office of Planning for
10 comprehensive revisions and amendments to the
11 zoning regulations Title 11 BCMR.

12 The specific subject of tonight's
13 hearing is the proposed new Subtitle D. Notice
14 of today's hearing was published in the D.C.
15 register on September 20 of 2013 and copies of
16 that announcement are available to my left on the
17 wall near the door.

18 The hearing will be conducted in
19 accordance with the provisions of 11 DCMR 3021
20 as follows: preliminary matters, excuse me,
21 presentation by the Office of Planning, reports
22 of other Government Agencies, if any, testimony

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from the public and questions about a commission
2 of the audit -- our questions about a commission
3 of the Office of Planning.

4 And I'll just start from the
5 witnesses I have, it sounded like we may ask our
6 questions tonight. And when I say we may, let's
7 just see how that goes.

8 The following time constraints we
9 maintain in this hearing: Office of Planning up
10 to 60 minutes; organizations five minutes,
11 individuals three minutes.

12 The Commission intends to adhere to
13 the time limits as strictly as possible in order
14 to hear the case in a reasonable period of time.

15 As noted in the Notice of Public
16 Hearing, I will be calling witnesses in the order
17 in which the Office of Zoning received a Notice
18 of Intent to testify.

19 After those witnesses have been
20 called, I will ask others who have registered to
21 testify this evening and then, ask others in the
22 audience if they wish to testify.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 All persons appearing before the
2 Commission are to fill out two witness cards.
3 These cards are located to my left on the table
4 near the door.

5 Before coming forward to speak to
6 the Commission, please give both cards to the
7 reporter sitting to my right before taking a seat
8 at the table.

9 When presenting information to the
10 Commission, please turn on and speak into the
11 microphone, first stating your name and home
12 address. When you are finished speaking,
13 please turn your microphone off, so that your
14 microphone is no longer picking up sound and
15 background noise.

16 The decision of the Commission in
17 this case must be based exclusively on the public
18 record. To avoid any appearance to the
19 contrary, the Commission requests that persons
20 present not engage the members of the Commission
21 in conversation during any recess or at any time.

22 In addition, there should be no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 direct contact whatsoever with any Commissioner
2 concerning this matter be it written, electronic
3 or by telephone.

4 Any materials received directly by
5 a Commissioner will be discarded without being
6 read and any calls will be ignored. The staff
7 will be available throughout the hearing to
8 discuss procedural questions.

9 As noted, testimony this evening
10 will be limited to proposed new Subtitle D. If
11 you have testimony on other subtitles and cannot
12 come back on the scheduled hearing nights for
13 those subtitles, you may hand in your written
14 testimony or submit it before the hearing date.
15 We will read it.

16 I would also ask that you not repeat
17 testimony that has already been given. Rather
18 than repeating the same comments, I would
19 suggest that you state that you agree with the
20 testimony that has already been given and add
21 additional comments that we have not yet heard.

22 Please turn off all beepers and cell

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 phones at this time to not disrupt these
2 proceedings. At this time the Commission will
3 deal with any preliminary matters. Staff, do
4 you have any preliminary matters?

5 MS. SCHELLIN: No, sir.

6 CHAIRMAN HOOD: Okay. We will go
7 right to Ms. Steingasser. Good evening.

8 MS. STEINGASSER: Thank you,
9 Chairman, Commissioners. This evening we're
10 talking about Subtitle D. That is the low and
11 moderate density residential. It's the
12 equivalent of the R-1-A, R-1-B, R-2 and R-3 zones
13 as we know them today. Next slide. All right.
14 Thank you.

15 The Commission has had certain
16 discussions of the material and the subtitles
17 starting in April of 2009 through both the low
18 and moderate density residential district
19 public hearing with guidance.

20 Many of the elements in here come
21 from the sustainability discussions that were
22 also held in 2009 and the height and use

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 categories which were then acted on in 2010.

2 The residential zones, as I stated,
3 included the R-1's, R-2's and R-3's. This just
4 give a breakout of the total number of record
5 lots in the District.

6 The low-density residential zones
7 constitute 22 percent of the District's total
8 land area. Residential itself constitutes 48
9 percent of the District's total land area. And
10 now that that the R-1, of the 22 percent, R-1
11 represents 80 percent of all low-density.

12 This is just a quick listing of the
13 new name conversions. We've again, tried to mix
14 the, marry, rather, the base zone and the
15 overlays into one zone, so that all the
16 applicable criteria, purpose statements and
17 standards work together in one place.

18 The Commission gave us guidance,
19 some of which we did not follow directly after
20 looking further into the issues. Some of the
21 Commission, you know, some of the Commission's
22 guidance is simply that you didn't object to us

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 looking further, sometimes you are more
2 supportive, sometimes you had cautioned.

3 These were areas where the
4 Commission had some caution, but didn't object
5 to us looking into them.

6 There were maximum footprint, how we
7 calculated the maximum footprint, the
8 uniformity being allow occupancy and then
9 building depth.

10 And the maximum footprint,
11 calculating footprint and building depth was an
12 approach that we since had not gone forward with
13 that kind of guaranteed a minimum building area.

14 So you had a maximum footprint that
15 would result in a maximum, I'm sorry, a minimum
16 guaranteed building area of, I think it was 2,000
17 square feet regardless of lot occupancy,
18 regardless of setbacks.

19 As we delved further into analyzing
20 the nonconformity and distribution of those
21 nonconforming lots, it became too unpredictable
22 and we have since moved away and stayed with a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 more standard formula for buildings.

2 Residential density is a lot with
3 quad areas. The one change that we've done here
4 is with the existing lots. We've proposed to no
5 longer require that you have to have a minimum
6 area to get a building permit, but you would have
7 to have a minimum area and a minimum width to
8 create a new lot.

9 And that's to allow for a more
10 efficient in-fill of existing lots and allow
11 those to go into to more productive use. They
12 do have to meet set-backs and lot occupancy
13 requirements.

14 So there's still proportionality of
15 building to land area, but it doesn't require the
16 use, I'm sorry, the area variances that we see
17 now for a building that might be in the R-1 zone,
18 but only be 4,800 square feet as to 5,000. We're
19 going to allow it become buildable.

20 Accessory buildings,
21 non-residential use of historic institutional
22 buildings, that's been brought forward and then

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 boughten only since new buffer areas.

2 The height we've talked about many
3 times, that it's already been adopted and
4 there's been no change to what we're proposing
5 in these zone. The front setback, we've talked
6 about.

7 These also get to the issue of
8 neighborhood character and being able to
9 maintain that range. And right now, there is no
10 front setback required. We're proposing that
11 there be a range by block base.

12 A block base is defined as on one
13 side of the street and then it's limited to the
14 residential buildings. It's not unusual for
15 civic buildings, schools, churches to have a
16 different positioning on their lots, so we
17 didn't include those.

18 Site setback, rear setback, no
19 changes are proposed in this regulation to the
20 current minimums that are existing today. Lot
21 occupancy, this is where we have what we call the
22 ERRATA.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The guidance that the Commission was
2 comfortable with and that we had originally
3 proposed was that the row house districts would
4 have a single lot occupancy.

5 We've been seeing a lot of variance
6 cases and efforts to fill in nonconforming
7 courts and side yards in order to create -- let's
8 see, so that a single family detached would
9 become a rowhouse which would allow them to have
10 larger lot occupancy.

11 The current code distinguishes lot
12 occupancy based on building form. So the
13 Commission recommended this and we have some
14 fairly good support from the community on having
15 a single lot occupancy of 60 percent.

16 That encourages the building forms
17 to remain as they are and discourages artificial
18 in-fills and extensions.

19 Accessory apartments; I'm going to
20 spend a little bit of time here on this one. The
21 comprehensive plan was very clear in their
22 direction on this particular project. This has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 been one of the issues that we've had probably
2 the most public exchange on.

3 And this is directly an action item
4 from the comprehensive plan to move forward in
5 this direction. That's really -- we then
6 looked at that and we brought it to the Zoning
7 Commission.

8 The Commission was comfortable with
9 the guidance at this time of moving forward with
10 allowing the accessory, at this time we're
11 calling them ADU's, accessory dwelling units
12 internal to the principal building, as a matter
13 of right.

14 External to a principal building,
15 what we're calling an external ADU. It would be
16 in a detached accessory building as a matter of
17 right, if the building already exists and then
18 there was certain setback requirements that we
19 also proposed. Any construction, then, would
20 also require a special exception.

21 So, why are accessory units
22 important? There's been a lot of study, we've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 looked at a lot of different areas.

2 They are a good source of affordable
3 housing for small households. And that's both
4 the household who may want to live in a detached
5 or a single family neighborhood in a smaller
6 footprint.

7 They can rent that unit. It also
8 creates affordability for the home owner,
9 whether it's somebody on fixed income, excuse
10 me, a first time home buyer, who needs help with
11 the mortgage, it also helps in that prevent
12 costs.

13 It allows for the adaptation of
14 existing housing stock without a lot of
15 alteration. It's an efficient use of land and
16 infrastructure because the property's already
17 served.

18 And in Washington, there was some
19 discussion on the infrastructure issue. We
20 have a declining household size compared to the
21 original, you know, our original high of
22 800,000, so we don't think that's a problem.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 It can encourage what they call
2 economic and personal support between two
3 separate households, which is important in our
4 research with AARP, especially for, excuse me,
5 elderly.

6 Retired households who may have
7 someone there, maybe they live alone, this
8 allows them to have someone else on the property
9 with them and creates a sense of security and it
10 generates rental income for the homeowners.

11 This is a quote from AARP. They
12 have done extensive work on accessory dwellings
13 and accessory apartments and they recommended
14 they also have some model ordinances that they
15 put out for states.

16 They worked exceptionally well with
17 a consortium of builders nationally, excuse me,
18 to help create an environment and a network for
19 seniors who need help, sorry, I guess I need the
20 help, to help both to find ways to maintain,
21 construct and finance accessory dwellings.
22 Move on to the next one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I want to talk about the existing
2 regulations. This is really important and I'm
3 going to definitely slow down, definitely take
4 a more familiar tact with this.

5 There is a lot of confusion about our
6 existing regulations and what can be done now.
7 This is not a new provision that we're bringing
8 forward.

9 Right now, in the residential zones,
10 in the R-1-A's and B's, a detached garage is
11 permitted to have an accessory apartment, a
12 living quarters, as a second floor, by-right.

13 It's been on the books since 1958.
14 It was original Section 7502.3. It was brought
15 forward with Lewis. It has been on the books.

16 So right now, in the District, a
17 single family detached homeowner can come
18 forward and request, with a building permit and
19 no approval, a second story for living quarters
20 for domestic employees.

21 Now, this second story can also have
22 a height of 20 feet. That's five feet higher

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 than the current detached accessory structures
2 for regular garages. And it cannot be within
3 the required rear yard.

4 And what that means is it must be 20
5 to 25 feet back into the yard. That puts it
6 closer to it's neighbors than if it were allowed
7 to be against the alley or against the rear
8 property line, brings it into the yard. It
9 reduces the amount of open space. It creates an
10 odd space behind it. But that's what's on the
11 books now.

12 So the other interesting thing is,
13 it's allowed for a private garage. And when we
14 look at the definition of private garage which
15 is up there, that can up to 900 square feet.
16 That's a four-car garage. That is a large
17 building.

18 So on the books right now, again I
19 repeat, you can have a two-story four-car garage
20 with unlimited residence on top. There is no
21 definition of a domestic employee. We looked at
22 what the IRS considers employees and that is any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 person that works for another individual where
2 the employer describes the job.

3 So if I hire somebody to take up my
4 mail every day, they become my domestic employee
5 and I can rent them a structure in the back.
6 That's been on the books since 1958.

7 And there's been so much generated
8 fear over this provision, and yet it's there,
9 it's been existing, nobody has known it except
10 the few people who have actually used it. It has
11 not been an issue. Move on to the next one.

12 In addition, in 1993, the District
13 Department of Aging came forward and petitioned
14 the Zoning Commission for accessory apartments.
15 And they did it specifically to enable seniors
16 to age in place. That was part of their policy
17 in 1993.

18 In 1985 to '87, AARP was doing a
19 national campaign. There were many studies on
20 aging in place and creating an environment for
21 seniors to remain in their homes. This was part
22 of that initiative and the Zoning Commission

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 adopted it unanimously, again, on the books.

2 This has been approved. This is by
3 special exception. There are certain
4 requirements and standards for these
5 apartments. It's considered an accessory use
6 within the principle dwelling.

7 It does not count in combination
8 with the domestic living quarters. So you can
9 have both. In these zones, you can have an
10 accessory apartment in your basement or in your
11 home and you can have, by-right with no review
12 or approval, a living quarters over a four-car
13 garage in the rear of your house.

14 So there is this growing fear that
15 this is something new, that this is radical that
16 we're bringing forward. Again, it's been on the
17 books. We've confirmed with the Zoning
18 Administrator that the two regulations operate
19 independent of each other.

20 The accessory apartments have a six
21 person limit. That limit goes for both the
22 accessory apartment and the residents of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 home. That does not include anybody living over
2 the garage.

3 So you can have the six people in the
4 home. So, if I'm a family of four, I can have
5 an accessory apartment with two people, plus I
6 can have an unlimited amount of people living
7 over my garage, provided I meet lot occupancy.
8 That's the only requirements of these
9 provisions.

10 So we've been unable to get that
11 message out clearly about what these provisions
12 already allow. We've brought forward several
13 of the accessory apartment restrictions.

14 We're proposing the accessory
15 apartment be allowed by-right and that there
16 only be one. So we're actually reducing and
17 tightening these regulations in a way that
18 you'll hear from some people they think is too
19 far. We can go to the next one.

20 So this is just a summary of those
21 sections, what's allowed. So you're allowed
22 one principle unit, you're allowed one by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 special exception and in the larger residential
2 zones, you're allowed on by-right, today.

3 These are the areas of the city where
4 they're allowed by-right and you can see that's
5 already quite a large part of the city. The next
6 one.

7 These are the R-1, 2's and 3's where
8 we're proposing that they be allowed, but that
9 they be limited to one. So it covers a pretty
10 large part of the city. It has always covered
11 a large part of the city.

12 These are our proposals. That
13 within the home, subject to the criteria that's
14 outlined in our report and that's in the
15 regulations, they'd be allowed as a matter of
16 right.

17 Within existing accessory
18 structures, they'd be allowed a matter of right.
19 We've included an alley access or a side yard
20 requirement. That's after coordinating with
21 the fire department to make sure that there's
22 access.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And that any new construction for an
2 accessory, what we'd call a detached apartment,
3 any new construction whether that's an addition
4 up or an addition out, that that would require
5 a special exception.

6 These are very similar conditions.
7 There's one correction we needed to make and it's
8 covered in our report. The minimum lot size
9 that we brought forward was based on the
10 limitations for the R-1-A and B when it was still
11 special exception, we're now proposing that
12 those minimum lot sizes be permitted to match
13 those that are within the zones.

14 When they are 3 zone, it would be the
15 matter of right zone for the R-3 and in the R-2
16 it would be the matter of right zone for the R-2.

17 Those are our proposals. It's
18 limiting it down to one unit in the R-1's and
19 allowing it by-right in the R-2's and 3's. And
20 next.

21 So next is corner stores. And we're
22 going to spend less time on corner stores. But

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 again, this is an issue that's come up.

2 We've seen a lot of in our both
3 historic districts and historic developed
4 neighborhoods where corner stores were part of
5 the original urban pattern.

6 They were build for walkability and
7 the corner stores were placed there purposely
8 much like school sites and church sites.

9 Many of those have been able to
10 continue and in many cases they have not.
11 They've lost their nonconforming status.
12 They've been converted to residential. They're
13 an awkward type of residential and some of them
14 would like to go back to commercial.

15 They've been stuck trying to get a
16 use variance which can be very expensive and very
17 time consuming. A use variance is the hardest
18 variance, as you know from sitting on the BZA,
19 to obtain. You have to prove the property
20 cannot be used for any other use.

21 It's very difficult and it's very
22 expensive and it's often very disadvantageous to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the property owner if they're trying to lease the
2 property because very few tenants are going to
3 want to invest that kind of money without
4 assurance that they can get the use variance.

5 In this case, a corner store is not
6 going to want to buy a property if they can't
7 guarantee they're going to have that use.

8 We're proposing, the Commission
9 gave us guidance to go forward on this, we've
10 been looking at them around the city. You've
11 asked us also to look at performance measures,
12 how them can be customized within each
13 neighborhood.

14 Our original proposal was very
15 technical in terms of layout and how many per lot
16 and how many uses could be within a certain
17 distance from each other, the hours of
18 operation, how large they could be.

19 After hearing a lot from the
20 communities, there was a lot of feedback from
21 those that those communities that had them,
22 loved them. And they wanted them to stay either

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 by-right or by-right with certain conditions.

2 Those that didn't have them were a
3 little less confident and were very concerned
4 about the impacts and how they might be. So,
5 what we've proposed now there, is that they be
6 limited only to the R-3 and R-4.

7 And by those zones, I'm talking
8 about the current R-3 and R-4, the rowhouse
9 zones. They'd be permitted by-right only if
10 they're currently existing or if they're a
11 grocery store. And that's to help with just the
12 whole access to food and the health initiatives
13 that's going on. Excuse me.

14 We're proposing that they be
15 permitted by special exception in any other
16 case. And we think that helps address some of
17 the concerns that would require a public
18 hearing.

19 It would require a showing by the
20 corner store owner, that there is an appropriate
21 use, that it wouldn't alter the landscaping,
22 that it would be in the right place. And it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would allow the community to weigh in, it would
2 allow notice with the ANC. So we think that's
3 a good medium ground.

4 We've also put some spacing
5 requirements that it not be within certain
6 distance from the commercial corridors or
7 commercial zones.

8 We do not want the corner store
9 proposal to become an alternate form of low-cost
10 commercial real estate when we're trying to
11 encourage redevelopment of our commercial
12 corridors. So we definitely, we put a spacing
13 distance on that.

14 This is a difficult map to see. We
15 posted some larger paper copies up on either end
16 of the hearing room that show the potential sites
17 of where are these R-3 and R-4 corner store
18 locations, where are the existing ones and then
19 the commercial corridors that they'd have and
20 commercial districts from which they'd have to
21 be spaced.

22 So we encourage everybody to take a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 look at these maps when they get a chance to see.
2 Next is alley lots. This a proposal we've also
3 brought forward.

4 Right now, again, alley lots are
5 allowed as a matter of right in the R-1-A, R-1-2,
6 oh, I'm sorry, R-1-A, R-1-B zones if they're on
7 a 30-foot alley network. There's very few
8 30-foot alley networks.

9 The table on the lower end of the
10 screen shows the amount of alley record lots that
11 exist by zone and their percentage. There are
12 very few of them.

13 Obviously, most of them are in the
14 R-3 and R-4. Those are the rowhouse zones. It
15 makes sense when you think about the development
16 history of the District. But those would be the
17 alley lots.

18 We are not proposing that they be
19 permitted for residential use in any of the R-1
20 or R-2 zones. Thank you. We have over the
21 years had, it's been a very difficult
22 relationship between an alley dwelling and these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 types of zones.

2 They're not designed for them. The
3 alley networks are not in place for there to be
4 residential structures built behind these
5 neighborhoods.

6 There was a contentious case many years
7 ago, four/five years ago, that really brought to
8 life the effort to try to get variances to the
9 alley widths and get water and sewer back there.

10 It created a very odd relationship
11 and so we were proposing that they no longer be
12 permitted regardless of the width of the alley.
13 That is just inappropriate in those zones to have
14 an alley community inside the middle of the
15 single family.

16 We are proposing that they be
17 limited in R-3, R-4 and R-5 residential zones to
18 one dwelling unit maximum by-right. And that
19 there be an alley minimum width, again, of 24
20 feet.

21 To have more than one residential
22 unit, it would be subject to special exception.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So if it's a large alley lot like we see some in
2 Blagden Alley where it's split. There's
3 commercial on one side and there's R-4 on the
4 other.

5 There's some really large alley lots
6 that used to be actual, you know, commercial
7 businesses. They're now zoned residential.
8 They're too big for a single family home.

9 They could come forward as a special
10 exception. They could evidence how they
11 providing services, safety issues that are going
12 there. And we've gotten some pretty good
13 response to this particular proposal as well.

14 So it would be restricting it from
15 the R-1 and R-2 zones, that's new, and allowing
16 them in the other zones.

17 Finally, I'm going to end on roof
18 structures. This is an issue we thought would
19 get a little bit more attention. Right now, a
20 roof structure in an R-1, R-2 and R-3 zone can
21 be 18-1/2 feet tall.

22 As long as it can be set back 18-1/2

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 feet from the edges of it's building, it has a
2 one-to-one setback, that's how tall it can be.

3 We think in a low-density
4 residential predominantly single family zone,
5 that that is excessive. And we've proposed,
6 based on our research of what's going on, that
7 it be limited to ten feet.

8 That's still pretty high. You
9 don't see a lot of elevator overruns and things
10 or mechanical structures. But we did think
11 should there be one, it should not be 18-1/2
12 feet. So we've proposed that it be ten feet.

13 And that pretty much runs through
14 the major changes and the major issues that we'll
15 be discussing this evening.

16 CHAIRMAN HOOD: Okay. Thank you
17 very much, Ms. Steingasser. Again,
18 Commissioners, colleagues, we will ask our
19 questions after we hear from the public.

20 I'm going to go to the witness list
21 I have before me, Ellen McCarthy, David, Alpert,
22 and if I mess your name up, if it sounds like it,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 if you can just come forward. I apologize in
2 advance, Rahul Sinha, okay, Daniel Levine, Gary
3 Thompson, Gerald Fittipaldi, Pamla Moore,
4 Michael Farrell.

5 FEMALE PARTICIPANT: Okay.

6 CHAIRMAN HOOD: Okay. Let's see if
7 we can call two more. Brian Levy, Ann Hall,
8 Courtney Tolbert, Riordan Frost, Marlene
9 Jefferson and Commissioner Ron Lewis.

10 Good evening. Hopefully, you've
11 filled out your witness cards and make sure the
12 Court Reporter gets them. But we're going to
13 start to my left, your right. And we're going
14 to begin with Ms. McCarthy.

15 MS. MCCARTHY: Can I pass for a
16 second, Mr. Chair to Mr. Alpert because I just
17 got here and I'm filling out my witness --

18 CHAIRMAN HOOD: Oh --

19 MS. MCCARTHY: -- cards.

20 CHAIRMAN HOOD: -- okay.

21 MS. MCCARTHY: Yeah.

22 CHAIRMAN HOOD: Well, let me do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this, let me start from my right, your left, and
2 let's go that way.

3 MS. MCCARTHY: Yes.

4 CHAIRMAN HOOD: Starting with
5 Commissioner Lewis. That'll give you plenty of
6 time now.

7 COMMISSIONER LEWIS: Good evening,
8 Chairman Hood and members of the Commission. It
9 is a great pleasure to be here tonight and to
10 express strong support by ANC 2E for the proposed
11 Georgetown residential house zone.

12 Our ANC has filed a resolution with
13 the Commission, adopted unanimously, expressing
14 strong support for the proposed Georgetown zone.

15 I'd like to say just a word tonight
16 about both the collegial process that led to the
17 Georgetown zone proposal and the substance of
18 the proposal itself.

19 The process was a real opportunity
20 to work collegially, as we like to do wherever
21 possible, as you know, both within our community
22 and with a very welcoming approach and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 insightful guidance from the Office of Planning.

2 Within the community, the process
3 was transparent and open with participants of
4 differing views working together toward common
5 principles and with broad community involvement
6 at a number of well-attended --

7 VICE CHAIR COHEN: That's terrible.

8 COMMISSIONER LEWIS: -- open public
9 meetings.

10 The Office of Planning with
11 extraordinarily able guidance from Jennifer
12 Steingasser and her team, welcomed our efforts
13 and participated with knowledgeable, thoughtful
14 and practical input throughout the process.

15 The whole process gave us the
16 opportunity to think about some very basic land
17 use issues and to think about the fundamental
18 characteristics of the built-in environment in
19 our neighborhood and why we like it so much.

20 And we're not the only ones who like
21 it. Some 10,000,000 visitors a year come to
22 Georgetown to visit the historic, excuse me,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 residential streets and to shop and enjoy the
2 restaurants making Georgetown an important
3 economic center for the city, as well as a
4 landmark historic district that's well worth
5 preserving.

6 What we learned from the process is
7 reflected in the proposed Georgetown zone. We
8 learned that the differences in the houses, in
9 their differing distances from the sidewalk and
10 their height, their widths, their styles, their
11 rear yards and the time at which they were built.

12 We think of Georgetown as old, and
13 it is, but, in fact, each block can have houses
14 built 150 years apart. And all of them are still
15 old and all of them are different.

16 We looked at size and location of
17 accessory buildings, lot coverage and setbacks.
18 And we learned that development can and should
19 be compatible with the purposes of the historic
20 designation of the neighborhood and that the
21 quiet residential character of the neighborhood
22 can be retained while making some of the use

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 rules less restrictive.

2 This is reflected in the rules for
3 corner stores and accessory apartments. We
4 thank the Office of Planning very sincerely for
5 the thought and work that went in the customized
6 zone proposal.

7 And we thank the many community
8 members who contributed insights and long hours
9 of work on it as well, and, in particular, the
10 citizens association of Georgetown which had a
11 major role.

12 The proposed Georgetown residential
13 house zone will protect the city's interest and
14 protect the character of a unique neighborhood.

15 We urge the Zoning Commission to
16 adopt this residential house zone into the
17 zoning regulations. Thank you very much.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Next.

20 MR. FROST: Good evening. My name
21 is Riordan Frost. This is my first time at a
22 hearing, so. And this is a testimony in support

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of the zoning update.

2 And I actually didn't know that all
3 of the things that were, with the accessory
4 dwellings were allowed, so I apologize if some
5 of this is redundant.

6 VICE CHAIR COHEN: Excuse me. Can
7 you identify what Ward you're from?

8 MR. FROST: I'm sorry. I live in
9 Chevy Chase neighborhood of D.C., Ward 3. So
10 yeah, my name is Riordan Frost and I am a graduate
11 student at American University.

12 And I urge the Zoning Commission to
13 update this code because I think that doing so
14 will improve the city by making it more
15 accessible, affordable and welcoming.

16 I'm currently a graduate student
17 getting my Ph.D. at AU and I live in one of the
18 big apartment buildings along Connecticut
19 Avenue in Chevy Chase.

20 And I really enjoy living in that
21 neighborhood, you know, with it's commercial
22 corridor and it's good transit options. And no,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I do not own a car.

2 And I really love living in D.C. and
3 I also value living close to American
4 University. This is true for young
5 professional in general, but especially for
6 students at AU, both graduate and undergraduate.
7 Housing's very difficult to find, especially in
8 the low-density neighborhoods.

9 The current regulations on
10 accessory dwellings have resulted in a set of
11 options for students like me that aren't really
12 ideal for the District or for the students.

13 What students do now, is we either
14 stack up four to five people in one-bedroom
15 apartments, we rent out entire houses in
16 neighborhoods or we live far away from the
17 University, including outside of the District in
18 car dependent areas, which necessitates another
19 car commuter in the city.

20 The other alternative, one that is
21 frequently chosen and not widely known, is for
22 students and other young professionals to move

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 into accessory dwellings that aren't
2 technically legal, which is a rational move, but
3 one that results in people living in non-code
4 compliant apartments.

5 Relaxing the strict zoning
6 requirements on accessory dwellings will make
7 low-density neighborhoods like Chevy Chase, AU
8 Park and the Palisades more accessible to young
9 professionals and students who then volunteer in
10 the neighborhood, babysit or rake leaves for
11 neighbors, add more eyes to the street and
12 overall improve the vitality of these places.

13 There's also demonstrated need for
14 housing in the District and more accessory
15 dwellings would help increase supply and reduce
16 cost, making the city more affordable.

17 For people like me, living in a
18 garage or basement apartment is ideal because it
19 provides a lower rent option to live close to
20 campus as well as to be part of the neighborhood,
21 more so than apartment buildings allow.

22 These dwellings also provide a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 source of income for homeowners who may need it
2 in order to stay in their beloved neighborhoods
3 whether they are retired or just needing an extra
4 source of income to stabilize themselves, as
5 many Federal employees I think would appreciate.

6 I'm sort of concerned by the
7 restrictions placed on accessory dwellings in
8 the zoning update however. The proposed
9 changes are good, but the restriction on
10 non-vehicular uses of accessory dwellings, like
11 a garage with an apartment on the second floor
12 and a workshop or studio or anything other than
13 vehicle storage on the first floor --

14 CHAIRMAN HOOD: Mr. Frost, I'm
15 going to have to apologize to you because I did
16 not -- I thought about that when the first bell
17 went off. I did not announce it like I did
18 Monday night.

19 MR. FROST: Yes.

20 CHAIRMAN HOOD: Because we have a
21 number of people that are scheduled, even though
22 I don't see all of them here, but they kind of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 know --

2 MR. FROST: Sure.

3 CHAIRMAN HOOD: -- how we move and
4 they're going to come later. If we don't --

5 MR. FROST: Have I already gone over
6 three minutes?

7 CHAIRMAN HOOD: Yeah.

8 MR. FROST: Oh, all right. I'm
9 sorry.

10 CHAIRMAN HOOD: Yeah, it's quick.
11 We'll let you --

12 MR. FROST: So --

13 CHAIRMAN HOOD: No. I know --

14 MR. FROST: Okay.

15 CHAIRMAN HOOD: -- you're finished.

16 MR. FROST: Oh.

17 CHAIRMAN HOOD: Let me tell you how
18 it works, and I want to say this to everybody,
19 because we want to hear from everybody. I do
20 have a list here with a number.

21 You can provide testimony. If we
22 don't already have it in front of us, you can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 provide it to us, the rest of it. But I would
2 ask everyone, once you hear the first bell while
3 you're speaking, know that you have one minute
4 let.

5 Once you hear the first sound, you
6 have one minute left. When that second sound
7 comes, I always say although my parents didn't
8 teach me to rude, but I'm going to be rude because
9 we have a lot of people we need to hear --

10 MR. FROST: Yes.

11 CHAIRMAN HOOD: -- from. Okay.
12 So thank you very much. And I apologize for not
13 announcing that earlier. Okay. Next.

14 MR. FARRELL: All right. Thank you
15 very much. My name is Michael Farrell and I am
16 a resident of Ward 5, Bloomingdale where I've
17 lived for over 11 years now.

18 And I am here to support the zoning
19 changes, especially, well, both the accessory
20 unit and the corner store changes. And
21 primarily because I'm concerned about
22 affordable housing and being able to stay in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 District either as a renter or as a homeowner.

2 You know, as you may know, D.C. home
3 prices are currently increasing at a rate of 22
4 percent a year, which is making it increasingly
5 less viable for people of middle incomes to
6 remain in this city.

7 So I'm hoping that the accessory
8 unit provision will result in adding more
9 housing units in a way that will not disrupt the
10 appearance of existing neighborhoods and that
11 will make it more affordable for people to stay
12 here as renters.

13 I'm also hoping that this will
14 provide a way to make it more affordable for
15 people to stay here as owners, i.e. to rent out
16 an accessory unit behind their home and be able
17 to use that income to offset their mortgage.

18 And on a personal note, you know, I
19 would like, you know, my mother's getting up in
20 years, she's not able to or well, eventually will
21 not be able to kind of take care of herself, but
22 at the same time she wants her independence and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 her privacy.

2 It would be great to have a place
3 where I would be able to put in an accessory unit
4 behind the house, you know, where she can live,
5 but where it's easy for me to check on her. You
6 know, maybe it would also be easy for her to
7 provide, you know, childcare for any future, you
8 know, Farrell's that may come along.

9 Also as far as like neighborhood
10 appearance and security, alleys can sometimes be
11 neglected spaces. Oh, and it's nice, I think
12 it's a positive if more people could live on the
13 alleys.

14 Lastly, some privacy in the outdoor
15 space. It's nice if you can have a sort of a
16 courtyard space in between the main house and the
17 alleyway. Sometimes you get more privacy, more
18 usable outdoor space out of that than you will
19 out of a backyard.

20 Caveats; I'm concerned about
21 coverage. I wish this were applicable to more
22 places, most notably, Bloomingdale, where we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 have some very long back lots.

2 And people have added some rather
3 grotesque rear additions to their homes, which
4 still, you know, which still meets the lot
5 coverage requirements, but which don't really
6 provide something esthetic or with a usable
7 secondary dwelling.

8 Secondly, I'd like to make it easier
9 for it to be new construction and not just
10 existing dwellings. Again, provided that it
11 meets the lot coverage and height and so forth
12 requirements.

13 CHAIRMAN HOOD: All right.

14 MR. FARRELL: All right.

15 CHAIRMAN HOOD: Thank you very
16 much. You can provide anything that if we don't
17 have it, you can provide it to us. The record
18 will open. Same for you, Mr. Frost. Okay,
19 next.

20 MR. FITTIPALDI: My name is Gerald
21 Fittipaldi. I live in Ward 4 in Petworth. I
22 would like to thank you for the opportunity to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 speak this evening. I'm here to voice my
2 support for the proposal to allow corner stores
3 in residential districts.

4 I grew up in a suburban neighborhood
5 that lacked corner stores. One of the things I
6 like best about living in D.C. is having the
7 option to walk only a couple minutes to a corner
8 store.

9 The items that I most commonly
10 purchase at my local corner store include milk,
11 orange juice, bananas, apples and avocados. I
12 also indulge myself with the occasional candy
13 and ice cream.

14 Corner stores bail me and my
15 housemates out if we need to pick up paper towels
16 or toilet paper in a pinch. I am fortunate
17 enough to live half-a-mile from a large grocery
18 store such as Giant and Target.

19 Being so close, allows me to walk or
20 bike to get groceries. However, I can only
21 carry so much on foot. A gallon of milk is quite
22 heavy.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The combination of a corner store
2 and larger grocery stores allows me to purchase
3 heavy items like milk, a hop, skip and a jump
4 away, while walking a little further for all the
5 other essentials.

6 Take the corner store out of the
7 equation and walking to get my groceries
8 suddenly becomes a little less appealing. The
9 threshold for getting around by car and adding
10 to congestion is not far off.

11 I live in a notably high-density
12 area. However, even residents living in lower
13 density rowhouse neighborhoods, specifically
14 the old R-3 zones, can benefit greatly by having
15 corner stores.

16 Corner stores lead to fewer trips to
17 distant grocery stores. If a resident forgets
18 to pick up an item, he or she can step out of the
19 house and return with the item within five
20 minutes. No need to get in a car and deal with
21 the crowds at the big box stores.

22 In addition to the convenience that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 corner stores provide, they also both stir a
2 sense of community. I know the workers at my
3 local corner store. Every visit I make ends
4 with a smile, if not a short conversation.

5 The community benefits also extend
6 outside the doors of the corner store. The
7 streets are more lively and feel much safer,
8 particularly at night as the customers walk
9 along the sidewalks.

10 One last benefit of corner stores is
11 the independence they afford for both seniors
12 and children. Some seniors don't drive.
13 Having a local corner store gives them the
14 ability to fill some of their needs without
15 feeling like they're being a burden on younger
16 family members.

17 Parents can send their children out
18 for an errand when the corner store is close by
19 and does not involve crossing any major streets.

20 I am glad to see D.C.'s progressive
21 approach to updating zoning codes for corner
22 stores. Thank you for listening to my story.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Okay. Thank you
2 very much. Let me also acknowledge Mr.
3 Goldstein from Office of Planning. He's been
4 here for a while for the record, so.

5 I know your deputy that I recognized
6 is here, but in this case your director is
7 listening, he's been here for a while. I just
8 remembered to acknowledge him. Okay. I'm
9 sorry. Thank you and next.

10 MS. MOORE: Turn it on. Thank you.
11 My name is Pam Moore. I am president of the
12 Citizens Association of Georgetown and former
13 Chair of the Historic Preservation and Zoning
14 Committee of CAG.

15 We are pleased to be able to give our
16 support for the portions of Subtitle D
17 applicable to Georgetown and in particular, the
18 Georgetown customized zone set for in Chapter 11
19 of the draft regulations.

20 Our effort began several years ago
21 when a community meeting on the zoning rewrite
22 with a good bit of Q&A was held with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 representatives from OP and the Committee of 100
2 on the Federal City.

3 After this introduction to the
4 community, a CAG zoning subcommittee was formed.
5 Similar to or following the comments of Mr.
6 Lewis, after this introduction, we put together
7 a subcommittee that included members of CAG,
8 several ANC 2E commissioners and a member of the
9 old Georgetown board.

10 This group brought to the table
11 expertise in zoning law, architecture, historic
12 preservation and a wide variety of views.

13 While other neighborhoods, such as
14 Wesley Heights and Foggy Bottom, already had
15 zoning overlays which were incorporated into the
16 zoning rewrite, Georgetown had to start from
17 scratch. In May of 2011 our initial draft
18 customized zone was shared with the OP staff.

19 From our first meeting, Jennifer
20 Steingasser and her staff have been good
21 listeners, willing to hear our thoughts about
22 what a historic district with a vibrant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 commercial district wants to preserve and to
2 help us work our way through this very large
3 50-year-old zoning document.

4 Jennifer told us that OP viewed the
5 Georgetown customized zone as a useful prototype
6 for other neighborhoods who may, in the future,
7 seek customized zones for their neighborhoods as
8 well.

9 It has been a pleasure to work with
10 OP and I commend OP for how it has tackled this
11 enormous rewrite job while responding to
12 comments from us and others and engaging in
13 sustained outreach to ensure the process was
14 open and transparent.

15 One aside, the former CAG president,
16 Jennifer Altemus, who worked closely with OP on
17 the Georgetown University 2010 campus plan,
18 asked me to thank all of you who worked very hard
19 during that process to resolve the issues that
20 were separating various parties.

21 And I am happy to report that the
22 parties continue to work collaboratively and, so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 far, very successfully to implement the new
2 campus plan. Thank you.

3 CHAIRMAN HOOD: Okay. Thank you.
4 Next.

5 MR. THOMPSON: Hey, good evening,
6 Gary Thompson from Chevy Chase on the Ward 4 side
7 where I've lived for over 20 years, in a past
8 lifetime, Georgetown. I've been an ANC
9 Commissioner for seven years and I met you all
10 last night, so you know the background to the
11 work we've done on our ANC in conjunction with
12 our citizen task force.

13 We've submitted to you all our
14 October 22nd letter with regard to Subtitle D and
15 other matters. And in it you'll find 15
16 specific comments about Subtitle D. We took a
17 lot of time in our task force to work through
18 these, so we hope you'll read them closely. And
19 I obviously can't address them all tonight.

20 I just wanted to highlight a few
21 things. We made a comment about D1501.2 which
22 has to do with structures and other items that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 sit atop rooftops like towers and domes, spires
2 and other things.

3 Many of those have a ten-foot excess
4 limit on top of the roof limit. And we saw some
5 gaps there and think that you should close that
6 off with a overall ten-foot limit on any such
7 items.

8 Incidentally, our point in that
9 regard overlapped with Subtitle C505. And that
10 was one of our comments that C505 and C502,
11 actually it's more C502, has to do with height
12 limits in residential areas and it really ought
13 to be part of Subtitle D.

14 If you want to know what the height
15 limits are in residential areas, you kind of have
16 to ping-pong back between D and C. And it just
17 didn't make sense to anybody why we were looking
18 at C.

19 So you'll see in our comments a whole
20 lot of comments about Subtitle C502 which we'll
21 reserve for another night when you're talking
22 about Subtitle C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So that gets me to the apartment
2 issue. We had an outpouring of comment on this
3 in meetings for years. Our task force met and
4 it was open to everybody in our community without
5 exception and we've reached a consensus after
6 some pretty hard fought conversations.

7 With respect to interior
8 apartments, we came out with a yes on that.
9 Everybody feels comfortable with the conditions
10 that are included that that works.

11 With respect to apartments and
12 exterior buildings, we really did have a broad,
13 broad point-of-view that they should be
14 permitted only by special exception through the
15 ANC.

16 Obviously, currently, in the
17 current draft rags, there are situations that
18 will continue to require special exceptions, but
19 there's a couple of notable gaps in that, mainly
20 for existing structures that are expanded in
21 some way. You don't need a special exception
22 anymore.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And I would say we had an outpouring
2 of feeling in that regard from our elder
3 residents in our community. They do want our
4 ANC to continue to have that special exception
5 role.

6 In fact, we thought about this a lot
7 and we didn't think an ANC should have any
8 subjective ability to reach any decision they
9 wanted, it should be guided by objective
10 criteria.

11 And D1606.4 has a bunch of criteria,
12 but those are the conditions that you have to
13 meet anyway and we wanted to try to define what
14 those objective criteria would be.

15 And our comments include what we
16 think they are, namely, that have to do with
17 parking and interference with use and enjoyment.
18 So an ANC could have some guide to deciding
19 whether to grant a special exception or not.

20 Following that, in D1606.4(g),
21 there's a provision that says the board could
22 modify or waive any two requirements that it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would like. And we could never really quite
2 figure this one out.

3 If there are requirements, why
4 aren't they requirements? Why should the board
5 have the leeway to waive any two they want. And
6 at that, it's very vague as to what that means.
7 Are they within the subsections of E or F or are
8 they overall?

9 But, if there are going to be
10 additional nonwaivable conditions, we think
11 that the nonwaivable conditions should be
12 expanded to include all of the clear
13 requirements that are listed in 1606.4(e) and
14 (f) and that for any waivers it should involve
15 the ANC as well, so that we can weigh in on that.

16 Certainly, some people in our
17 neighborhood felt that there should be total
18 leeway to rent accessory buildings for
19 apartments without any ANC involvement. And we
20 heard those comments, they were really in the
21 minority.

22 So after three years of hearing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 about this from our community, I feel positive
2 in telling you that we have strong --

3 CHAIRMAN HOOD: Okay.

4 MR. THOMPSON: -- support.

5 CHAIRMAN HOOD: Thank you. Thank
6 you. Next.

7 MR. ALPERT: Thank you very much.
8 Chairman Hood, members of the Commission, my
9 name is David Alpert, a resident of Dupont Circle
10 in Ward 2.

11 This accessory apartment proposal
12 by the Office of Planning is an extremely
13 important policy step. The Office of Planning
14 has also proposed a very timid approach to
15 solving serious problems in our city.

16 I want to just establish five
17 propositions this evening. First, the city
18 faces a significant crisis in housing
19 affordability. Secondly, adding more housing,
20 while not the entire solution, is a very
21 important part of solving this crisis.

22 Third, OP's accessory apartments

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 proposal is a way to add such housing with very
2 minimal impact as the comp plan, in fact,
3 requests.

4 Four, in order to do this and add
5 housing that we need and minimize the impacts,
6 it's important for every neighborhood to be a
7 part of the solution and find ways to accommodate
8 more housing in that neighborhood.

9 And fifth, therefore, it is unfair
10 and inappropriate to have granted one
11 neighborhood, Georgetown, an exception to this
12 overall rule without more specifically
13 justifying the need for it in the record or going
14 through a separate process where you make the
15 decision to give it an exception.

16 I'll go through each of these in
17 turn. I don't think you need me to justify why
18 we have a crisis in housing affordability. But
19 if you don't believe that, please ask me in the
20 questions, I'm happy to talk about it.

21 We will not be able to ensure that
22 people have the housing that they need and that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 people can continue to afford it, if we do not
2 have enough housing in the District to actually
3 accommodate the numbers of people that want to
4 live here.

5 If there are fewer housing units
6 than people, the more wealthy residents are
7 going to be the ones who get most of the housing
8 and the less wealthy, and often seniors on fixed
9 incomes and people in the poorest neighborhoods,
10 are not going to be able to have the housing that
11 they need.

12 If the pie is simply not large enough
13 for all of the needs, then someone is going to
14 get squeezed out and is getting squeezed out now.

15 The Office of Planning is proposing
16 to allow people to rent out units in residential
17 neighborhoods and this is a way to spread out any
18 potential impact and do this in a way that
19 effects neighborhoods the least.

20 It will not be able to create new
21 buildings. In order to rent them out, it will
22 have to be existing buildings. That means the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 existing fabric of the neighborhood won't
2 change.

3 People will have to continue to live
4 in the houses ensuring that neighborhoods
5 continue to be primarily owner oriented and that
6 there's someone who care a great deal about the
7 property.

8 The value of this is that it spreads
9 out the impact. But if some neighborhoods are
10 simply able to get out of that, it does not spread
11 out the impact as much or we do not get the
12 housing to the same extent.

13 Unfortunately, OP made a decision to
14 simply write in, when they first wrote this rule,
15 that this applies to everybody in R-1 through R-3
16 except for one particular neighborhood.

17 Now, it may be that there's a very
18 good reason for this, but I emailed OP and they
19 haven't sent me anything in response to my
20 request about why, specifically, they think this
21 is necessary.

22 It's not something in the CAG report

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 about the customized zone. That report simply
2 says CAG agreed that they think that it's a good
3 idea to have accessory apartments in interior
4 units. I agree completely.

5 I think we should consider that the
6 accessory apartment proposal should be the
7 baseline here. If you had adopted that and then
8 a neighborhood wanted an exception, they would
9 ask you for one. They would have to go through
10 a process where they would justify that
11 specifically.

12 As I talked about in my testimony,
13 in fact, the historic development and historic
14 settlement pattern and the history of the 20th
15 century in this particular neighborhood, in
16 fact, specifically weigh against this being a
17 neighborhood that should not have any
18 alley-based accessory apartments or where we
19 should create a significant speed bump to them.

20 I think it's a great idea for
21 neighborhoods to be able to customize their zone
22 and I'm glad that that's going to be a part of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the proposal.

2 But any customizations should not be
3 ones that deleteriously affect the rest of the
4 city in some way, like, for example, making sure
5 that there's not as much housing for the people
6 that need it by exempting a neighborhood. Or if
7 there is a very good reason to do that, that that
8 should be much more specifically justified in a
9 separate proceeding.

10 We need these accessory apartments.
11 We need them citywide because we need to add more
12 housing in a number of ways. This is the easiest
13 way to do that that does not affect many
14 neighborhoods.

15 There could be much more impactful
16 ways, this is an easier way. I ask you to
17 approve the accessory apartment rule and to
18 apply it as well to R-19 and R-20, at least until
19 there can be a separate proceeding on that issue.
20 Thank you.

21 CHAIRMAN HOOD: Okay. Thank you
22 very much. What I'd like to do at this point,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Ms. McCarthy, if you'd indulge us. Yeah, I know
2 she's next. Believe me, I didn't miss that
3 point.

4 We've been joined by our Honorable
5 Councilmember Ward 1. I'm going to ask, see if
6 I can get Mr. Thompson to do me a favor.

7 MR. THOMPSON: Sure.

8 CHAIRMAN HOOD: If you can just step
9 back in the first row?

10 MR. THOMPSON: Absolutely.

11 CHAIRMAN HOOD: I'm going to ask the
12 Honorable Councilmember Ward 1, Jim Graham, if
13 he can come forward. You know, our
14 Councilmembers are very busy. We don't want to
15 hold them up.

16 We want to be able to get his
17 testimony and then, he can move on to the many
18 other meetings that he has. So good evening,
19 Councilmember.

20 COUNCILMEMBER GRAHAM: Well, thank
21 you very much, Mr. Chairman. And I do happen to
22 have just one more meeting tonight, but I do want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to get there and I really appreciate this
2 opportunity. And I want to thank all of my
3 fellow witnesses here for letting me do this.

4 I have a statement. You know, I'm
5 embarrassed to say that I didn't think to make
6 copies. Isn't that awful? After all the --

7 CHAIRMAN HOOD: Just remember --

8 COUNCILMEMBER GRAHAM: -- times I
9 ask people to make copies and I don't make
10 copies?

11 CHAIRMAN HOOD: Well, maybe when
12 come before you, remember we didn't make copies.
13 We might not --

14 COUNCILMEMBER GRAHAM: Did you have
15 copies?

16 MR. ALPERT: I apologize. I didn't
17 have time to fix that.

18 COUNCILMEMBER GRAHAM: Oh, okay.

19 MR: ALPERT: I'm sure they can
20 make copies.

21 COUNCILMEMBER GRAHAM: You did?
22 Okay, huh. Okay. So I want to congratulate the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Office of Planning, the Zoning task force and the
2 Zoning Commission for taking zoning regulations
3 for on the zoning regulations review, ZRR, and
4 for the comprehensive and effective process that
5 has been created as part of revising our 1958
6 regulations.

7 I have come here today not with
8 answers, but I've come here with questions and
9 an inquiry that I wish to make of each of you.
10 Over the past few years, everyone knows from
11 observation in Ward 1 and elsewhere, an issue
12 that's come to be known as pop-ups.

13 That happens when infill
14 development dramatically differs in massing and
15 design from the existing buildings. To some
16 extent I've already raised this issue at a
17 council hearing with the planning director,
18 Harriet Tregoning.

19 I suspect this is a complex issue.
20 One that involves chance, economic development,
21 design, zoning, planning and the pattern of
22 preservation and growth of our neighborhoods.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 As part of the ZRR process, in the
2 forthcoming zoning regulations, I'm asking you
3 are there new means to address this situation?
4 What is the authority of the Zoning Commission
5 to do so? Is there legislation that I might
6 introduce?

7 The fact of the matter is that many
8 pop-ups comply with current zoning regulations.
9 Context is part of the issue. That is, how does
10 the massing integrate or not with the
11 surrounding buildings and how does it affect the
12 streetscape and the line of sight.

13 I understand that pop-up projects
14 are created and perhaps become controversial and
15 may involve numerous issues, but in Ward 1, if
16 you look out my window of my apartment, I live
17 at the Ontario, and you looked to Ontario Place,
18 you see the back of a building which looks like
19 somebody has built a warehouse on top of a
20 historic rowhouse.

21 Well, and your place is the same way.
22 Recently, there's been a lot of attention paid

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to the property on V Street between 10th and
2 11th, I think.

3 The Belmont Tower was the first one
4 that we experienced an Adams Morgan. And on and
5 on and on, we have them east of Georgia, we have
6 them west of Georgia, we have them everywhere.

7 And, of course, a lot of this has to
8 do with making a buck. There's a strong desire
9 for profits that prompts developers to go into
10 an area, buy one of these rowhouses and add two
11 sometimes three floors, extend the back. And
12 the result is, I think, an architectural
13 nuisance.

14 Older areas have been rezoned, thus
15 new structures may be different in massing
16 height and even use. The increase in new infill
17 projects in existing neighborhoods may be a
18 direct reflection of increased demand, but I
19 think the profit motive is what's driving this.

20 And in Ward 1, every part of Ward 1
21 is a red hot real estate market today.
22 Execution and administration of compliance with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the zoning regulations may not be equitable
2 throughout the city.

3 And I wonder, I hate using this kind
4 of reference and I've heard this for 15 years on
5 the council, and I hate saying it, but why don't
6 we have pop-ups in Georgetown? Why aren't there
7 no pop-ups in Dupont Circle? Why are there
8 pop-ups, you know, on Kalorama and on Ontario and
9 Ontario Place?

10 Some of the zoning is similar, but
11 pop-ups don't appear there, but they appear in
12 our areas. So I wonder about that. Are there
13 pop-ups in Georgetown and if not, why not, if you
14 could tell me.

15 A project's designed as new or a poor
16 quality and difference from the existing
17 nomenclature. Is there proper review for these
18 types of occurrences? Why body has or should
19 have jurisdiction?

20 How do we create an environment that
21 will encourage good urban development and not be
22 overburdening with numerous reviews often by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 those not qualified for such tasks?

2 What controls can Government have on
3 areas that are changing and buildings that are
4 constructed in compliance with current zoning
5 and building regulations?

6 And historic districts are not
7 exempt. There's no guarantee that if you're in
8 a historic district that you can't have these.

9 It is clear to me that zoning is a
10 tool used by local Governments to manage the
11 physical development of land and regulate it's
12 use in order to protect our residences while
13 enhancing quality of life.

14 Can the Zoning Commission review
15 neighborhoods that were rezoned to levels that
16 are dramatically different than the current
17 building contacts to see if zoning is
18 appropriate for today and into the future.

19 It is my understanding that in the
20 ZRR, the Office of Planning and Zoning
21 Commission are not proposing to lower the
22 permitted heights of structures in any zone.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There that is, is part of the zoning regulations
2 rewrite. The city is not being remapped and
3 zone districts are not changing.

4 There is, however, one change to how
5 height is measured in lower density zones. I'm
6 advised that currently height is measured to
7 the underside of the top story, allowing
8 additional massing above that height.

9 I understand further, that the
10 Office of Planning has proposed to change this
11 to measure height to the mid-point of a pitched
12 roof or the top of a flat roof. This could
13 result in a reduction in the massing and visual
14 height of the building.

15 I'd like to really learn more about
16 that. This may be an excellent way to manage
17 more contextual or sympathetic heights of new
18 structures without requiring the burden of
19 design review or review by the historic
20 preservation review board.

21 Are there other ways that the new
22 zoning regs couldn't address this issue? I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 understand that the Zoning Commission can
2 address any issue related to zoning and is, in
3 fact, an unchecked legislative body on these
4 matters.

5 Are your intentions to address the
6 issue of pop-ups in some form or fashion as part
7 of this review? The height, use and lot
8 occupancy in every neighborhood can be
9 restricted and it is restricted in every area of
10 the city by zoning.

11 Our review structures are only to
12 match what currently exists, then there's a
13 simple course of action, zone areas to reflect
14 what is already there.

15 I'm here this evening with these
16 questions, and let me repeat. What is the
17 Zoning Commissions intent in addressing the
18 issue of pop-ups? Is there any authority vested
19 with the Zoning Commission that addresses this
20 issue aside from remapping and down-zoning areas
21 with existing structures?

22 As I think most of the pop-ups are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 conforming to zoning regulations, otherwise
2 there would be an address, they would be
3 redressed to their existence, are there other
4 means or thinking within the D.C. Government to
5 address this circumstance?

6 I'm aware that this may be a complex
7 topic, but I request that you provide for me
8 answers to these inquiries made this evening and
9 to provide me with a good idea of how the Zoning
10 Regulation Review and Zoning Commission may
11 address this issue. Thank you very much for
12 your consideration and patience. Thank you.

13 CHAIRMAN HOOD: Okay. Thank you,
14 Councilmember. You can make sure that we get a
15 copy of that, so we can make copies for all of
16 us. And also we will follow-up with your
17 questions and the issues that you have on the
18 pop-ups because it brings --

19 COUNCILMEMBER GRAHAM: Mr.
20 Chairman, I thought it might fit tonight because
21 you're dealing with residential tonight and --

22 CHAIRMAN HOOD: It's exactly in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 order.

2 COUNCILMEMBER GRAHAM: This is a
3 very hot issue in the neighborhoods I represent,
4 very hot issue. And every new one that is added
5 to the landscape, you know, provokes a great
6 reaction and controversy.

7 CHAIRMAN HOOD: I think I heard that
8 some years ago from Ms. Hargrove, so I think,
9 yeah. Yeah, so I think that is an issue and
10 that's why I wanted to make sure we get your
11 testimony. You have some good points.
12 Commissioners, any questions of Councilman
13 Graham? Commissioner May?

14 COMMISSIONER MAY: Yeah, I just
15 wanted to ask, I mean, you raised question of
16 some of the neighbors that this really isn't
17 being experienced. And I don't recall the exact
18 list that you cited, but it occurred to me that
19 all of them were historic districts and so they
20 would have to go through historic preservation
21 review and the permitting process.

22 And, you know, if it's, I mean, I've

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 had to do that, I live in a historic district and
2 you have to get that check off. And there's
3 quite a lot of scrutiny that happens even at the
4 staff level. You know, to the point of making
5 sure that you have the right, you know, mullions
6 in your windows and things like that if you're
7 going to do an addition on the back of your house.

8 So that it's quite thorough even at
9 that level when you're in an historic district.
10 When you're not in an historic district, you
11 know, anything goes. And that shows in the
12 historic district that I live in because once you
13 get outside of it, that's where you start to see
14 the pop-ups.

15 So, you know, I'm wondering if there
16 actually is a greater protection in the historic
17 districts that could be replicated. Although
18 I'm not sure that that's something that we can
19 do in zoning. It may be something that has to
20 be done in the building permitting process or
21 with Office of Planning review as part of that.
22 I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COUNCILMEMBER GRAHAM: Well, I can
2 tell you, I know of two and possible three
3 experiences that come immediately to mind. On
4 Kalorama Road, just east, is it Kalorama? Yes,
5 I think it is. Just east of Connecticut which
6 is in an historic district, you know, these
7 pop-ups were recently approved despite the
8 objections of the people who live in the
9 apartment building on Connecticut Ave.

10 COMMISSIONER MAY: Yes.

11 COUNCILMEMBER GRAHAM: And they are
12 now in court, but it went through the HRPRB and
13 it's been approved. The same is true on Oakwood
14 Terrace which is in Mount Pleasant, which is a
15 historic district.

16 And the latest word on that is that
17 they have been approved to a height that is far
18 higher than anything in the neighborhood and
19 it's going to change the whole line of sight in
20 Oakwood Terrace.

21 COMMISSIONER MAY: Right.

22 COUNCILMEMBER GRAHAM: And if I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 not mistaken Lanier is in a historic
2 neighborhood and here again, they have been
3 approved. So the mere fact of a historic
4 district, I used to think what you've just said,
5 but the mere fact of a historic district is not
6 a sufficient guarantee at all because the HPRB
7 can sign off --

8 COMMISSIONER MAY: Right.

9 COUNCILMEMBER GRAHAM: -- on the
10 developments of the house.

11 COMMISSIONER MAY: And I didn't
12 mean to suggest that it was a --

13 COUNCILMEMBER GRAHAM: Oh.

14 COMMISSIONER MAY: -- guarantee
15 protection, but it adds a layer of protection
16 that is apparent.

17 COUNCILMEMBER GRAHAM: Well, it
18 hasn't worked at any Ward 1 neighborhood that I'm
19 aware of.

20 COMMISSIONER MAY: Right.

21 COUNCILMEMBER GRAHAM: Now,
22 whether this worked somewhere else, that's a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 question I leave with you --

2 COMMISSIONER MAY: Right.

3 COUNCILMEMBER GRAHAM: -- so you
4 can tell me if we have a double standard or a
5 triple standard here. But it hasn't worked
6 where we live.

7 COMMISSIONER MAY: Okay.

8 COUNCILMEMBER GRAHAM: Thank you.

9 CHAIRMAN HOOD: Other questions.

10 Okay. Thank you --

11 COUNCILMEMBER GRAHAM: Thank you,
12 Chairman --

13 CHAIRMAN HOOD: -- Councilman.

14 COUNCILMEMBER GRAHAM: -- Hood.

15 CHAIRMAN HOOD: Appreciate you
16 coming and giving --

17 COUNCILMEMBER GRAHAM: I'll get you
18 --

19 CHAIRMAN HOOD: -- testimony.

20 COUNCILMEMBER GRAHAM: -- the
21 copies --

22 CHAIRMAN HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COUNCILMEMBER GRAHAM: -- with my
2 apologies.

3 CHAIRMAN HOOD: Well, you can just
4 give us one and we'll the make --

5 COUNCILMEMBER GRAHAM: Oh, you just
6 want to --

7 CHAIRMAN HOOD: -- the rest of them.

8 COUNCILMEMBER GRAHAM: -- take one?

9 CHAIRMAN HOOD: Yes --

10 COUNCILMEMBER GRAHAM: Oh.

11 CHAIRMAN HOOD: -- we'll take one
12 and we'll make the rest.

13 COUNCILMEMBER GRAHAM: Thank you
14 very much.

15 CHAIRMAN HOOD: Thank you. Okay.
16 Ms. McCarthy. Thank you very much.

17 MS. MCCARTHY: Good evening, Mr.
18 Chair and members of the Commission. I'm here
19 to express the strong support by Ward 3 vision
20 of the proposed zoning update, particularly the
21 proposed changes to accessory apartments.

22 ADU's are a long-standing way of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 accommodating those in search of reasonably
2 priced housing and providing extra income for
3 potential home buyer's or those who wish to
4 supplement fixed incomes and age in place.

5 In the 1950's when the District
6 population topped 800,000, our homes were
7 teeming with extended families, borders,
8 tenants in English basements, carriage houses
9 and other accessory units.

10 Even now, many low-density single
11 family neighborhoods like mine, have numerous
12 renters in accessory units, in basements or in
13 stand-alone structures in their rear yards,
14 mostly illegally converted because of the time
15 and expense of having to go to the board of zoning
16 adjustment to get permission to formally create
17 them.

18 And I would say, in light of what you
19 will probably hear later tonight, we have not
20 experienced any of the horrors or adverse
21 effects to our neighborhoods because of these
22 units that you are likely to hear later.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There are many reasons Ward 3 vision
2 supports ADU's, one, creating an inclusive city.
3 Given the price of land in places like upper
4 northwest, opportunities to build large, new,
5 affordable apartment buildings are limited.

6 But with ADU's, inclusionary
7 zoning, affordable housing proffers and new
8 PUD's, we can begin to make some progress in
9 allowing those with more moderate incomes to
10 have access to the same public benefits we enjoy,
11 good schools, nice parks and playgrounds,
12 libraries, community centers, et cetera.

13 It's only one tool, but there's a
14 strong reason to add this arrow to the quiver.
15 Two, supporting the widespread desire to age in
16 place. An enormous interest that has been
17 evidenced by older resident's in D.C. to age in
18 place in their homes as long as possible, has
19 been very notable.

20 The ability to create an apartment
21 for additional income or to accommodate renters
22 who can provide care or household maintenance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 while still providing privacy for the primary
2 homeowners is an excellent benefit of ADU's.

3 Three, you can accommodate
4 additional families without putting undue
5 pressure on housing costs. One very difficult
6 public problem we face is how can we provide more
7 reasonably priced housing options for families.

8 Construction of new, larger units is
9 expensive and new supply has been limited. One
10 policy that OP and the Commission have pursued
11 is to change the zoning in some areas with larger
12 houses to discourage the conversion of these
13 structures to condos.

14 Conversions which not only reduce
15 the inventory of larger homes, but create upward
16 price pressures making it difficult for families
17 to compete with potential condo developers when
18 houses come on the market.

19 ADU's because of the requirement
20 that the owner must remain on the premises,
21 accommodate some additional residents, but
22 without the substantially greater price

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 pressure that would result from converting an
2 entire building and selling off three or four
3 units. The easiest way to provide affordable
4 family housing is preserve what we have.

5 Four, support the housing market.
6 Many in large, low-density neighborhoods have
7 expressed fear that ADU's will devalue the
8 neighborhood. I believe exactly the opposite
9 is true.

10 Few recognize the enormity of the
11 baby boomer age cohort that many of us present
12 large house owners are part of. Nor do they
13 realize that the Gen Xers who come after us are
14 a drop in the demographic bucket and have much
15 more limited wealth accumulation than we had.

16 As a result, people in Ward 3 and
17 many other sections of the city should support
18 not oppose a policy that permits younger folks
19 who will want to purchase larger homes, to have
20 the ability to add rental income in order to
21 qualify and afford a mortgage.

22 Five, we need to support the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 continued economic health of the District and
2 the region. The report I attached to my
3 testimony shows that we will need more than
4 700,000 net new housing units in the next 20
5 years, yet we will likely fall short by over
6 150,000 units based on our current rate of
7 construction.

8 If our employers can't recruit the
9 talent they need to fill jobs because people
10 can't afford housing within reasonable
11 commutes, our children won't have jobs, the tax
12 revenue won't be there for our aging population,
13 our economic development will be stymied.

14 Again, ADU's not the sole answer,
15 but they're an important tool. In fact, we
16 would suggest going further and eliminating the
17 restriction in 1606.1 against having more than
18 one ADU --

19 CHAIRMAN HOOD: Ms. McCarthy.

20 MS. MCCARTHY: -- on the premises.

21 CHAIRMAN HOOD: Ms. McCarthy.

22 MS. MCCARTHY: That's fine.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 That's --

2 CHAIRMAN HOOD: Okay.

3 MS. MCCARTHY: -- just, right.

4 That was the last one.

5 CHAIRMAN HOOD: This is rough and

6 I've been knowing you a long --

7 MS. MCCARTHY: Yeah.

8 CHAIRMAN HOOD: -- time. Mr. Frost
9 would say he's showing favoritism, but I can't
10 do that. Okay. Commissioner, and you can
11 provide, if we don't have your testimony, you can
12 provide it.

13 MS. MCCARTHY: You should have my --

14 CHAIRMAN HOOD: Okay.

15 MS. MCCARTHY: -- testimony.

16 CHAIRMAN HOOD: Good. We got quite
17 a bit. We probably do have it up here. All
18 right.

19 MS. MCCARTHY: You should have it
20 here.

21 CHAIRMAN HOOD: Okay. Let's see if
22 we have any questions. Mr. Miller?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MILLER: Thank you,
2 Mr. Chairman. Thank you, each of you, for your
3 very thoughtful testimony. Let me ask you, Ms.
4 McCarthy. Why do you think we should eliminate
5 the restriction of only one ADU per property?

6 MS. MCCARTHY: Thanks for the
7 question. Because I think if you retain the
8 limitation of no more than six individuals total
9 on the lot and you retain the restriction that
10 the owner has to remain in at least one of the
11 structures on the lot, you've guarded against
12 the potential adverse impacts.

13 And particularly, if you retain the
14 requirement for a special exception for ADU's
15 and accessory buildings, then I think you've
16 guarded against any adverse impacts that might
17 occur because of impacts of building additional
18 unit on those who back up to that rear yard.

19 But I think there's also a real
20 positive that I became very aware of when I had
21 a lab who needed to be walked a lot. And we would
22 frequently walk down alleys and realize that so

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 many of the homes in these R- 1 through R-3
2 districts have built these very tall fences at
3 the back of their property, so that there are no
4 eyes on the street in the alleys.

5 If you're walking down the alley,
6 nobody knows that you're there. Whereas, when
7 I walk down the alley that 's between Legation and
8 Livingston, there are two accessory dwelling
9 units in accessory structures there. One at the
10 base and one at the top of the alley.

11 And I always felt like if there were
12 someone looking to do ill or looking to, you
13 know, rob somebody's garage or other places,
14 that at least there were people in those
15 structures that could keep an eye on what was
16 going on.

17 COMMISSIONER MILLER: Thank you.

18 CHAIRMAN HOOD: All right. Any
19 other questions? Okay. I'm going to thank
20 this panel.

21 VICE CHAIR COHEN: Quickly.

22 CHAIRMAN HOOD: Okay. Vice Chair.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE CHAIR COHEN: Yeah, I'd like to
2 ask either Mr. Lewis or Ms. Moore. Georgetown
3 actually took it upon themselves to initiate
4 this special planning, is that correct?

5 MR. LEWIS: That is correct. Well,
6 we followed the invitation --

7 CHAIRMAN HOOD: Mr. Lewis, you want
8 to turn your mic on.

9 MR. LEWIS: It's not -- oh, thank
10 you. It is, but we did so because we followed
11 the invitation in the public materials that
12 customize zones, where appropriate, would be
13 entertained and we appreciated that because of
14 the new ZRR, we had lost the opportunity for a
15 zoning overlay the way so many other
16 neighborhoods already had.

17 So we took that invitation very
18 seriously. We had open meetings all through the
19 community on this. And what I did not hear Mr.
20 Alpert say was any objection whatsoever to
21 almost all of what is in the Georgetown
22 customized zone, the lot coverage, the setbacks,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the height, the accessory building placement,
2 the corner stores, all of this is justified by
3 the physical characteristics of Georgetown.

4 And in the case of the corner stores,
5 by the fact that Georgetown is already the most
6 accessible neighborhood in the city, with a
7 thriving business district within walking
8 distance of every house and with corner stores
9 sprinkled throughout the neighborhood.

10 The only thing he objected to was the
11 relatively modest differences in the accessory
12 apartment dwelling unit provisions and those
13 were driven by the characteristics of Georgetown
14 that are well-known to this Commission.

15 You know, we had over a year of
16 hearings on what happens when there's excessive
17 density from group houses in Georgetown and how
18 it does affect the quality of life.

19 And these very minor changes simply
20 require a zoning exception process, so that
21 someone who says he lives in the house will
22 testify to that under oath and there will be some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 protection so that you can't do it lightly.

2 VICE CHAIR COHEN: Councilmember
3 Graham said that, you know, pop-ups were just a
4 Ward 1 issue. Are they in your neighborhood at
5 all, do you know?

6 MR. LEWIS: Pop-ups give temporary
7 retail is not really --

8 VICE CHAIR COHEN: No, I think he's
9 talking about the height of --

10 MR. LEWIS: Oh.

11 VICE CHAIR COHEN: Yeah.

12 MR. LEWIS: Well, no, we were so
13 protected by the old Georgetown board, Fine Arts
14 Commission, HPO, that whatever zoning says, I
15 took pop-ups differently. It's funny you said
16 that after a Christmas retail in the parking lot
17 of the bank, we do have that. But, no, because
18 of the historic preservation review process is
19 very stringent and that doesn't happen.

20 VICE CHAIR COHEN: I know. And
21 thank you.

22 CHAIRMAN HOOD: With the exception

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of Commissioner Lewis and Mr. Alpert and Ms.
2 McCarthy, could you all, the rest of you tell me,
3 and maybe you too, especially you, Mr. Thompson
4 because I know your ANC was involved, could you
5 four tell me how you found out about the ZRR
6 process and how long you've known about it? I'm
7 just curious.

8 MS. MOORE: I've known about it,
9 actually, I think since the process, probably
10 three years.

11 CHAIRMAN HOOD: Okay. And I'm just
12 curious, how did you find out about it, in the
13 news or on the --

14 MS. MOORE: Well, I was Chairman of
15 the Historic Preservation and Zoning Committee
16 and so, of course, we were aware that this was
17 going to be considered.

18 CHAIRMAN HOOD: Okay. Yes.

19 MR. FITTIPALDI: I first found out
20 about it probably a couple months ago. I've
21 lived in D.C. for one year and I attended a move
22 D.C. transportation meeting that was open to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 public.

2 CHAIRMAN HOOD: Was that the one
3 where they were serving pizza?

4 MR. FITTIPALDI: No --

5 CHAIRMAN HOOD: I'm just curious
6 how people find --

7 MR. FITTIPALDI: -- not this one.
8 I don't --

9 CHAIRMAN HOOD: Okay.

10 MR. FITTIPALDI: -- think so, but.

11 CHAIRMAN HOOD: Okay. Okay. All
12 right.

13 MR. FITTIPALDI: That'll get me
14 there too, but --

15 CHAIRMAN HOOD: It would have got me
16 if I could've went. Yeah.

17 MR. FITTIPALDI: Yeah.

18 CHAIRMAN HOOD: Okay.

19 MR. FITTIPALDI: But I had someone
20 from the Coalition of Smarter Growth approach --

21 CHAIRMAN HOOD: Yeah.

22 MR. FITTIPALDI: -- after I spoke

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there --

2 CHAIRMAN HOOD: Asked you to come

3 MR. FITTIPALDI: -- Cheryl --

4 CHAIRMAN HOOD: -- testify.

5 MR. FITTIPALDI: -- Cort. Yeah,

6 she actually asked me --

7 CHAIRMAN HOOD: She asked you to

8 come on --

9 MR. FITTIPALDI: -- to testify --

10 CHAIRMAN HOOD: -- and testify.

11 MR. FITTIPALDI: -- in general.

12 CHAIRMAN HOOD: Okay.

13 MR. FITTIPALDI: So, yeah.

14 CHAIRMAN HOOD: Good. All right.

15 Thanks. Next. I'm just curious.

16 MR. FARRELL: Yes. Yeah, I'm also

17 on the Coalition for Smarter Growth.

18 CHAIRMAN HOOD: Oh. Well, she

19 asked you to come testify also.

20 MR. FARRELL: And I saw what was

21 going on and volunteered, so. And I wasn't

22 approached personally, no.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Okay. Okay.
2 Next.

3 MR. FROST: I'm just as susceptible
4 to free food, so. But I was also on the
5 Coalition for Smarter Growth --

6 CHAIRMAN HOOD: Okay.

7 MR. FROST: -- email list.

8 CHAIRMAN HOOD: All right. I want
9 to thank each and every one. And Mr. Lewis, I
10 want to properly thank you for the other endeavor
11 that you helped us with that worked out with this
12 Commission and what you did.

13 I hope it working out, but I think
14 that went very well and I appreciate all the work
15 that you and your colleagues have done to make
16 that work also.

17 MR. LEWIS: Thank you, sir. I'll
18 be here on the 25th when --

19 CHAIRMAN HOOD: Oh, I might have
20 spoke -- did I speak too soon?

21 MR: LEWIS: No.

22 CHAIRMAN HOOD: Oh, okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. LEWIS: When a matter comes up
2 --

3 CHAIRMAN HOOD: Okay.

4 MR. LEWIS: -- as follow-up and I'll
5 be able to give a very positive report.

6 CHAIRMAN HOOD: Oh, good. I'll
7 make sure I'm here on time that night. Thank you
8 very much. Thank you all. We appreciate it.
9 Thank you. I don't have those.

10 MALE PARTICIPANT: I don't.

11 CHAIRMAN HOOD: Okay. Let's go
12 with Cheryl Cort, Myles Smith, Carol Aten, Tad
13 Baldwin, Nancy MacWood. And I'm here and mess
14 up somebody's name, Ksenya Gurshtein, Jonathon
15 Tomer.

16 FEMALE PARTICIPANT: Good luck,
17 Commissioner?

18 CHAIRMAN HOOD: Cliff Majersik.
19 Let me see how many we have. Okay, the last name
20 I called was Cliff Majersik. Let me see, how
21 many seats do we have left? We have two more.
22 Let's fill them up. Jonathon Tomer, Steven

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Feingold, Alan Budde.

2 Okay. And if I mispronounced
3 anyone's name, forgive me. We're going to start
4 from my left, your right. And you may begin.

5 MR. TOMER: Hi. My name is
6 Jonathon Tomer. I live in Bloomingdale in Ward
7 5 and I actually thought that I was going to be
8 talking about corner stores, but hearing some of
9 the testimony has inspired me to speak a little
10 more than I planned about accessory dwellings,
11 which I also, I wholeheartedly support the
12 proposed changes and encourage the Zoning
13 Commission to follow through on them.

14 The reason I want to talk about them
15 is because of the nature of the objections I've
16 been hearing, which mostly fall in the
17 neighborhood of, not in my neighborhood, not in
18 my block, I don't want to see this from my
19 backyard.

20 Essentially, people wanting to
21 protect what is basically an elite status of
22 living in a nice old rowhouse in a low-density

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 area and not having to see people who maybe can't
2 afford half a million dollars for a house or not
3 having to have their skyline change ever.

4 I just want to note that it's really
5 ironic, a lot of the rowhouse neighborhoods in
6 D.C. were actually originally constructed as
7 very low quality cheap dwellings.

8 And if the farmers who owned the land
9 before them had petitioned the Zoning Commission
10 to enforce three or five-acre zoning, like the
11 people in West Loudoun County do every year,
12 those houses wouldn't exist. People wouldn't
13 be able to live in them. Cities change. Places
14 change. And that's good.

15 And populations grow, and we
16 shouldn't restrict the growth of those
17 populations to the elite few who can afford the
18 oldest, utmost, unchanging dwellings.

19 Anyway, that's enough moralizing.
20 I came here to talk about corner stores for a much
21 more personal reason. I, myself, moved into the
22 District in 2007 from Reston, where I used to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 drive 25 minutes each way to work and ten minutes
2 to the grocery store and basically all over the
3 place.

4 And I didn't realize until I lived
5 here how much that sucked. Now, I bike to work
6 and I'm just so much happier not being in a car
7 for an hour to three hours a day depending on
8 traffic.

9 The real big weakness is if I need
10 to go shopping. Huge grocery stores are well
11 and good, but they can only be far away from me
12 because they're huge. And having the ability to
13 walk somewhere or bike somewhere nearby to get
14 most of my needs is really just makes a big
15 difference in my quality of life.

16 So I strongly support the proposed
17 changes to corner store regulations. In fact,
18 I don't think they go far enough. I think it
19 should be a lot easier than even the proposed
20 changes. I think that the BZA should have a lot
21 more authority to waive requirements for
22 example. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Thank you very
2 much. Next.

3 MS. CORT: Thank you Chairman Hood
4 and Commissioners. I'm Cheryl Cort with the
5 Coalition for Smarter Growth. And I, again,
6 want to thank the Zoning Commission Office of
7 Zoning and Office of Planning for their
8 extensive public outreach on a process that
9 started in 2007.

10 We're gratified to see that this
11 proposal, though it has many, many compromises
12 in it through so much public engagement, we do
13 believe that it is achieving the essential
14 objectives to create a revised zoning code that
15 makes our city more walkable, sustainable,
16 affordable and a code that's more
17 understandable.

18 I wanted to address two specific
19 issues in Subtitle D. First, our strong support
20 for the accessory apartments provisions. We,
21 overall, support these provisions to allow an
22 accessory apartment as a matter of right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We agree with most of the
2 provisions, although, we question the 24-foot
3 alley requirement. Twenty-four feet is wider
4 than some streets and the wide standard could
5 disqualify many existing accessory apartments
6 in historic neighborhoods.

7 A 20-foot standard is actually
8 pretty common for fire trucks with their
9 outriggers. And narrow widths can also be
10 considered under different fire code standards.
11 So we ask the Zoning Commission to evaluate this
12 incredibly wide standard of 24 feet.

13 In general, we just wanted to
14 express our support for easing the restrictions
15 on accessory apartments, which can be perfectly
16 compatible with neighborhoods.

17 Encouraging accessory apartments is
18 an important part of providing new housing
19 opportunities. It can benefit renters,
20 homeowners and the neighborhood. And
21 especially older neighborhoods may have very
22 adaptable housing stock, especially as our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 household sizes have gotten smaller and smaller.

2 We might be housing the same number
3 of people, just in separate units on the site.
4 We know that this has been a contested issue, but
5 we think that it's logical to allow accessory
6 apartments in lower density residential
7 neighborhoods to give older homeowners the
8 opportunity to better use underutilized space
9 when they become empty-nesters.

10 And to allow for as people age, allow
11 for additional benefits of renting an accessory
12 apartment including companionship, helping with
13 home maintenance, personal services in exchange
14 for lower rent.

15 And for new home buyers, this can
16 help people qualify for a larger loan. It may
17 be the case that a young family wants to buy a
18 larger home that they can't really afford
19 without the additional income from the accessory
20 unit.

21 But as they proceed in their career
22 and maybe as they have a growing family, that is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 a way to adapt their home that in the future maybe
2 they wouldn't use it as an accessory apartment
3 as they have a growing family.

4 So there's a lot of benefits to the
5 adaptation of our housing stock to better
6 respond to the affordable housing needs to the
7 needs as we, at different stages of our lives,
8 we need different things and this helps us do
9 that.

10 And furthermore, by easing the
11 restrictions on these units, we can also make
12 sure that we bring unpermitted units above board
13 and ensure that everybody has legal protections,
14 landlords, renters in the neighborhood and also
15 that the safety standards are met for these
16 units.

17 Regarding corner stores, we also
18 wish to express our support for legalizing
19 existing corner stores and permitting new corner
20 stores. The provisions have been debated and
21 many compromises have been made.

22 These are rather restrictive

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 provisions for corner stores, but we appreciate
2 the effort to balance the wanting to provide the
3 benefits of a walkable neighborhood with the
4 potential negative impacts of commercial
5 activity next to home. So we appreciate trying
6 to strike that balance.

7 I used to live on Brown Street in
8 Mount Pleasant and we had a corner store on the
9 next block. And I thought it's sort of a great
10 example of a small neighborhood store where you
11 could just pop in and get some sugar when you ran
12 out of it for your morning coffee.

13 These are the kinds of stores that
14 really offer a certain level of walkability and
15 convenience that I think is quintessentially a
16 city convenience. And we think that the corner
17 store provisions are very conservative,
18 thoughtful and will be helpful in making the city
19 a more walkable and convenient place. Thank
20 you.

21 CHAIRMAN HOOD: Great. Thank you.

22 Next.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. BALDWIN: Good evening. My
2 name is Tad Baldwin. I'm a 43-year resident of
3 Chevy Chase D.C. neighborhood and a city planner
4 by training. I'm testifying tonight in strong
5 favor of the proposed accessory apartment zoning
6 regulations for four important reasons.

7 First, these units have the
8 potential of being an important source of
9 affordable housing in an increasingly high cost
10 city. The ADU program is a wise way to maximize
11 the capacity of our existing housing stock.

12 Before retiring I spent most of my
13 career as an affordable housing developer in
14 Montgomery County. And much of that time was
15 spent seeking grant funding to write down the
16 cost of apartment rehab projects, especially
17 when total development costs for modest
18 two-bedroom units began to soar over \$200,000.

19 There would never be enough subsidy
20 funds to make an adequate number of new or rehab
21 units affordable to lower wage earners.

22 Secondly, diversity in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 neighborhoods can be achieved by the presence of
2 smaller rental units in ownership communities.
3 ADU's would provide room for both younger and
4 older residents, two groups with special
5 affordable housing needs.

6 Diversity makes life more
7 interesting. Some critics think this program
8 will lead to stranger danger, but I consider that
9 additional eyes on the street are far more
10 beneficial, especially in neighborhoods such as
11 mine which is largely deserted, except for the
12 elderly, since the two-wage earners are gone all
13 day.

14 Thirdly, additional income would be
15 generated by elderly homeowners to help them
16 afford to remain in their neighborhoods.
17 Reduced retirement income is often not enough to
18 afford today's costs.

19 Fourthly, to allow homeowners to
20 become law abiding citizens again. There's
21 currently widespread violation of the existing
22 law with existing and new often basement

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 apartments being rented to unrelated
2 individuals.

3 The new proposed code is more
4 restrictive in the number of ADU's permitted,
5 but is a more reasonable statute. The required
6 presence of a homeowner in their principle
7 residence provides ample controls.

8 The one change that I would suggest
9 to this section of the code is the reduction of
10 the minimum square footage of 2,000 square feet.

11 My own four-bedroom, two-and-a-half
12 bath home is assessed at nearly \$1 million and
13 yet falls below the minimum size. I'd suggest
14 1,750 square feet is a more reasonable minimum.
15 More than half the D.C. homes would be excluded
16 at the 2,000 square foot level. Thank you for
17 the opportunity to testify tonight.

18 CHAIRMAN HOOD: Great. Thank you.
19 Next. Turn your mic on. The light's up, down
20 on the base.

21 MS. GURSHSTEIN: There we go.

22 CHAIRMAN HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. GURSHSTEIN: Good evening.
2 Thank you for the chance to testify. My name is
3 Ksenya Gurshstein. I live in Ward 6.

4 I came because I wanted to share my
5 story, which is one of somebody who really
6 benefitted from an existing accessory dwelling
7 and I think a lot of people like me would benefit
8 from them as well.

9 I moved with my partner to D.C. in
10 the fall of 2011 and for two years we lived in
11 a basement apartment on Capitol Hill, an area
12 where, you know, never in a million years we'd
13 be able to afford to buy something.

14 We lived in the basement apartment.
15 I think we were a great addition to the
16 neighborhood. It was really walkable. We
17 spend almost all of our money locally. I think
18 the people who converted the apartment when they
19 first got the house had been, you know, complete
20 dirt basement, nothing there.

21 You know, they added a huge amount
22 of value to their house. It provided them with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 additional income. They were retirees. And I
2 think it added economic diversity in us to the
3 neighborhood as well as additional income.

4 So I think for all of those reasons
5 it makes sense. And the other thing is that it
6 allowed us to get to know Capitol Hill and the
7 surrounding area. And so when it came time for
8 us to buy, we decided to stay in D.C. because we
9 liked the neighborhood so much and we knew sort
10 of the southern part of the city.

11 So now we live in southwest near the
12 waterfront metro partly because it was close to
13 where we used to live near Navy Yard and we felt
14 sort of really attached to the neighborhood.

15 And the last thing I wanted to say
16 is that now as a new first time homeowner who
17 works full-time, is also looking for a new job,
18 I applaud the intention of the new regulations
19 to remove red tape as much as possible.

20 It is hard enough to have to deal
21 with contractors for months and months. We're
22 redoing our condo. So I think to the extent that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 is possible, I think it's a great idea to allow
2 people who are working full-time and who are new
3 homeowners buying homes in D.C. to supplement
4 their income and to do construction on existing
5 structures or in basements. Thank you.

6 (Off mic comment)

7 CHAIRMAN HOOD: Oh. Thank you.
8 Next.

9 MR. FEINGOLD: Hi, my name is Steven
10 Feingold. I'm a relatively recent person to the
11 District. I moved here about six months ago
12 with my girlfriend. And I'm one of those people
13 that I lived in Ward 4 and 4-D.

14 And I'm one of those people who lives
15 in an basement apartment, but if you ask my
16 landlord, he would say that we're roommates
17 because it's not in the current allowed.

18 And I just want to say, you know, the
19 fact that we are able to have this basement
20 apartment, it's very affordable, we wouldn't
21 have been able to move within the District
22 probably without it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 She's doing an unpaid internship and
2 I'm still looking for work, so the fact that
3 we're able to have such low-cost housing is of
4 great benefit to us.

5 Additionally, you know, it's a great
6 help to my landlord. We look out for rodents in
7 the basement because he's afraid of touching a
8 dead mouse and I take them out for him. You
9 know, so it's benefitted him.

10 He has a very nice kitchen thanks to
11 the money we pay him, as well. And it's, you
12 know, it's a personal relationship with the
13 landlord that you don't get in a normal apartment
14 complex. And I think that's really nice to
15 have.

16 You get to know your landlord. You
17 can be on friendly terms if they're, you know,
18 hopefully a friendly landlord as opposed to some
19 apartment manager who you maybe never see or they
20 just hire a staff person to take care of you. So
21 I just want to say I'm a strong supporter of
22 making it easier to have accessory dwelling

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 units. Thank you.

2 CHAIRMAN HOOD: Thank you. Next.

3 MS. ATEN: Mr. Chairman and members
4 of the Zoning Commission, my name is Carol Aten.
5 I live in Ward 3. I have lived in three
6 different sections of the Palisades over the
7 last 40 years.

8 I'm testifying as an individual
9 citizen, frankly struggling to understand the
10 implications of the proposed new zoning code on
11 my community and the city. I have submitted my
12 statement for the record and will just touch on
13 a few points this evening.

14 My basic concern is that the new code
15 does not do enough to protect the character of
16 neighborhoods. Sort of similar to Jim Graham's
17 concern.

18 I believe our neighborhoods are a
19 very important part of our city. Over 100
20 interesting neighborhoods, each with their own
21 character.

22 There are a number of policies and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 action items in the land use element of the
2 comprehensive plan that encourage variety,
3 conservation, enhancement, revitalization,
4 protection of single family neighborhoods and
5 discourage tear-downs.

6 I've attached some excerpts for the
7 comp plan to my submitted testimony. One of the
8 specific action items in the comp plan is called
9 avoiding mansionization.

10 Two of the biggest problems in my
11 neighborhood are tear-downs and
12 mansionizations. Tearing down existing houses
13 to build bigger ones and enlarging existing
14 houses to two or three times their original size,
15 which were pretty reasonably sized in the
16 beginning.

17 I'm sure that all of the Palisades
18 bungalows are doomed, which is a shame because
19 they are part of the history of our area and our
20 city and some of the most affordable housing in
21 our neighborhood.

22 Briefly, let me summarize my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 concerns and objections. Height and size;
2 height and size are important because the
3 predominant character of many older
4 neighborhoods, including mine, is one or two
5 stories and less than 40 feet.

6 Two recent remodelings near me, one
7 in front and one in back, have more than doubled
8 the size of the houses. These look like
9 behemoths and are out of scale in the
10 neighborhood.

11 The proposed zoning rules have the
12 same height limits as current zoning rules, 30
13 feet, I mean, 40 feet and three stories with some
14 slight changes on how the measuring is done.
15 Obviously, this has not been working.

16 The avoiding mansionization action
17 item in the comprehensive plan says consider
18 adjustments to the District zoning regulations
19 to address the construction of excessively large
20 homes that are out of context with the
21 surrounding neighborhood, mansionization.

22 These adjustments might include the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 use of a sliding scale for maximum lot occupancy
2 based on lot size and application of floor area
3 ratios in single family zone districts to reduce
4 the excessive building mass.

5 I believe the new zoning rules need
6 to set height limits at the level that is
7 predominant in the area and the FAR should be
8 limited in relation to lot size to avoid
9 tear-downs and mansionization.

10 Front setbacks is another area that
11 is important. And there's an attempt to
12 eliminate erratic looking streetscapes in the
13 current proposed rules. However, it won't be
14 solved by allowing construction to replicate the
15 extreme anomalies.

16 Currently proposed is a range
17 between the furthest back and the furthest
18 forward. I would suggest that something more
19 like the Georgetown approach that says either
20 that front setbacks consistent with an immediate
21 neighbors or one of them or that the range be
22 narrowed to throw out the extremes and create a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 narrower range or some other kind of alternative
2 to create a more pleasing streetscape.

3 I have made other points in my
4 testimony, but I'll stop there. Thank you.

5 CHAIRMAN HOOD: Okay. Thank you.
6 Next.

7 MS. MACWOOD: Good evening. I'm
8 Nancy MacWood testifying Committee of 100.
9 Most of the proposed changes to the zoning code
10 affect low and moderate density residential
11 zones.

12 Among the positive recommendations
13 are measurement of height from the existing
14 grade, although, this should be extended to
15 accessory structures, by-right, accessory
16 dwellings created in the home and limits on
17 rooming house occupation.

18 However, there are also new
19 permissions that have a high potential to alter
20 neighborhood character in a way that many
21 residents are not expecting and will not
22 welcome.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 It's important to have a common
2 understanding what the purpose of single family
3 zones include. The current code describes R-1
4 through R-3 zones as providing family-oriented
5 environment. And the R-1-A and R-1-B zones add
6 that they are intended to be quiet residential
7 zones.

8 While it may not be in vogue to
9 choose yards and larger homes over downtown
10 condo, the District's comprehensive plan
11 emphasizes that we strive to maintain a variety
12 of housing options for the broadest possible
13 demographic at different stages of life.

14 It's less important that OP has
15 removed quiet from the purpose statement, then
16 what they proposed to intensify the use of single
17 family properties.

18 Recreational roof structures up to
19 ten feet above the 40-foot height limit would be
20 allowed. This is basically adding an
21 additional floor or a pop-up on houses that
22 predominantly are 25 to 35 feet tall. This

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would happen in many neighborhoods that are
2 required to have side and rear yards where
3 recreation now takes place.

4 The comp plan doesn't comment on
5 roof structures in low and moderate density
6 zones because it wasn't contemplated that they
7 would be used for anything but mechanical
8 equipment. It should only be allowed by special
9 exception in R-3 zones where side yards may not
10 exist and where rear yards are less deep.

11 Two-story 20-foot high garages and
12 accessory structures could be nearly as tall as
13 some residences. Whereas now the mass of
14 garages or accessory structures are minimal
15 enough to allow them next to a neighbor's lot
16 line without disturbing privacy or light and
17 air.

18 The taller structures could cast
19 shadows or, alternatively, illuminate second
20 floor windows where previously there were none.
21 Again, there is no mention of this in the comp
22 plan because it wasn't contemplated as the land

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 use policy change.

2 The Office of Planning wants to
3 transform a basically passive structure into an
4 activated structure with home occupations or
5 accessory dwelling units. The larger size
6 makes no sense and has no utility unless it can
7 be used for something that is prohibited today.

8 The Zoning Commission should not
9 authorize the taller accessory structures on a
10 lot line without a special exception, which
11 would give the neighbors an opportunity to
12 object.

13 Home occupations should only be
14 allowed in the home where the resident enjoys the
15 benefits and the negatives. Special exception
16 should only be granted if it is demonstrated that
17 a home occupation must be located in an accessory
18 structure and the use won't interfere with
19 neighbor's enjoyment of their homes and
20 property.

21 ADU should not be authorized under
22 any circumstances without specific guidance

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 from the council that a second household in a
2 second residential structure is appropriate on
3 a single family lot.

4 There is no data to support the need
5 to do this. And it would be a wiser course to
6 monitor the implementation of more flexible
7 rules for internal ADU's and alley lot
8 residences before permitting two residences on
9 single family lots.

10 Corner stores could be a positive or
11 negative addition to R-3 zone neighborhoods.
12 The comp plan does not address the creation of
13 new corner stores, but does comment on the
14 negative and positive consequences of existing
15 corner stores and the need to make sure they do
16 not adversely affect the neighborhoods where
17 they exist.

18 The Zoning Commission should not
19 assume that a valued Capitol Hill or Georgetown
20 market will be the model if this use is
21 authorized.

22 Philadelphia has the most corner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 stores of any large urban city and they also have
2 the highest obesity rates. The city has engaged
3 for several years in a challenging effort to add
4 some healthy foods to these corner markets with
5 varying success.

6 In 2008, Johns Hopkins Center for a
7 livable future began a four-year study in
8 Baltimore. That included mapping food desert
9 areas and an intensive survey of the food on
10 market shelves and menus.

11 They found that full-service
12 grocery stores offered the healthiest food while
13 corner stores and carry-outs offered the least
14 healthy food.

15 In an article published in the
16 *American Journal of Preventive Medicine* in June
17 2011, researchers reported that youth spent an
18 average of \$3.96 daily on, predominantly, chips,
19 candy and soda. And typically the food was
20 purchased at corner stores or fast food
21 establishment. Half of the sampled youth were
22 obese.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Is this the model we want to
2 replicate? What is the problem that corner
3 stores solve and is this a replacement for
4 providing a full-service grocery store?

5 The comp plan does not have policies
6 encouraging the Zoning Commission to authorize
7 the by-right conversion of housing to this use.
8 We strongly urge you to be cautious.

9 Ask communities to request corner
10 stores through customization process, so that
11 they can impose conditions and control the types
12 and proliferation of corner stores and prevent
13 unintended consequences. I'll submit --

14 CHAIRMAN HOOD: Okay.

15 MS. MACWOOD: -- the balance --

16 CHAIRMAN HOOD: Thank you.

17 MS. MACWOOD: -- of my testimony.

18 CHAIRMAN HOOD: Thank you very
19 much. Next.

20 MR. BUDDE: Thank you for the
21 opportunity to speak here tonight. My name is
22 Alan Budde. I live in Mount Pleasant and I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 here to testify regarding my support for zoning
2 code updates to allow by-right accessory
3 dwellings in some parts of the city.

4 I believe that allowing accessory
5 apartments would be a great thing for
6 homeowners, renters and the community at large.

7 The proposed zoning code change is
8 one way amongst many others to tackle poverty by
9 increasing the supply of modest housing that a
10 person, a couple, a parent and child or a family
11 can live in while maintaining a decent standard
12 of living.

13 There are many new housing units
14 being built all over the city, but as we know,
15 affordable housing by-and-large is not
16 something that you can easily build new.

17 Much affordable housing that exists
18 consists of slightly older houses and apartments
19 in some less central parts of the city.

20 Existing basements, garages and
21 carriage houses, to me, represent a great
22 opportunity to better use the space that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 existing and create new affordable housing
2 without significant financial cost to the city.

3 I first moved to the District in 2000
4 to attend college and I decided I wanted to stay
5 here because of the opportunities to live, you
6 know, a walkable, comfortable lifestyle.

7 I've always found it challenging to
8 live here on a daily basis. And increasingly,
9 I've seen this challenge come in the form of
10 people having trouble making ends meet.

11 For some, like me, that might mean,
12 you know, cutting out on eating out some nights
13 of the week, but for other people it's a struggle
14 to pay the rent at the end of the month.

15 I read recently that the region has
16 surpassed San Jose as the most expensive rental
17 market in the country based on median rents
18 according to the *Census Bureau*.

19 There is an affordable housing
20 crisis in the city and I think we need to do
21 something about it. In addition to giving some
22 less well-off people more options, accessory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 dwellings allow older homeowners or those who
2 might have seen their income reduced, a way to
3 better utilize their existing spaces.

4 I don't think we should force older
5 couples who want to age in place to sell their
6 homes in order to pay their bills at the end of
7 the month. I also think we should give younger
8 people a shot at owning property. And that
9 might mean being able to rent out part of their
10 home.

11 As someone who currently lives in a
12 basement apartment in Mount Pleasant, I find
13 that my neighborhood is a better place for
14 bringing together people from many different
15 walks of life, ages, incomes, races and
16 perspectives. Thank you.

17 CHAIRMAN HOOD: Thank you very
18 much. Commissioners, any questions for this
19 panel? Any questions?

20 VICE CHAIR COHEN: Yeah.

21 CHAIRMAN HOOD: Okay.

22 VICE CHAIR COHEN: Oh.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Vice chair?

2 VICE CHAIR COHEN: Yeah, Ms.
3 MacWood, you submitted testimony, but it was the
4 abbreviated form. It would be helpful to hear
5 your or read your explanations as well, so can
6 you submit what you read from, please? Thank
7 you. Actually, that might be my only question.

8 CHAIRMAN HOOD: Okay.
9 Commissioner May?

10 COMMISSIONER MAY: Thank you.
11 First of all, Mr. Tomer, just out of curiosity,
12 when you say you bike to work and you want to have
13 corner stores for shopping convenience and the
14 grocery store is a little bit farther away, do
15 you ever ride your bicycle to the grocery store?

16 MR. TOMER: I do, but it's
17 surprisingly hard to bike with full grocery
18 bags. You don't want --

19 COMMISSIONER MAY: No, that's the
20 wrong --

21 MR. TOMER: -- to fall.

22 COMMISSIONER MAY: -- answer.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: I like that
2 question. I hope the person who Tweeted that,
3 got that, so they could Tweet exactly what your
4 response was. Excuse me for interrupting. Go
5 ahead.

6 COMMISSIONER MAY: I'm doing this
7 for your benefit. I thought you might actually
8 have someone who could give you a practical --

9 CHAIRMAN HOOD: Ask him --

10 COMMISSIONER MAY: -- explanation
11 of this.

12 CHAIRMAN HOOD: -- how many bags
13 does he have on his, when he's going to the
14 grocery --

15 COMMISSIONER MAY: Yeah --

16 CHAIRMAN HOOD: -- store.

17 COMMISSIONER MAY: -- that's a good
18 question. How many, do you use panniers or you
19 have baskets or something?

20 MR. TOMER: I do have one pannier.
21 I can carry more walking than biking, though --

22 COMMISSIONER MAY: Yeah.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. TOMER: -- without a doubt.

2 COMMISSIONER MAY: Yeah. Well,
3 you know, with more experience doing this, I'm
4 sure you can actually do more. How much beer can
5 you carry in that? I mean, never mind. I don't
6 need an answer to that.

7 MR. TOMER: Haven't hit the limit
8 yet.

9 COMMISSIONER MAY: I've got really
10 good baskets for that, anyway. So, no, that was
11 really it. I just wanted to see because it's the
12 ability to get around on a bicycle is really
13 great, but corner stores are really great too.

14 And I know my neighborhood. I lived
15 in the same neighborhood 25 years ago and there
16 are, I moved away for a little bit and then I came
17 back and now there are three or four less corner
18 stores than there used to be. We're down to like
19 one within walking distance from where I am now.

20 And it has benefits, but it also has,
21 there are some pitfalls because you see plenty
22 of kids walking to school eating snack foods and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 junk food and stuff like that too.

2 MR. TOMER: And if I may, I'd like
3 point out that corner stores don't have to only
4 sell junk food, right? Like, if people went to
5 corner stores for groceries like they did 100
6 years ago, corner stores would stock groceries.

7 For example, there's a, you know,
8 there's a store on Rhode Island Ave a few blocks
9 from my house. It's called Field to City, it
10 used be To Mar Bodega.

11 It's not a corner store because
12 Rhode Island is a commercial corridor. But it's
13 this wonderful fresh grocery. If there were one
14 half the distance to my house, that would be even
15 better.

16 COMMISSIONER MAY: Right. Well,
17 and I will say the one near me that was there 25
18 years ago and it's still there now, what they
19 sell has changed significantly since then. And
20 in addition to having more fresh stuff, there's
21 a better selection of wine and beer, so, anyway.

22 Ms., your testimony, I'm curious,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you're neighborhood where you're having the
2 mansionization problem, is that actually
3 historic district where you are? It is not.
4 Okay.

5 And, Ms. MacWood, the Office of
6 Planning, I don't recall if you were in the room
7 when they did do their presentation at the very
8 beginning, but they went to great length
9 explaining why the current or the proposed
10 accessible dwelling unit regulations are not
11 significantly different than the current
12 regulations. And, in fact, are more
13 restrictive in certain ways than the current.

14 And I'm wondering if you saw that and
15 what reaction you have to it. Do you --

16 MS. MACWOOD: I didn't see it, I'm
17 sorry to say. But I've heard their presentation
18 about ADU's a number of times. The only thing
19 I can think that they might be referring to, is
20 this, Ms. ***7:53:39--

21 COMMISSIONER MAY: If you want, I
22 can --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. MACWOOD: Is this --

2 COMMISSIONER MAY: -- explain it.

3 MS. MACWOOD: -- regarding external
4 ADU's as opposed to internal?

5 COMMISSIONER MAY: It's both. I
6 mean they talked about both. But I think the
7 major issue is with --

8 MS. MACWOOD: Sure. I know.

9 COMMISSIONER MAY: -- was with
10 external.

11 MS. MACWOOD: I can tell you, I can
12 anticipate what the issue is.

13 COMMISSIONER MAY: Okay.

14 MS. MACWOOD: Currently, there is
15 that rather archaic provision in the code that
16 if you want to house a domestic, you can do it
17 on the second floor of a garage that is in at
18 least ten feet from the side yard, but is
19 otherwise in the side yard, not in the rear yard
20 as most of our garages are, which are on the lot
21 line, and the domestic can live on the second
22 floor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: Yes.

2 MS. MACWOOD: It's a very
3 restrictive proposal. I'm also an ANC
4 commissioner and been one for 13 years. My
5 community has R-1-A and R-1-B neighborhoods in
6 it and there's only been, in all of that time,
7 there has only been one instance that I can
8 recall where somebody even wanted to do this.

9 And in the particular neighborhood
10 where they wanted to do it, I think there was
11 eventually a lawsuit. The people were so upset
12 about it. So, at any rate, I don't think that
13 domestic exception is really a prototype for
14 what is being proposed here because it was --

15 COMMISSIONER MAY: Well, they
16 referenced that. And they, I mean, clearly
17 they're not talking about limiting it to
18 domestic employees anymore.

19 MS. MACWOOD: Right. Right.

20 COMMISSIONER MAY: But it is a
21 permissible use and they do mention the fact that
22 it's not allowed in the rear yard. But I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that's a required rear yard, so if there's excess
2 rear yard, it could be located in the rear yard
3 that's above and beyond what's the required rear
4 yard, so.

5 MS. MACWOOD: Currently, you
6 couldn't, but the part --

7 COMMISSIONER MAY: No, that's --

8 MS. MACWOOD: -- in the proposal --

9 COMMISSIONER MAY: -- what it says
10 --

11 MS. MACWOOD: -- is that --

12 COMMISSIONER MAY: -- it is now.

13 MS. MACWOOD: -- he could.

14 COMMISSIONER MAY: I think that's
15 what she said it was now.

16 MS. MACWOOD: No, it has to be in the
17 side yard, I believe.

18 COMMISSIONER MAY: No, it says it
19 shall not be located within the required rear
20 yard.

21 MS. MACWOOD: Oh, okay. So --

22 COMMISSIONER MAY: So, but that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. MACWOOD: -- that doesn't --

2 COMMISSIONER MAY: Sometimes --

3 MS. MACWOOD: -- side --

4 COMMISSIONER MAY: -- people
5 interpret that to mean, I guess, that it is
6 required to be in the side yard when it could just
7 be in the portion of a rear yard that is not the
8 required rear yard.

9 MS. MACWOOD: Within 25 feet.

10 Okay.

11 COMMISSIONER MAY: Yeah.

12 MS. MACWOOD: All right.

13 COMMISSIONER MAY: So --

14 MS. MACWOOD: There could be that
15 scenario. You're --

16 COMMISSIONER MAY: Right.

17 MS. MACWOOD: -- right.

18 COMMISSIONER MAY: I mean, it's
19 hard for me to understand how this proposal
20 really is significantly different. What
21 they're proposing is significantly different
22 from what exists right now with the exception

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that, you know, opening it up to more than just
2 domestic employees.

3 MS. MACWOOD: I think if you look at
4 it from a practical perspective as opposed to
5 just what is in the zoning code. We --

6 COMMISSIONER MAY: Yes.

7 MS. MACWOOD: -- don't have any of
8 these in the city. I mean they're probably, as
9 I said, my ANC represents probably eight or nine
10 different neighborhoods, a very large portion of
11 the city and I can't think of any of them, that
12 we have any of these with the exception of the
13 one I mentioned that was quite controversial.

14 From our standpoint, the Committee
15 of 100, we are strongly in favor of making
16 internal ADU's legal, getting them inspected,
17 getting them on the tax rolls, making sure that
18 they are safe and insured.

19 And monitoring the use of them,
20 finding out where are they located, who is moving
21 into them, are they indeed affordable, what are
22 the goals we're trying to establish and are they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 being met, are seniors actually being able to
2 stay in their home because of ADU's, and really
3 learn what is going on.

4 You know, Arlington County only
5 approves 28 of these a year and they've said that
6 they're taking that rather cautious approach
7 because they do think that it could change
8 neighborhood character and they want to be able
9 to stay on top of it.

10 Montgomery County only allows them
11 if you've got, and they've been doing it for 25
12 or 30 years, they only allow it if you have an
13 acre of land. All --

14 COMMISSIONER MAY: Well --

15 MS. MACWOOD: -- of the
16 jurisdictions --

17 COMMISSIONER MAY: -- okay. There
18 are a lot of things that happened in some of the
19 Virginia jurisdictions or our own jurisdictions
20 that we wouldn't want emanate here I mean --

21 MS. MACWOOD: 7:58:17 --

22 COMMISSIONER MAY: -- that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. MACWOOD: -- County's not
2 suburban. I mean that's --

3 COMMISSIONER MAY: Yeah, but
4 requiring a minimum of an acre to have an
5 accessible dwelling unit.

6 MS. MACWOOD: Is extreme --

7 COMMISSIONER MAY: That's --

8 MS. MACWOOD: -- obviously.

9 COMMISSIONER MAY: Yeah, that's --

10 MS. MACWOOD: Yeah, that's not --

11 COMMISSIONER MAY: That's --

12 MS. MACWOOD: -- the model --

13 COMMISSIONER MAY: -- a very
14 different circumstance --

15 MS. MACWOOD: -- we would want to
16 use, so.

17 COMMISSIONER MAY: -- that we're
18 in. So there are not a lot of them now.

19 MS. MACWOOD: Yes.

20 COMMISSIONER MAY: Is that because
21 they're, I mean, there are a lot of these garage
22 structures, but they're not used for this

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 purpose or because --

2 MS. MACWOOD: No.

3 COMMISSIONER MAY: Okay. So
4 people just simply choose not to use them for
5 this purpose.

6 MS. MACWOOD: Well --

7 COMMISSIONER MAY: But they could
8 use them for their domestic employees?

9 MS. MACWOOD: Actually, I don't
10 know how many, I would not be able to tell you
11 how many eligible garages there might be --

12 COMMISSIONER MAY: Right.

13 MS. MACWOOD: -- that would not be
14 in the rear yard. In my ANC, for example, I
15 think the vast majority of garages are in the
16 rear yard on the lot line.

17 COMMISSIONER MAY: And they're not,
18 the rear yard on the lot line.

19 MS. MACWOOD: They wouldn't be
20 eligible.

21 COMMISSIONER MAY: They wouldn't be
22 eligible.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. MACWOOD: They wouldn't be
2 eligible.

3 COMMISSIONER MAY: Right. So, I
4 mean, having this regulation wouldn't suddenly
5 make them eligible either.

6 MS. MACWOOD: It would. It would.
7 If you don't expand the garage, you can by-right
8 according to the proposal you could create an
9 accessory dwelling unit in the garage.

10 COMMISSIONER MAY: An existing
11 garage?

12 MS. MACWOOD: In an existing
13 garage.

14 COMMISSIONER MAY: All right.
15 Thanks.

16 VICE CHAIR COHEN: Commissioner
17 Miller?

18 COMMISSIONER MILLER: Thank you,
19 Madam Vice Chair, I have no questions. I just
20 want to thank each of you for your very
21 thoughtful testimony.

22 I might say, Mr. Feingold, have you

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 tried, if your landlord/roommate would allow you
2 to have cats, maybe that would --

3 MR. FEINGOLD: My girlfriend
4 really would want a cat, but --

5 COMMISSIONER MILLER: Yeah.

6 MR. FEINGOLD: -- I don't.

7 VICE CHAIR COHEN: Okay.

8 (Off microphone comment)

9 COMMISSIONER MILLER: It's
10 effective though.

11 VICE CHAIR COHEN: Mr. Turnbull.

12 COMMISSIONER TURNBULL: Thank you,
13 Vice Chair. I think a lot of the questions that
14 I had have already been asked. But again, I
15 would echo Commissioners Miller's. Thank you
16 for comments, your insightful concerns.

17 Mr. Baldwin, I'm going to ask OP
18 about your comment about the change from 2,000
19 to 1,750. I think that's something we need to
20 think about, so.

21 And, Mr. Feingold, I think you've
22 got some great material for a sitcom. I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 it sounds, you ought to start writing it, but
2 thank you again.

3 VICE CHAIR COHEN: The Chair asked
4 that I not dismiss this panel, so I will ask
5 another question of Ms. Cort.

6 I believe the Coalition does a lot
7 of investigation and houses research on various
8 issues that are Smart Growth related, so my
9 questions is are you aware of any cities that
10 have done the extensive research that has been
11 suggested by the Committee of 100 that could be
12 submitted to the record to help in evaluating
13 accessory units?

14 MS. CORT: Montgomery County just
15 adopted within the last six months, a new
16 accessory apartments regulations to liberalize
17 it and make it a matter of right with some
18 restrictions.

19 And Arlington County a couple of
20 years ago also went through this process.
21 Although, they adopted something that's pretty
22 restrictive, but I think they didn't allow it at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 all before.

2 So those are two neighbors who have
3 recently investigated and acted before we have
4 in terms of adding accessory apartments to new
5 zones.

6 COMMISSIONER MILLER: So do they no
7 longer have that one acre requirement that was
8 --

9 (Off mic comment)

10 COMMISSIONER MILLER: -- referred
11 to earlier?

12 MS. CORT: The manager for
13 Montgomery was going to come tonight. I talked
14 to him because I saw him on the Website with a
15 photo of giving out certificates for accessory
16 apartments. And he would be able to answer that
17 question.

18 COMMISSIONER MILLER: You can ask
19 if you're also planning to provide us --

20 MS. CORT: But we can --

21 COMMISSIONER MILLER: -- with --

22 MS. CORT: -- find out.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MILLER: -- that.

2 MS. CORT: I don't --

3 COMMISSIONER MILLER: We could --

4 MS. CORT: -- think that's the case,
5 no. I mean, and so he's cited to me that they've
6 had about, they thought they might get like
7 30-some a year. They've already gotten 30-some
8 in six months maybe.

9 The problem is that he needs to cite
10 the statistics. But those are sort of very ball
11 park and they've only had one objection.

12 They actually, it's a matter of
13 right process, but they actually post the
14 property to notify the neighbors and they've had
15 one objection in all those applications. So
16 they feel like things are going smoothly.

17 CHAIRMAN HOOD: Ms. MacWood, let me
18 ask, have you seen, and I know you, as you
19 mentioned, I'm going to follow-up on your
20 conversation with Commissioner May.

21 And I know you've seen this whole
22 presentation probably more than once. But I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would like for you to get a copy of Slide 12. And
2 I noted the Committee of 100. And I'm
3 interested in something you said at the end.

4 And I'm actually, I use that phrase
5 for the whole ZRR rewrite, for the whole
6 revision, the unintended consequences. We can
7 sit here all day and come up with stuff, but I'm
8 concerned more than about the unintended
9 consequences.

10 And I like that because I'm going to
11 be using that once we deliberate, but. In a lot
12 of stuff we can see the ANC in black and white,
13 but what actually are we going to be doing? And
14 that's what I'm looking for throughout this
15 whole process.

16 Now, the Committee of 100 obviously
17 is in support, as you've stated, for the internal
18 ADU's. Am I correct? I'd just like for you to,
19 and you heard that whole conversation or if
20 you've not heard, I would like for you to maybe
21 read the transcript of it.

22 Listen to the whole conversation of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the presentation that Ms. Steingasser gave
2 because she said there was a lot of confusion out
3 there about ADU's.

4 And I agree with you about the
5 prototype of affordability, but I just want you
6 to see if Committee still has that same position
7 for external ADU's that you have, which you just
8 presented.

9 Once you look at this information,
10 and watch the exchange or listen to the
11 presentation by Ms. Steingasser because she said
12 there's a lot of misinterpretation. I'm not
13 exactly quoting her correctly, but well,
14 exactly, but it's a lot of misinterpretation,
15 so. If you could do that and I'll be looking
16 forward to seeing that from the committee.

17 MS. MACWOOD: I'd be happy to do it.

18 CHAIRMAN HOOD: Okay. Thank you.
19 I want to thank everyone. I'm not going to talk
20 to you about the bicycles, but I do want to ask
21 you this, though, have you ever carried ten bags
22 from a grocery store on a bicycle?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. TOMER: Ten bags, no.

2 CHAIRMAN HOOD: Okay. So, thank
3 you very much.

4 COMMISSIONER MAY: Chairman Hood,
5 maybe you want to ask Ms. Cort that question.

6 CHAIRMAN HOOD: No, she knows.

7 COMMISSIONER MAY: Okay. Then
8 I'll ask her --

9 CHAIRMAN HOOD: I'm looking for the
10 Tweet --

11 COMMISSIONER MAY: -- about that.

12 CHAIRMAN HOOD: -- tomorrow.

13 COMMISSIONER MAY: What's the
14 maximum number of grocery bags you carry --

15 MS. CORT: Well, I used to --

16 COMMISSIONER MAY: -- for a day's
17 worth of --

18 MS. CORT: -- shop, for a family of
19 two, I used to shop with just two bags or two
20 panniers and a couple of bags on the back. But
21 now I have a family of three. I have a
22 two-year-old toddler and so, I went to a trailer,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 him, the bags, can carry a lot of stuff on a
2 trailer.

3 CHAIRMAN HOOD: Ms. Cort, since he
4 did that, could you tell them who you saw down
5 at the bike the work week?

6 MS. CORT: I was very happy to see
7 the Chairman of the Zoning Commission down at
8 last spring's bike to work day.

9 CHAIRMAN HOOD: Thank you very
10 much. I think Commissioner May won't say
11 anything else. Thank you very much. We really
12 appreciate --

13 COMMISSIONER MAY: We went every
14 year --

15 CHAIRMAN HOOD: -- all your
16 testimony.

17 COMMISSIONER MAY: -- and I go every
18 year.

19 CHAIRMAN HOOD: I didn't see you
20 there.

21 COMMISSIONER MAY: Oh.

22 CHAIRMAN HOOD: All right. I want

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to thank everybody and we appreciate your
2 testimony.

3 (Off microphone comments)

4 CHAIRMAN HOOD: Okay. Let's move
5 right along. Susan Kimmel, okay, forgive me,
6 Richard Layman, Ben Klemens, Sarah Gutschow,
7 Donna Brockington, Elinor Hart and Sara Green,
8 Christine Driscoll.

9 Let me see how many I have here.
10 Okay. Let's call a few more. Torend Collins,
11 John Forrer, I think if you're back tomorrow
12 night, maybe I'll get your name correct. Did I
13 pronounce it correct?

14 MR. FORRER: Yes.

15 CHAIRMAN HOOD: Oh, okay. I got it
16 right. Okay. Is that everybody? We have one
17 more person, Milton Grenfell, Linda Schmitt.
18 Okay. We're going to start to my left, your
19 right, and you may begin.

20 MS. KIMMEL: Thank you. Good
21 evening, Commissioners. My name is Susan
22 Kimmel and I live in Tenleytown, Ward 3. I'm

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 here tonight to express my strong support of the
2 proposed updates to the D.C. zoning code, in
3 particular, my support for the revisions
4 concerning accessory apartments.

5 I am well aware of some of the
6 opposition voiced on the list serves and perhaps
7 here at this hearing about the types of tenants
8 who might possibly live in these accessory
9 apartments. But I feel that by requiring the
10 owner of the primary structure to reside on the
11 property, the proposed regulations nullify that
12 concern.

13 Most likely the renters will be
14 screened carefully and be good tenants and
15 neighbors just as myself, my friends and other
16 members of my family have done.

17 Here are a few examples that
18 demonstrate how this housing option has
19 benefitted people at different phases of their
20 lives. When I was first married, my husband
21 took a short-term job in Toronto where we rented
22 a basement apartment in a nice residential

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 section of town, walking distance from his
2 office. There proximity was crucial because we
3 were snowed in most of the winter.

4 When my sister's husband accepted a
5 teaching position at the University of Texas,
6 they moved from Detroit to Houston, but could not
7 afford to buy another house before selling their
8 one in Detroit.

9 That took many months and they
10 suffered a significant loss which made them very
11 risk averse. And so instead they rented a
12 carriage house that was behind a main house in
13 a beautifully landscaped setting.

14 For a friend, when her elderly
15 mother could no longer live independently, they
16 hired a live-in home health worker and provided
17 a basement apartment for this woman and her
18 husband.

19 Later, after my friend had inherited
20 the house and moved into it, she rented the
21 apartment to the same couple for many more years.

22 When my 30-year-old son switched

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 carriers to work as a chef, he moved back home
2 to thriving D.C. and came to live with me. Once
3 he starts to make a little more money, he hopes
4 to find his own place. But rather than move way
5 out to Germantown or Leesburg, he would like to
6 be able to afford an accessory apartment in town.

7 Formerly, when I had been an empty
8 nester who's footsteps echoed through the family
9 home, I considered converting the basement into
10 a rental apartment. However, I was deterred by
11 the time, cost and uncertainty of going through
12 the special exception process.

13 This last point is one reason I
14 strongly support the proposed zoning rewrite.
15 Under the new code, it would be a matter of right
16 to convert space inside the home or an existing
17 garage for use as an accessory unit.

18 Admittedly, more accessory units
19 will not solve the affordable housing crisis in
20 D.C. Yet, this is one important piece of the
21 puzzle to foster inclusivity which would benefit
22 the aging population to remain in their homes and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 provide housing choices for the younger
2 generations.

3 CHAIRMAN HOOD: Okay.

4 MS. KIMMEL: Thank you for your
5 time.

6 CHAIRMAN HOOD: Thank you. Next.

7 MR. LAYMAN: Thank you. All right.
8 Thank you, Commissioner Hood and Commissioners
9 for the opportunity to speak today.

10 I'm Richard Layman. I live in Ward
11 4 and have worked on urban revitalization issues
12 pretty hard core for the last 13 or so years
13 including creating and helping to create the H
14 Street Main Street program 12 years ago.

15 And I realize I could also testify
16 about some of these other matters, but I'm going
17 to stick to ADU's and maybe submit additional
18 testimony.

19 Support the proposed change. Like
20 Ellen McCarthy, I recommend approval of ADU's
21 and accessory apartments be expanded to include
22 both types on a single lot.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 In those cases where the building
2 and lot footprint can accommodate more than one
3 unit, the OP recommendation is kind of arbitrary
4 and suggest that such units could be targeted
5 into areas with high frequency transit service,
6 which is where we would want to concentrate
7 additional population anyway.

8 There are many reasons to do ADU's.
9 Lots of people talked about them even though they
10 didn't necessarily give good examples like
11 Seattle, Vancouver and Santa Cruz which have
12 great studies and materials to look at, way
13 better than Arlington or Montgomery County.

14 Montgomery County also has, by the
15 way, a similarly arbitrary rule of 2,000 units
16 maximum which has nothing to do with how much
17 land they have, how big the lots are, how big the
18 buildings are.

19 Anyway, we know D.C.'s population is
20 growing, the cost of housing continues to
21 escalate. As the housing costs escalate,
22 people can't afford to live in the houses.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 We also know that Congress is
2 considering changes to the tax code including
3 the elimination of mortgage interest deduction
4 and state tax deduction. That could change
5 people's ability to own houses.

6 More rental housing is being
7 constructed, but rents are still escalating.
8 Most new housing constructed is multi-unit.
9 Some people want to live in non-multi unit
10 housing. More importantly, ADU's and
11 apartments are cheaper to build or convert than
12 new multi-unit construction. Housing can be
13 built on a per unit basis. It has to do with
14 concrete, height, parking.

15 Plus, using existing infrastructure
16 and land to add more housing without having to
17 buy more land to build the housing, is
18 economically and environmental sustainable.

19 We know ADU supply has been
20 restricted by policy and regulations. As other
21 people testified, our neighborhoods are shaped
22 by the nature of the available housing and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 they're increasingly less diverse and more
2 economically segregated gaining --

3 CHAIRMAN HOOD: All right.

4 MR. LAYMAN: -- population --

5 CHAIRMAN HOOD: Thank you very
6 much. And we'll be looking forward to your
7 testimony. Mr. Green?

8 MS. GREEN: Good evening and thank
9 you for the opportunity to testify. I'm here
10 just to share a few comments from ANC 4B. We
11 have submitted other testimony as well.

12 In terms of the accessory dwelling
13 units, I don't think there's been enough
14 discussion so far about the combination, the
15 impact on a community of a combination of new
16 residents on a specific residential lot along
17 with a home occupation.

18 And so when you're expanding the
19 number of home occupations that can go on a
20 residential unit, as well as combining that with
21 additional residence, there is a change to
22 consider in the character of the community.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 One of the things, again, I
2 apologize, I don't have the exhaustive knowledge
3 that many of your speakers do, but I was really
4 surprised. In Chapter 3, there is one home
5 occupation, and forgive me for not remembering
6 what it is, it says that you can have no more than
7 eight clients or customers on the premises in any
8 one hour.

9 There are businesses in Georgia
10 Avenue and I can read right now, that'd be
11 thrilled to have eight customers in an hour.
12 You know, I don't know if you've been on Georgia
13 Avenue lately, but that's a problem.

14 So I don't know why we are
15 encouraging permitting a home occupation to have
16 eight customers in an hour. Please, go to
17 Georgia Avenue where we need you. Do not come
18 into a, you know, that kind of occupation into
19 a residential neighborhood.

20 I think there's something else about
21 a home studio would be permitted if it's 60
22 percent of, you know, you can have up to 60

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 percent of a residential where the home's
2 street. Sixty percent, I mean, now it's not a
3 residence anymore. Now it's a business. So
4 that's a huge change that I think people need to
5 consider.

6 In terms of corner stores, I don't
7 think we have a lot of them within ANC 4B.
8 Looking at the map, it might be just a corner,
9 a part of us, a corner for a corner store. I
10 don't know how much we'd have.

11 But this is really a disturbing. I
12 mean I've heard the testimony about wanting the
13 warm and friendly milk and the cup of sugar and
14 all that and the fresh food. But we have
15 convenience stores all throughout this city and
16 on Georgia Avenue and elsewhere, and they're not
17 offering quality, fresh food.

18 And the reason they're not doing it
19 is because the economic model isn't there. If
20 people could make money right now, selling
21 healthy, you know, foods that people, instead of
22 beer and wine and chips and all that, they'd be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 doing it.

2 So I don't think the corner store,
3 the advertisement or the promise of the corner
4 store that's being dangled in front of us, is
5 going to be producing what we want. I do suspect
6 we're going to get more alcohol. We got plenty
7 of alcohol in Ward 4 --

8 MALE PARTICIPANT: Yes.

9 MS. GREEN: -- plenty of it. And so
10 if you're going to permit corner stores, then I
11 would say no alcohol. And then you'll see,
12 people are not going to want to do these corner
13 stores unless they can sell alcohol.

14 The other issue is blight. There
15 are no design considerations here. If you're a
16 historic district, okay, you've got something,
17 but this is blight. You're going to have
18 grates, you're going to make permanent changes
19 to attractive residential stock that can't be
20 converted back.

21 Somebody showed me pictures of
22 Baltimore and with all these corner stores.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 They're really not very attractive. And when
2 the Office of Planning came out and they had
3 pictures of corner stores, they took the two
4 charming ones in the city. They're really
5 adorable, they're charming, but I don't think
6 that's what we're going to be getting.

7 We're going to be getting a lot of
8 haphazard commercial, you know, changes from
9 quality residential to the blight. And I'm
10 really hoping that you think this through and,
11 we said special exception with our ANC, so at
12 least very strong restrictions. Thank you.

13 CHAIRMAN HOOD: Thank you. Next.

14 MS. BROCKINGTON: Hello. My name
15 is Donna Brockington and I'm chair of ANC 4D.
16 I'd like to say thank you for the opportunity to
17 address this body with the concerns of our
18 commission and constituents.

19 I'm going to first address the
20 corner store proposal. And you already heard
21 some of the concerns that are coming out of 4C.
22 And also in 4D, we still have the concerns of,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with respect to not repeating, the part about the
2 eating and drinking establishment in row homes.

3 Currently, right now, we have a new
4 situation in the District where a lot of these
5 establishments like to put the little chairs and
6 the tables and all of that outside so people can
7 come out and sit and have their coffee.

8 That would have definite negative
9 impact on our streets because it's going to
10 reduce street accessibility, especially for
11 those residents that have physical limitations
12 and may need the help of medical devices such as
13 wheelchairs, walkers, in order to travel.

14 And also with regard to the fresh
15 foods, these stores are not going to be able to
16 survive selling just apples, oranges, grapes,
17 healthy produce. And out of necessity, they are
18 going to have to provide unhealthy snacks,
19 cigarettes, sodas in order to make a profit.

20 The 15 percent of the floor space
21 devoted to selling beer, wine and whatever
22 alcoholic beverages they'll be selling, there's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 no statistics that state that allowing 15
2 percent of the store's corner floor space does
3 not, in any way, impact alcohol consumption. As
4 a matter of fact, you just simply restock once
5 those areas are depleted.

6 ABRA is not able to timely
7 investigate our allegations pending currently
8 of violations of stores now that are selling
9 alcohol and beer and wine when they are not
10 supposed to be.

11 We have recently, with one
12 particular business, we've gone back and forth
13 with this issue and now, I am still waiting for
14 them to begin the investigation that we started
15 in July. And the neighbors have gone in, our
16 residents have gone in and purchased such and
17 have the receipts.

18 No one has contacted them. I'm
19 emailing back and forth. I'm not getting
20 responses. So I question whether or not these
21 corner store businesses are going to operate.
22 What type of oversight will we be getting with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 them selling alcohol and beer all night long.

2 We've had businesses that have been
3 selling alcohol that were never licensed to sell
4 beer and alcohol. They were carry-outs and
5 they're selling beer, wine and single
6 cigarettes. And we are still waiting for DCRA
7 and ABRA to do something.

8 We also have businesses in our
9 neighborhood that are selling cooked foods and
10 they're not supposed to be selling cooked foods.
11 The Department of Health has gone in there
12 several times and they continue to do nothing.
13 These stores are not even getting fined.

14 And I'm getting over-inundated with
15 the complaints for the trash, the rodents, you
16 know, because they don't even have the proper
17 trash containers. That, you know, inspectors
18 should be able to get out there and handle those
19 complaints and they can't.

20 So with regard to fresh foods in our
21 neighborhood, we already have two Safeways, we
22 have a Yes! Organic, in the summer we have the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 little outdoor market from the farmers that come
2 up. We have two Wal-Mart's coming.

3 So we have enough affordable fresh
4 fruits and produce and groceries currently in
5 our neighborhood, all within quite a few feet of
6 each other. They will be battling it out and
7 lowering their prices for our business.

8 So now, with the ADU's, we are still
9 getting problems with illegal boarding houses.
10 I have complaints now, the DCRA and the
11 inspectors can't resolve with the additional
12 noise, the complaints that come with that, the
13 additional trash, the loitering, the sale of
14 drugs and other things that come along with this.

15 And if we're not able to right now,
16 have a solution to these problems, then we are
17 creating more problems for the citizens that
18 live there, let along the elderly. Heaven
19 forbid, that they have to live next door to that
20 because we do have them right now.

21 I've had residents who have moved
22 because they could not get any resolve with the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 police department, DCRA. And when we,
2 ourselves, have had the voucher people come down
3 to talk about those that are in Section 8,
4 there's little that they can do.

5 So we stand in opposition to that.
6 And lastly, we need more time to review that
7 1,100 page document --

8 CHAIRMAN HOOD: Okay.

9 MS. BROCKINGTON: -- preferably --

10 CHAIRMAN HOOD: Thank you.

11 MS. BROCKINGTON: -- 90 to --

12 CHAIRMAN HOOD: Thank you.

13 MS. BROCKINGTON: -- 120 days.

14 CHAIRMAN HOOD: Thank you. Thank
15 you very much. Next.

16 MS. HART: Good evening, Chairman
17 Hood and other members of the Commission. I
18 welcome this opportunity to testify in favor of
19 the zoning regulations changes which will make
20 accessory apartments easier to establish.

21 VICE CHAIR COHEN: Can you identify
22 yourself, please?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. HART: Oh, I get your pardon.
2 My name is Elinor Hart. I am especially pleased
3 because I advocate for affordable housing on
4 behalf of the League of Women Voters of D.C.

5 And the League has been in favor of
6 land use policies which will promote the
7 development of accessory housing since 1989. I
8 am sure that the option to create accessory
9 apartments as a matter of right will
10 significantly increase the number of these
11 apartments.

12 Accessory apartments will make more
13 housing available in and near some of the city's
14 most desirable neighborhoods and they will
15 provide additional housing in areas easily
16 accessible to jobs, restaurants and cultural
17 attractions.

18 They will be welcomed by the many
19 young people who are flocking to D.C. The
20 additional income from accessory apartments
21 will be welcomed by older and less affluent
22 residents eager to remain in the homes they have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 lived in for years.

2 The Office of Planning and the
3 Zoning Commission are to be commended for
4 modifying D.C.'s land use policies to better
5 meet the needs of our residents and to improve
6 the quality of life in the city. Thank you for
7 the opportunity to testify and for your good
8 work.

9 CHAIRMAN HOOD: Thank you. Next.

10 MS. COLLINS: Good evening. My
11 name is Torend Collins and I'm a resident of
12 Washington D.C. and I reside in the Brookland
13 neighborhood.

14 I come tonight to testify in support
15 of the proposed changes to D.C.'s zoning code
16 regarding accessory apartments in low-density
17 areas, and this testimony is my own.

18 As a renter, I know the benefits of
19 having multiple housing options from which to
20 choose. In August of 2011, I left my home state
21 of Kentucky to move to the District after
22 traveling back and forth for over a year.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Having always stayed with family and
2 friends, upon my permanent location to D.C. I was
3 faced with a harsh reality, a rental housing
4 market that was extremely expensive and beyond
5 my budget.

6 During my search, I found
7 economically affordable one-bedroom apartments
8 that offered minimal space and large apartments
9 that provided more space at a much heftier price
10 tag.

11 Needless to say, the entire process
12 proved to be very exhausting and frustrating.
13 And after speaking to friends, I found that I was
14 not alone in my experience. Many others
15 faced the same challenge when relocating to D.C.
16 and it is my belief that changes to the current
17 zoning codes to permit more accessory apartments
18 could reduce this problem.

19 By permitting more homeowners to
20 construct the apartments, D.C. can make a
21 significant impact on the rental housing market.

22 Furthermore, changes to the codes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 could bring diversity to neighborhoods and
2 provide new sources of revenue for homeowners.
3 Personally, I've benefitted from renting an
4 accessory apartment.

5 While interning in San Francisco, my
6 roommate and I rented an apartment from a lovely
7 middle aged couple that were natives to the area.
8 The accessory, excuse me, apartment provided us
9 with easy access to downtown San Fran and
10 afforded us the opportunity to become active
11 residents within the neighborhood,
12 participating in neighborhood clean-ups,
13 Halloween festivities and other activities.

14 Given the statements above, I
15 support the changes to the zoning code. Thank
16 you. Oh sorry, I thought that was the last bell.
17 Sorry.

18 I support the changes to the zoning
19 codes so they reflect broader, less restrictive
20 rules for the construction of accessory
21 apartments.

22 I'm invested in Washington D.C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And as a future homeowner, fingers crossed, I
2 believe the changes will improve our community
3 and provide greater housing options to
4 individuals eager, like myself, to reside within
5 the District.

6 I thank you for your time tonight and
7 for your long hours of service to D.C. Thank
8 you.

9 CHAIRMAN HOOD: Okay. Thank you.
10 Next.

11 MR. FORRER: My name is John Forrer.
12 I live in the Colony Hill neighborhood in
13 Northwest D.C. I'm not here tonight to talk
14 about anything that is proposed before you, but
15 rather something that isn't, mainly the
16 customized zone for my neighborhood.

17 Six years ago when the Brady Estate
18 immediately north of our neighborhood was sold
19 and we saw the size of the houses that they
20 planned to build in that new development, we
21 became aware and very concerned that such houses
22 could be built in our neighborhood which would

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 be totally out of character with the existing
2 housing stock and character of our neighborhood.

3 We considered seeking historic
4 district status, but we decided that was too
5 restrictive. We didn't want those mullions on
6 the back windows of the house to be of concern.

7 But Travis Parker came to a meeting
8 of our neighborhood community and told us about
9 a new process just starting to rewrite the
10 District zoning code.

11 He estimated it would take about a
12 year and he said that a central part of it would
13 be an emphasis instead of on citywide criteria
14 of particular categories of neighborhood, on
15 individual customized neighborhood zones
16 appropriate for the particular neighborhood.

17 He asked that we wait until that year
18 was up so that we would have a format for
19 submitting a proposal of our own. Well, as you
20 know, he was a bit optimistic in his one year
21 estimate. But he reassured us throughout his
22 stay that that emphasis on neighborhood zones

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 were still a central part of what was going to
2 be proposed.

3 And when he left and our Arlo Jackson took
4 over, she reassured us on the same point.
5 However, when a draft of the code was finally
6 proposed last December, and I went to the Office
7 of Planning and asked it if was now time to submit
8 a proposal for our neighborhood, I was told that
9 they had decided not to consider any proposals
10 other than one for Georgetown or actually, I
11 guess, it became two for Georgetown.

12 And I am very concerned, therefore,
13 as to when and how our neighborhood will be able
14 to obtain a set of zoning criteria that will be
15 appropriate for our neighborhood when the
16 existing R-2 zone proposals are clearly not.

17 I would ask one of two things. Is
18 it too late to submit a proposal to you now for
19 consideration and for inclusion in this code
20 that you are looking at? If not, tell us what
21 the deadline is for submitting it and how we
22 should go about it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And secondly, if we cannot submit or
2 even if we can, would you include in the code a
3 clear statement that such customized zones are
4 welcomed and encouraged, and a clear indication
5 of the rules and process by which such zones can
6 be created quickly in the future either by our
7 neighborhood or other neighborhoods.

8 CHAIRMAN HOOD: Okay.

9 MR. FORRER: Okay.

10 CHAIRMAN HOOD: Thank you very
11 much. Next.

12 MS. SCHMITT: My name's Linda
13 Schmitt. Four points, ADU's are right for elder
14 abuse. If a home has a separate entrance for a
15 rental unit, the unit falls under landlord
16 tenant laws. Laws that notoriously favor the
17 renter and the homeowner loses effective control
18 of their property. From my own experience, I
19 can tell you that ADU's are right for abuse.

20 Three examples, renter in a elderly
21 lady's house refuses to move out even as the lady
22 is terminally ill, eventually dies after many

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 months and the renter won't move, wants a year's
2 rent, a new location, but, so the heirs can sell
3 the house.

4 Elderly lady moves to her daughter's
5 and squatters take over her house through a
6 tenant who ignores the no sublet. No way to get
7 them out.

8 Basement apartment renters in a
9 elderly lady's house demand a deposit on a house
10 before they will move out. The rent's unpaid
11 and according to the D.C. attorneys, it takes a
12 year to get people out.

13 Legal process for eviction is
14 impossible, lengthy and expensive. A D.C.
15 office instructs tenants on how to avoid paying
16 rent. The elderly are unable to deal with it and
17 any rent is eaten up by the legal mess.

18 These are bad situations and nobody
19 helps. Politicians don't touch the rental
20 laws. Police won't intervene unless there's a
21 crime. The ANC's powerless. Don't jump the
22 gun by making ADU's matter of right. Take a good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 look at what could happen to these homeowners.

2 Second, demand the BZA expand
3 capacity. We heard the BZA's swamped and that's
4 one of their pretexts for making things matter
5 of right. Because BZA is swamped is no reason
6 to abandon oversight.

7 OP's answer is to make everything a
8 matter of right. The fixes demand BZA expand
9 capacity to handle workload. It can be two or
10 three panels with coordination to use the same
11 criteria.

12 We don't use just one judge for all
13 legal cases. The BZA can expand and ADU's
14 authorized only by special exception. The
15 certificate of occupancy, license to operate a
16 business, inspection, insurance, limit the
17 people in a ADU to two or three. We don't want
18 kids in D.C. growing up thinking grass is just
19 what you smoke because our backyards are turned
20 into buildings.

21 Three, ignorance of the ZRR. In a
22 city where we receive delivered to our doors a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 beautiful full-color brochure announcing the
2 fall leaf pickup, we can't bother to mail
3 residents decent literature about the proposed
4 zoning changes? Only in the last month did OP
5 finish their recommendations. How's the public
6 supposed to know, comprehend, understand, much
7 less, respond?

8 Role of the Zoning Commission.
9 Don't be satisfied with OP's list of these are
10 all the things we did. Ask for the results.
11 How many residents did you actually contact?
12 How complete, how accurate, how up-to-date and
13 reader friendly was that information?

14 There's nothing that says the ZRR
15 has to be decided after one round of hearings.
16 Don't blind side the public. The Zoning
17 Commission risks losing legitimacy by acting
18 unilaterally on such sweeping changes. Thank
19 you.

20 CHAIRMAN HOOD: Okay. Thank you.
21 Any questions of this panel? Any questions?
22 Commissioner Miller?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MILLER: Thank you,
2 Mr. Chairman. I just wanted to thank each of you
3 for your thoughtful testimony and many
4 constructive suggestions.

5 Mr. Forrer, I think we will pose that
6 question to OP about whether and how there is a
7 statement in the code itself as to customized
8 zones going forward because I think that is a
9 question people have. So thank you for bringing
10 that up.

11 CHAIRMAN HOOD: Okay, Vice Chair?

12 VICE CHAIR COHEN: Thank you, Mr.
13 Chairman. Ms. Schmitt, you did start off with
14 you had personal experience --

15 MS. SCHMITT: Yeah.

16 VICE CHAIR COHEN: -- with the elder
17 abuse and that you did not get any type of
18 resolution with regard to the abuser. And what
19 was the final outcome?

20 MS. SCHMITT: On the lady who
21 eventually died, the renter actually went to the
22 Legal Aid Society and there were months of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 wrangling with the lawyers with that case, a lot
2 of money.

3 The woman is in the house. The
4 house is empty. She decided that she was going
5 to stay in the house, the heirs were going to sell
6 the house and she was going to convince any
7 perspective new owner that she was going to live
8 in that house.

9 Now, I've got to tell you, what
10 family needs to deal with that. There isn't
11 anybody that helps. There's nobody that helps.

12 VICE CHAIR COHEN: All right.
13 Well, is this your profession, senior --

14 MS. SCHMITT: No.

15 VICE CHAIR COHEN: -- social --

16 MS. SCHMITT: No.

17 VICE CHAIR COHEN: No.

18 MS. SCHMITT: No. This --

19 VICE CHAIR COHEN: This is just --

20 MS. SCHMITT: -- is, I mean, just in
21 my own little life.

22 VICE CHAIR COHEN: All right. Are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you aware that AARP, though, supports the
2 concept of accessory dwelling units to help
3 seniors stay in their homes to --

4 MS. SCHMITT: The --

5 VICE CHAIR COHEN: -- afford it?

6 MS. SCHMITT: -- AARP is a
7 nationwide organization. I don't know that
8 they're familiar with the D.C. rental laws.

9 VICE CHAIR COHEN: Okay. Thank
10 you.

11 CHAIRMAN HOOD: Okay. Mr. Forrer,
12 you were here last night in the discussion about
13 just Georgetown and --

14 MR. FORRER: Yes, I was.

15 CHAIRMAN HOOD: -- you also heard
16 last night from Ms. Steingasser's comments back
17 to me and the others that they were open to doing
18 it for any neighborhood. You heard that
19 conversation, right? Or did you?

20 MR. FORRER: I don't know that I
21 did.

22 CHAIRMAN HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. FORRER: Maybe if --

2 CHAIRMAN HOOD: Maybe it was --

3 MR. FORRER: -- I stayed long
4 enough.

5 CHAIRMAN HOOD: Oh, you didn't stay
6 for our questions. I don't blame you, I
7 would've left too. But that actually was the
8 comment that was made by Ms. Steingasser and I
9 will continue that question.

10 And it's good to know that another
11 neighborhood now, is ready to do something like
12 that.

13 MR. FORRER: Well, we've been
14 ready. We've had a committee appointed for over
15 a year that's been looking at this.

16 We have not taken it to a final vote
17 of the neighborhood nor have we yet gone to the
18 ANC with a proposal because we were waiting until
19 we had a green light to proceed, lest some
20 changes occur along the way that would cause us
21 to, in the overall proposal, it would cause us
22 to have to go back and change what our proposal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 was.

2 I think at this point, I know
3 Christmas and Thanksgiving holidays are coming
4 up, it may be hard to accomplish anything. So,
5 but I would sure be certain by the end of January
6 we could have a proposal if that would be still
7 timely for inclusion at this point.

8 CHAIRMAN HOOD: I don't want to
9 commit any of us up here or that, but I just know
10 that that process, I was assured last night that
11 other neighborhoods will be able to do some
12 customization.

13 I don't want to put words in Ms.
14 Steingasser's mouth. I could ask her now, but
15 I'm not because I know what I heard last night.
16 So we'll wait and see what happens. But I do
17 know that they are going to be looking for other
18 neighborhoods to do exactly what Georgetown did.

19 MR. FORRER: And then if they, you
20 know --

21 CHAIRMAN HOOD: Because I heard you
22 say --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. FORRER: -- are, we'll be ready
2 to come in.

3 CHAIRMAN HOOD: -- that's something
4 you were told that only Georgetown only. That's
5 unacceptable because that's I don't believe that
6 --

7 MR. FORRER: Yes.

8 CHAIRMAN HOOD: -- was the case.
9 I'm not saying nobody didn't tell you that, but
10 --

11 MR. FORRER: But that's what --

12 CHAIRMAN HOOD: -- that is
13 unacceptable.

14 MR. FORRER: -- Ms. Steingasser and
15 her staff told me last January.

16 CHAIRMAN HOOD: Okay. I will
17 follow-up with that. It's ironic, Ms. Green,
18 because I looked at that today about the eight
19 and within one hour that is actually one of the
20 questions that I will be following up at the --

21 MS. GREEN: Thank you.

22 CHAIRMAN HOOD: -- an appropriate

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 time. And Ms. Brockington, I'm going to get in
2 trouble, but there's a gentleman with SWEEP and
3 you can call him. He can help you with all your
4 trash issues. He's name is Andre Lee. I hope
5 he's not looking at this. I'm not going to tell
6 him I said that. But his name is Andre Lee. I
7 guarantee you, he will help you out. Okay?

8 MS. BROCKINGTON: Andre Lee?

9 CHAIRMAN HOOD: All right. Andre
10 Lee.

11 MS. BROCKINGTON: BBW?

12 CHAIRMAN HOOD: Yeah. SWEEP.
13 He's with the SWEEP program. Okay. And don't
14 worry about calling him tomorrow because he'll
15 probably kill me and I won't be back tomorrow
16 night. Okay, Mr. Layman.

17 MR. LAYMAN: It's possible to carry
18 at least seven bags of groceries on handle bars,
19 plus your backpack.

20 CHAIRMAN HOOD: Would you carry
21 seven bags?

22 MR. LAYMAN: And I've carried a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 20-pound watermelon or a 25-pound bag of rice
2 five miles from Union Market to where I live in
3 Tacoma.

4 CHAIRMAN HOOD: Okay.

5 MR. LAYMAN: And I live 1.25 miles
6 equal distance from two grocery stores. One is
7 uphill going, one it uphill coming back. So
8 where I go depends on how energetic I feel.

9 But I live in a R-1 neighborhood.
10 We're the only household on our block that
11 doesn't own a car. We're .8 miles to the metro.
12 It's fully bikeable even though there's the dam
13 fall line. You have to ride uphill coming from
14 the core.

15 CHAIRMAN HOOD: Mr. Layman, I
16 appreciate that, but the correct quote was ten.
17 When you get to ten, I'm proud you were seven --

18 MR. LAYMAN: Okay.

19 CHAIRMAN HOOD: -- and when you get
20 to ten, then come back and let me know you've done
21 ten. Okay? Yes.

22 MS. BROCKINGTON: I have a question

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of consideration. The parking, no one can seem
2 to talk about parking in residential
3 neighborhoods once the established businesses
4 are there.

5 The biggest concern is the meters
6 being put in because these will now be
7 established businesses and taking up the
8 parking.

9 And we've just cured or attempted to
10 cure a situation that was in the reverse at
11 Illinois and Kennedy Street where a long time ago
12 there was a row of businesses there, but they
13 went back to the original use which is all
14 residential.

15 As a matter of fact, there was an
16 additional condo put there on the corner, but the
17 meters stayed. We finally got the meters
18 removed, but they moved them to the other side
19 of the street, so now on street cleaning day they
20 still have to pay a meter. That's not fair for
21 a resident to have to pay a meter to live in a
22 residential neighborhood. And no one yet has --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: We're going --

2 MS. BROCKINGTON: -- considered --

3 CHAIRMAN HOOD: -- wait, let me just

4 --

5 MS. BROCKINGTON: -- that.

6 CHAIRMAN HOOD: -- say this. We're
7 going to be dealing with parking next week. We
8 don't want to get too overwhelmed because we have
9 a lot --

10 MS. BROCKINGTON: I'm talking about
11 with the corner store initiative.

12 CHAIRMAN HOOD: Okay.

13 MS. BROCKINGTON: Where they --

14 CHAIRMAN HOOD: That's something --

15 MS. BROCKINGTON: -- called on --

16 CHAIRMAN HOOD: -- we'll look at.

17 MS. BROCKINGTON: -- and now say
18 well, this is a --

19 CHAIRMAN HOOD: We're going to look
20 at that whole piece.

21 MS. BROCKINGTON: Okay.

22 CHAIRMAN HOOD: Okay. So if you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 able to make it, come back down. But --

2 MS. BROCKINGTON: Next week?

3 CHAIRMAN HOOD: -- we appreciate --
4 yeah. Yeah.

5 MS. BROCKINGTON: Okay.

6 CHAIRMAN HOOD: Next week. And you
7 can go on line, what day is it, the 12th.

8 MS. BROCKINGTON: No problem.

9 CHAIRMAN HOOD: The 12th. And we
10 don't want to get too overwhelmed. Tonight
11 we're ADU's, corner stores. And if --

12 MS. BROCKINGTON: We're
13 overwhelmed too.

14 CHAIRMAN HOOD: -- you want to put
15 it with parking. Yeah, I understand.

16 MS. SCHELLIN: If she wants to
17 testify, it would be the 19th --

18 CHAIRMAN HOOD: Oh, the 19th.

19 MS. SCHELLIN: -- because the 12th
20 is closed for more testimony. But if she wants
21 to hear the Office of Planning report, it's the
22 12th.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. BROCKINGTON: Okay.

2 MS. SCHELLIN: But testimony would
3 be the 19th.

4 MS. BROCKINGTON: 19th?

5 MS. SCHELLIN: Yes, so.

6 MS. BROCKINGTON Thank you.

7 CHAIRMAN HOOD: All right. Mr.
8 Forrer.

9 MR. FORRER: I didn't want my
10 remarks to imply in any way that I thought that
11 Ms. Steingasser or her staff were hostile to us.
12 I think, rather, that they were simply
13 overwhelmed and felt that they couldn't at that
14 time handle any additional proposals.

15 CHAIRMAN HOOD: Okay. Well, I
16 didn't --

17 MR. FORRER: You know, that they --

18 CHAIRMAN HOOD: -- take it as she
19 was hostile.

20 MR. FORRER: -- wouldn't be able to
21 --

22 CHAIRMAN HOOD: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. FORRER: -- until they had
2 completed the revision which I think didn't only
3 reach to you at the end of August.

4 CHAIRMAN HOOD: Okay.

5 MR. FORRER: So I certainly have not
6 --

7 CHAIRMAN HOOD: I'm sure she's
8 going to still work with you. I'm sure. You
9 won't have any problems. Okay.

10 MR. FORRER: Thank you.

11 CHAIRMAN HOOD: All right. Thank
12 you all very much. We appreciate it.

13 VICE CHAIR COHEN: I have one other
14 further --

15 CHAIRMAN HOOD: We have one other
16 question.

17 VICE CHAIR COHEN: I'm sorry. I
18 should have asked this earlier. But, Ms. Green,
19 we did hear quite a few earlier testimony of
20 people who really strongly support --

21 MS. GREEN: Yes.

22 VICE CHAIR COHEN: -- corner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 groceries. Do you have any reaction to that?

2 MS. GREEN: I think everybody is,
3 you know, thinks they're going to get something
4 that I think that the market is probably not
5 going to provide.

6 I mean, I don't have a crystal ball
7 here, but there are an awful lot of convenience
8 stores scattered throughout this city including
9 on Georgia Avenue, and they're not providing
10 fresh fruits and all of these -- because I don't
11 think they can make money doing it.

12 But they can make money selling
13 alcohol and a lot of other stuff. And so I
14 understand the dream. I understand the ideal
15 here. But I'm thinking what we're going to get
16 is trash and blight and grates and all sorts of
17 ugly permanent architectural changes in lovely
18 residential neighborhoods and that's what
19 concerns me.

20 VICE CHAIR COHEN: Thank you.

21 MS. BROCKINGTON: Who do I give
22 copies of my testimony to?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: You can give it to
2 the staff to the left. Okay. Thank you all
3 very much. We appreciate your testimony.
4 Okay. Jalal Green, Dorcas Adkins, Gale Black,
5 Kinley Bray. Is there anyone else who's in
6 attendance who'd like to come up and testify?
7 Okay, let me see, I don't think I have that many.
8 You three can come forward.

9 (Off microphone comments)

10 CHAIRMAN HOOD: Okay. Yeah, and
11 that.

12 (Off microphone comments)

13 CHAIRMAN HOOD: Okay. Is there
14 anyone else who'd like to testify who's in
15 attendance. Okay. I think -- oh, make sure we
16 give our witness cards to the Court Reporter to
17 my right.

18 Okay. So this will be our end of our
19 panel and it looks like we're going to be able
20 to ask a few questions tonight. Good. Okay.
21 Okay. We're going to start with my left to your
22 right. You may begin.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. ADKINS: Good evening,
2 Commissioner.

3 CHAIRMAN HOOD: Make sure you're
4 light lights --

5 MS. ADKINS: Okay.

6 CHAIRMAN HOOD: -- up, please.

7 MS. ADKINS: Good evening,
8 Commissioners. Thank you for giving me this
9 opportunity. My name is Dorcas Adkins. We
10 hear everyday about the problems caused by
11 suburban sprawl, air and water pollution,
12 gridlock, traffic and the disappearance of our
13 precious farmlands and forests.

14 The population of the D.C. area is
15 projected to increase sharply in coming years
16 and housing will be created for these people
17 either farther out in Maryland and Virginia or
18 within the city with it's developed
19 transportation infrastructure.

20 For reasons of environmental
21 quality as well as quality of life, we have to
22 hope that much of it will be created in the city.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Our current low-density neighborhoods will
2 become unsustainable with the projected
3 population numbers.

4 We owe it to the next generations to
5 accept increases in density whether they be in
6 the form of new high-rise apartment buildings or
7 accessory apartments created in basements,
8 backyards and alleys.

9 I feel we need both and that the
10 latter can provide much affordable housing stock
11 where available space for new apartment
12 buildings is unavailable.

13 For over 30 years, I've owned a home
14 in Tenleytown. When I bought it in the '80s, it
15 was priced within my moderate means. But over
16 time, home values have increased six or
17 sevenfold.

18 Now, most of the houses around mine
19 are owned by couples with dual professional
20 careers. Young couples with children are
21 unusual and stay-at-home parents are almost
22 unheard of.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I'm speaking in support of proposed
2 zoning changes allowing accessory apartments,
3 so that some of my neighbors will be able to
4 create low-cost housing units in their basements
5 and their garages.

6 As an aging resident, I hope to stay
7 in Tenleytown as much as anything because it's
8 a good place to live once you can no longer drive.
9 A supply of more affordable housing is a sure way
10 to enable me and others like me to do so.

11 We can move into these units
12 ourselves or take advantage of having as
13 neighbors people who can provide needed services
14 for us. As a bonus, we would see increased
15 diversity among Tenleytown's residents in race,
16 in age and in profession.

17 A wider price range of housing stock
18 would allow us to enjoy as neighbors, a more
19 varied group, house cleaners, maintenance
20 workers, caregivers and young families with
21 children, many of whom now commute into the area
22 from far out in the suburbs.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 While I support the loosening of
2 current restrictions on these units, I don't
3 think it goes far enough. I'm disappointed to
4 see that additions and new construction on
5 garages are not included as matters of right.

6 Most D.C. garages including mine
7 need --

8 CHAIRMAN HOOD: Okay.

9 MS. ADKINS: -- second --

10 CHAIRMAN HOOD: Thank you very
11 much. We have your testimony.

12 MS. ADKINS: Okay. Thank you.

13 CHAIRMAN HOOD: Next.

14 MS. BLACK: Good evening. My name
15 is Gale Black and I'm here today to testify on
16 behalf of ANC 4A. The ANC passed a resolution,
17 which I think has been provided to you all, so
18 I'm not going to read that in. I will do
19 accessory dwelling last assuming time permits.

20 We are four neighborhoods that
21 border Rock Creek Park, homeowners, primarily
22 low-density, single family, or single household

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 if you prefer, residences.

2 And we, like much of the city, are seeing
3 a number of young people aged 20 to 34 coming in,
4 increased by 23 percent. We also have seniors
5 and individuals with disabilities.

6 So the large lots and homes that we
7 have serve as a resource that we hope the city
8 will retain because that's what you're going to
9 need for your caregivers.

10 Height, let me just start with
11 height. We believe that there needs to be an
12 absolute height limit for all residential
13 buildings and we need a consistent way that that
14 height is measured.

15 We agree with the other ANC's that
16 suggest a ten-foot limit above for anything else
17 in pop-ups are an issue. Side yards, we don't
18 believe in having accessory buildings permitted
19 within the side set backs.

20 We are concerned about the
21 nonconforming uses. Although they may have
22 been permitted, I can assure you they're not on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the ground right now. We don't have any within
2 Crestwood, where I live. There are no medical
3 facilities with 300 people. We have no liquor
4 stores. We have no commerce.

5 We do have architects and doctors
6 and we think that the list of current occupations
7 is sufficient. Community-based institutions
8 under this proposal, it says it could house 15
9 people, but that doesn't include the resident's
10 supervisors.

11 This would allow lodging as an
12 accessory use. That's a concern. Now, and I
13 must say that as a person who's family has, my
14 mom just passed, so we're dealing with estate
15 issues.

16 We have a caregiver and their family
17 living in that house now, which is helping us to
18 maintain the home and it's also providing
19 affordable housing.

20 When I was younger, my first house,
21 we rented it out. There are many of us. We're
22 not the enemy. We are the ones who actually can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 tell you how you can provide and keep affordable
2 housing because like, as was said before, in the
3 1940s and '50s we had over 800,000 people. Many
4 of us are already doing this.

5 Alleys, I wanted to, I'm just going
6 through my little tickler list here. This
7 proposal would permit, as we're understanding
8 it, alley dwellings in the R-3 to R-5 zones.

9 And we are primarily R-1 and R-2, but
10 we understand the proposal changes what an R-2
11 zone is, so now we're concerned about that. And
12 any change in alley use should go through the
13 D.C. street and alley closing act before that
14 happens.

15 I'll just touch upon the parking in
16 the sense that it pertains to residents. I
17 understand the proposal calls for reducing by 50
18 percent the required parking along certain
19 corridors and for some reason that are
20 controlled by WMATA. I don't quite understand
21 that.

22 But just looking at the Crestwood

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 apartment on 16th Street, parking is an issue and
2 this would just make it a lot worse. There are
3 ambiguities here as well, in terms of whether
4 you're referring to an accessory dwelling, an
5 accessory apartment, an accessory unit and you
6 talk about something that's being unduly
7 burdensome, what exactly does that mean?

8 No corner stores. Right now,
9 again, ANC 4A is, at least west of 16th Street,
10 there is no commerce. And so when you introduce
11 something that is not currently there, you are
12 changing the fundamental character of the
13 neighborhood.

14 There, we did study for accessory
15 dwellings. We are okay with internal accessory
16 dwellings. We recognize the need for that, but
17 we hope that there would be no use of the garages.

18 And there were suggestions, best
19 practices that were offered for ADU's. Office
20 of Planning provided that, internal only, owner
21 occupied, only one unit rented, limiting the
22 total number of persons, no separate sale and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that the height should not increase the height
2 of the overall premises. The entrances should
3 be from only one side.

4 The last thing I wanted to say is
5 that --

6 CHAIRMAN HOOD: Ms. Black.

7 MS. BLACK -- the seniors --

8 CHAIRMAN HOOD: Ms. Black, let me
9 just say this. I cut everybody else off, so I'm
10 going to cut you off at this time. I may come
11 back and ask you that question because I am
12 interested in what you were going to say. Okay.
13 Next.

14 MR. MILLIGAN: Hi. My name's Sam
15 Milligan and I'd like to thank you guys, everyone
16 here for allowing this to happen and to take part
17 in the Democratic process that we have here.

18 And one thing I would like to say is
19 I think there's actually I have a lot of respect
20 for a lot of the opinions in the room, especially
21 people who want to maintain the beauty and the
22 historical significance of the city.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I would say allowing the normal
2 economic engines of housing to function while
3 maintaining the beauty and historical
4 significance of the city should be a very
5 American ideal.

6 We have a lot of infrastructure in
7 this city, a lot of subway systems and bus
8 stations. And being close to those is something
9 everyone really wants to do nowadays, especially
10 people who are interested in living sustainable
11 lifestyles.

12 And I think there's a growing wave
13 of people who are interested in those
14 sustainable lifestyles. And it should be not
15 only noticed that those people are coming from
16 outside the city into the city because they view
17 it as a place where you can engage in that sort
18 of a lifestyle.

19 But also notice that across the
20 nation, I think there's kind of a growing trend
21 towards that sort of thing. And I think also
22 that, well, I got a lot off topic, but the corner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 stores and the dwelling units could contribute
2 to allowing more people who are moving into the
3 city to engage themselves in those lifestyles.

4 And walk to the different
5 businesses, which allow for more people to start
6 local businesses which keeps the money in the
7 city as opposed to big box stores which end up
8 diverting it to other cities where they're
9 usually headquartered.

10 There's a lot of arguments, I think,
11 that could be said for supporting a more
12 community-oriented and local-oriented
13 sustainable system. And that's most of the
14 reason why I came here today.

15 CHAIRMAN HOOD: Okay. Thank you.
16 Next.

17 MR. BRUSOE: Good evening. My name
18 Peter Brusoe and I'm the president of the Woodley
19 Park Community Association. We had emailed
20 Donna Hanousek to get on the witness list, but
21 I guess some miscommunication happened.

22 To put it simply, the Woodley Park

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Community Association strongly supports the
2 accessory dwelling units, the additional
3 apartment options for our residents.

4 Our community's located in
5 Northwest D.C., approximately about 7,000
6 residents, soon with an onboarding of new
7 buildings we're expecting more residents and we
8 have some of the oldest row housing in the
9 District of Columbia, designed by Wardman
10 himself.

11 And our neighbors, our community,
12 they want the option of being able to add
13 additional space to their homes be it for a
14 caretaker, be it for a hardworking American
15 University student or maybe even a GW student,
16 to be able to go through and have an affordable
17 places to live.

18 We want to applaud the Office of
19 Planning, in particular, Deputy Director
20 Jennifer Steingasser. Followed her great work
21 and outreach.

22 She came and talk to members of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Woodley Park Community Association good part of
2 two-and-a-half hours. And the conversation was
3 very engaging and very deliberate.

4 We are very concerned about
5 community associations, community
6 organizations who don't engage with the
7 community to learn about these issues.

8 We have written testimony in night
9 is of the hour, we just provided that to the staff
10 to share with the Commission. But again, we are
11 strongly supporting the new proposals as
12 written. Thank you.

13 CHAIRMAN HOOD: Thank you. Next.

14 MR. MAJERSIK: Good evening. My
15 name is Cliff Majersik. I live in Woodley Park
16 in ANC 3C along with Peter and Ms. MacWood.

17 And I'm here to testify in favor of
18 the full package of the Office of Planning's
19 zoning proposals. In particular, the accessory
20 dwelling unit and corner store proposals.

21 We live in our house, we've lived
22 there since 2001 and in D.C. since 1992, with our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 three children, my wife and I with our three
2 children. We have only one vehicle. Our
3 13-year-old takes the Metro to school. Our two
4 boys, I walk them to school. I bike to work.
5 They all go to D.C. public schools.

6 Whenever possible, I run errands in
7 the neighborhood on foot or by bike. A corner
8 store or a fresh grocers would contribute to
9 making our neighborhood more walkable, safe and
10 liveable.

11 They are an amenity for families
12 like ours to get staples, milk, bread, whatever
13 we need on short notice to save ourselves time,
14 to make our life easier and more pleasant.

15 Chance interactions with neighbors
16 at the store or on the sidewalk en route
17 strengthen our community, the neighborhood that
18 we live in.

19 Accessory dwelling units also
20 contribute to a more vibrant, safe and livable
21 neighborhood with a diverse mix of ages,
22 incomes, life schedules and life experience.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 More varied demographics makes for
2 more eyes and feet on the street around the clock
3 and a safer neighborhood. Speaking personally,
4 my mother-in-law is now healthy and independent,
5 but I'd like to have the option for her to live
6 in an accessory apartment in our house,
7 converting a part of our house, of our garage to
8 that purpose. And I think everybody should have
9 that option. It helps to reduce pressure for
10 suburban sprawl and the environmental harm that
11 that sprawl causes.

12 I won't be able to be here for the
13 upcoming hearings, but I'd like to commend the
14 Office of Planning on the whole package of
15 proposals that they've provided. Including
16 proposals to modernize the zoning code and ease
17 and eliminate parking minimums.

18 I'd like to have seen them go farther
19 in steps to make the city more friendly to
20 pedestrians, cyclists and car sharing. But I
21 think they did a good job of balancing the
22 competing interests, so.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I thank you all for your time. I
2 know you're volunteering your time and this is
3 a long series of hearings that you have to do.
4 And thank you for the opportunity to testify.
5 Good night.

6 CHAIRMAN HOOD: Okay. Thank you.
7 Next.

8 MR. DEWITTE: Chairman Hood,
9 members of the commission, my name's Conrad
10 DeWitte and I'm here tonight representing the
11 Foxhall Community Citizens Association.

12 I'm a resident of Ward 3, living in
13 Foxhall Village and I'm a board member of the
14 FCCA. The FCCA opposes proposed section 1606 of
15 Subtitle D allowing corner stores as a matter of
16 right so long as the store is more than 500 feet
17 from an existing commercially zoned area.

18 Foxhall Village is a rowhouse
19 neighborhood with historic designation next to
20 both the Georgetown University main campus and
21 close to GW's Mount Vernon campus. We're very
22 concerned about liquor.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 All the rowhouses in Foxhall Village
2 were built at the same time in the same Tudor
3 style. These rowhouses were built around a
4 central commercial area that is walkable from
5 every rowhouse in Foxhall Village.

6 However, some portion of the
7 rowhouses in Foxhall Village on 44th Street are
8 more than 500 feet from the commercial area in
9 Foxhall Village.

10 It appears that corner grocery
11 stores could be placed on some parts of 44th
12 Street, specifically at the corners of Greenwich
13 Parkway and 44th Street, Q and 44th Street, P and
14 44th Street and Reservoir Road and 44th Street
15 or some combination of those.

16 Corner grocery stores in Foxhall
17 Village are unnecessary given the planned
18 development of Foxhall Village around this
19 commercial center.

20 We ask that through a neighborhood
21 customization the Foxhall Village historic
22 district be excluded from the requirement that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 corner grocery stores be allowed in view of the
2 existing neighborhood serving retail in the
3 historic district. Thank you.

4 CHAIRMAN HOOD: Okay. Thank you
5 very much. Any questions, Commissioners?
6 Vice Chair.

7 VICE CHAIR COHEN: Yeah. Mr.
8 DeWitte, I understand that, you know, Foxhall
9 Village does have it's access to convenience
10 stores, but what about the other side where they
11 may be able to serve people who are 500 or 1,000
12 feet away on the other side of you?

13 MR. DEWITTE: What other?

14 VICE CHAIR COHEN: Well, I don't
15 know if there is. You know, I'm just trying to
16 visualize.

17 MR. DEWITTE: The way Foxhall
18 Village historic district is designed,
19 unfortunately I don't have it printed it out for
20 all of you, but if you were to refer to the ZZR
21 draft corner store map which shows, yeah. Well,
22 mine looks like this.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I don't know. It's we're a little
2 triangle. We're bordered on the north by
3 Reservoir Road, on the west by Foxhall Road and
4 on the east by Glover Archbold Park and then
5 Georgetown University, and we come down to a
6 point. 44th Street --

7 VICE CHAIR COHEN: Yeah.

8 MR. DEWITTE: -- is, you know, on
9 the other side of 44th Street is the park and on
10 the other side of that is Georgetown University.

11 So really, we're talking the
12 commercial retail is located on the east side of
13 Foxhall Road, so it really does. If the
14 requirement were 1,000 feet, I wouldn't be here
15 because we, you know, the commercial retail is
16 within 1,000 feet of every rowhouse just about
17 or I'd say almost for sure in Foxhall Village.

18 VICE CHAIR COHEN: You answered my
19 question actually, 1,000 feet.

20 MR. DEWITTE: Yeah.

21 CHAIRMAN HOOD: Okay. Any other
22 questions?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: Mr. Chairman?

2 CHAIRMAN HOOD: Yes.

3 COMMISSIONER MAY: I wanted to
4 follow-up with the same question. I'm looking
5 at the map that I have and I'm not seeing a green
6 dot. Oh, those are the existing corner stores,
7 potential corner -- so there's a red area here
8 that shows your neighborhood is that right?

9 MS. STEINGASSER: The property in
10 Foxhall is actually zoned commercial. It's
11 actually C-1.

12 COMMISSIONER MAY: Right.

13 MS. STEINGASSER: So it wouldn't
14 show up as a corner store because it's a --

15 COMMISSIONER MAY: I understand
16 that --

17 MS. STEINGASSER: That's a --

18 COMMISSIONER MAY: -- but I'm
19 looking at the potential corner stores and
20 trying to -- I mean, I guess, at first I was
21 thinking that it was not showing up as a
22 potential area for it, but it looks like it is.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 So I understand that concern. That's all. I
2 answered my own question by reading the map more
3 carefully.

4 CHAIRMAN HOOD: Okay.
5 Commissioner Black, now, the reason I'm not
6 introducing anybody else, but you started off
7 saying seniors. And I wanted to hear what you
8 had to say about seniors.

9 MS. BLACK: I have heard very truly
10 from our seniors that there's a strong concern
11 about the accessory dwellings. They have
12 pointed out that there could be an unintended tax
13 consequence, for one, to the proposal.

14 For example, 1606.7 requires that
15 the property owners have a residential rental
16 business license form the Department of Consumer
17 and Regulatory Affairs and that the property has
18 to be inspected for relevant housing code
19 compliance.

20 That's a disincentive for the
21 seniors to open up their homes. And it would
22 expose the more vulnerable, those who have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 take in boarders in order to survive to be on the
2 hot seat basically, because their house may not
3 currently be up to code. And they may not be
4 able to afford to bring it up to code.

5 And they're also concerned that
6 their neighbors would take advantage of having
7 an accessory dwelling and would be bringing in
8 people that they are concerned about.

9 I am just relaying to you the
10 concerns that I've definitely heard from our
11 senior contingent.

12 CHAIRMAN HOOD: So basically, they
13 are in support of ADU's. I'm talking about the
14 seniors now, not necessarily you. They're in --

15 MS. BLACK: Some, but internal
16 interior only, no garages, no exterior use and
17 they are -- the many requirements that seem to
18 be required here, would be a disincentive for
19 them to actually take advantage of it because if
20 their house has to be shown to be in compliance
21 to the housing code before they rent it out,
22 where windows have to be a certain size or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 whatever, they're not going to do it.

2 CHAIRMAN HOOD: So they want to
3 possibility, but they don't want to go along with
4 1606.7 which --

5 MS. BLACK: Yes.

6 CHAIRMAN HOOD: -- possibly a
7 safety issue.

8 MS. BLACK: Right.

9 CHAIRMAN HOOD: All right.

10 MS. BLACK: Right.

11 CHAIRMAN HOOD: All right. I'm
12 just curious. Okay. Any other questions?
13 All right. I want to thank this panel. We
14 appreciate all your testimony.

15 MS. BLACK: Okay.

16 COMMISSIONER MAY: Thank you,
17 Commissioner.

18 MR. DEWITTE: Thank you.

19 MR. MAJERSIK: Thank you.

20 CHAIRMAN HOOD: Okay.
21 Commissioners, we're going to keep pressing
22 forward. If we have any questions of the Office

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of Planning's presentation, which was probably
2 about three hours ago. So I'm sure we took good
3 notes. Hopefully, we did.

4 We're going to stop and what we'll
5 do is ten-minute rounds. And we'll start off
6 with Commissioner May's. I know he only has one
7 question, so we --

8 COMMISSIONER MAY: Maybe two.

9 CHAIRMAN HOOD: Okay, two. Okay.
10 We'll start with you Commissioner May. Thank
11 you.

12 COMMISSIONER MAY: Okay. So I'm
13 interested in the alley issue 20 feet versus 24
14 feet. And I recalled some past BZA cases and
15 having to address this issue and I'm wondering
16 what's magic about 24.

17 I mean, I know 24 is less than 30,
18 which is what it is now, right. But, well, I
19 mean, what's wrong with 20? That seems to be the
20 standard we're pushing for when we get some
21 alleys widened.

22 MS. STEINGASSER: We were, yes,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 when the alley is widened for vehicular access,
2 20 is what we're going for. We met with the fire
3 --

4 COMMISSIONER MAY: Yeah.

5 MS. STEINGASSER: -- chief --

6 COMMISSIONER MAY: Yes.

7 MS. STEINGASSER: -- and their
8 standard was 24. That's what he recommended and
9 so that's what their position was.

10 COMMISSIONER MAY: All right. I
11 know that there are circumstances where the, you
12 know, an entrance to an accessory unit might be
13 off the alley or, you know, a yard off of an alley
14 that's very close to the street. So it's, you
15 know, within, I mean you can see it the whole way.

16 And I'm wondering if there's any
17 allowance for that in the existing codes that --
18 because, you know, there is a practical benefit
19 to having a property alongside an alley. And I
20 mean, I can think of a half dozen examples that
21 I've seen in --

22 MS. STEINGASSER: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: -- in my own
2 neighborhood. I mean granted it's not an R-1 or
3 2 zone, but we'll get to this issue tomorrow. It
4 seems like there's a practical reason why it
5 might be okay for an accessible dwelling unit.

6 MS. STEINGASSER: We can look at
7 that. I think what's coming to mind, it's what
8 you're talking is a similar spacing like fire
9 hydrants. There is so many feet that you have
10 to have a fire hydrant because --

11 COMMISSIONER MAY: Yes.

12 MS. STEINGASSER: -- the hose can
13 go --

14 COMMISSIONER MAY: Right.

15 MS. STEINGASSER: And that there
16 may be that kind of depth from the principle
17 street that they may be able to go back. And we
18 can certainly follow-up with them.

19 COMMISSIONER MAY: Yeah. I mean,
20 if it's close enough, fine. Okay. So, and then
21 my next question is the issue of pop-ups that
22 Councilmember Graham brought up.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And I recalled that early on we had
2 some kind of discussion about that, I think, and
3 we also talked about mansionizations and things
4 like that, but I don't see a lot in the
5 regulations to address that other than a new
6 measurement for height --

7 MS. STEINGASSER: Yes.

8 COMMISSIONER MAY: -- which would
9 push things down a little bit, but probably not
10 very much at all.

11 MS. STEINGASSER: The difficulty we
12 had with pop-ups is it's basically diminution of
13 property rights.

14 COMMISSIONER MAY: Yes.

15 MS. STEINGASSER: So to make a
16 citywide blanket that you have to be as high as
17 your neighbor's, when for the last 55, if not
18 more, years there's been an anticipated property
19 right that you might be able to put a top floor
20 on, was a very difficult thing to assess.

21 COMMISSIONER MAY: Okay.

22 MS. STEINGASSER: And the other, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 know everybody hates mansionizations and the
2 McMansions, but they sell.

3 COMMISSIONER MAY: Yes.

4 MS. STEINGASSER: Somebody's
5 buying them and living in them. So that became
6 an issue of how do we deal with the fact that
7 somebody may not like what their neighbor's
8 doing, but their neighbor likes it. The
9 property owner likes it.

10 So it became a really difficult
11 issue for us. The way we went at it was to try
12 to deal with some of the visual effects, lowering
13 the way height's measured, reducing the roof
14 structures that could go on top.

15 I mean this famous one on 10th and
16 11th, that block is actually anticipated to be
17 redeveloped up to 65 feet. It looks really odd
18 because it was the rowhouse in the middle that
19 went up first and had to reinforce itself, so it
20 --

21 COMMISSIONER MAY: You're talking

22 --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: -- sticks up --

2 COMMISSIONER MAY: Oh, so you're
3 talking, you're back on the pop-ups. You
4 talked for a second about mansionizations.

5 MS. STEINGASSER: Oh, all of it.

6 COMMISSIONER MAY: You put it all
7 together, okay.

8 MS. STEINGASSER: Yes. You
9 mentioned them both together, so that's why I
10 said --

11 COMMISSIONER MAY: Yeah. Yeah,
12 okay.

13 MS. STEINGASSER: Okay. So
14 pop-ups, it's a difficult --

15 COMMISSIONER MAY: So --

16 MS. STEINGASSER: -- thing to go to
17 get at. We're trying to both accommodate a
18 growing city --

19 COMMISSIONER MAY: Right.

20 MS. STEINGASSER: -- and --

21 COMMISSIONER MAY: So --

22 MS. STEINGASSER: -- maintain those

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 property rights.

2 COMMISSIONER MAY: And I think a lot
3 of people don't realize that the addition of a
4 third floor --

5 MS. STEINGASSER: Yes.

6 COMMISSIONER MAY: -- on an
7 existing rowhouse has been a common practice --

8 MS. STEINGASSER: Yes.

9 COMMISSIONER MAY: -- over the
10 years. And historically, there are many of
11 them. And the thing is that many of them that
12 we see now, they just look like it's the third
13 floor of a building that was built all at once.

14 MS. STEINGASSER: Yes.

15 COMMISSIONER MAY: And they're not
16 all that way. I mean, very often when you see
17 a difference in the architecture from the second
18 to the third floor and the third floor looks
19 like, you know, it's got more of a kind of a
20 balcony feel or it's set back a little bit
21 further or it's got a mansard treatment or things
22 like that, very often those are third floor

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 additions.

2 MS. STEINGASSER: Yes.

3 COMMISSIONER MAY: But they were
4 done so long ago that, you know, nobody remembers
5 that that's what they were. It seems that what
6 we're getting right now is very often, you know,
7 like a 20/24-foot tall rowhouse that's getting
8 20 feet added.

9 MS. STEINGASSER: Yes.

10 COMMISSIONER MAY: And, you know,
11 it may be because that room, you know, those top
12 floor rooms have, you know, 20-foot ceilings in
13 them.

14 MS. STEINGASSER: Well, we've
15 maintained --

16 COMMISSIONER MAY: They're really,
17 really silly, so.

18 MS. STEINGASSER: They are.

19 COMMISSIONER MAY: Yeah. But they
20 don't add, I mean, I guess if all you can add is
21 a floor, I mean, maybe there's a limitation on
22 the height of floors if you add a top floor?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: Well, right now,
2 the regulations maintain the three-story limit.

3 COMMISSIONER MAY: Right.

4 MS. STEINGASSER: So we're not
5 proposing any change to that.

6 COMMISSIONER MAY: Right.

7 MS. STEINGASSER: And so are you
8 suggesting that it be a two-story limit and that
9 third story would have to be by special exception
10 or I'm not sure how to -- I mean what --

11 COMMISSIONER MAY: No.

12 MS. STEINGASSER: -- would really
13 require is that somehow the city would regulate
14 block by block. That's how detailed you'd have
15 to get to --

16 COMMISSIONER MAY: Really?

17 MS. STEINGASSER: -- be --

18 COMMISSIONER MAY: I'm not totally
19 convinced of that. I mean --

20 MS. STEINGASSER: Well --

21 COMMISSIONER MAY: -- I think it's
22 probably worth thinking about a little bit more

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 because, I mean, there's no reason why some of
2 these things go all the way up to 40 feet when
3 they're in a row of other, you know, 25-foot tall
4 --

5 MS. STEINGASSER: Yes.

6 COMMISSIONER MAY: -- houses. And
7 if effectively all they're doing is adding a
8 story, you know, adding one reasonable story
9 might look okay. I don't know.

10 MS. STEINGASSER: Well, we could
11 certainly draft a text that says, you know, no
12 more than one story of ten feet or whatever that
13 --

14 COMMISSIONER MAY: Yeah.

15 MS. STEINGASSER: -- would be. But
16 there's the effective height. You know, we
17 would want eight-and-a-half --

18 COMMISSIONER MAY: Yeah, right.

19 MS. STEINGASSER: -- did insulation
20 and then roofing.

21 COMMISSIONER MAY: Right. Yeah.

22 And, I mean, and I don't know what the right

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 number is. It may not be ten feet or 12 feet,
2 but I don't know, I just think maybe there is
3 something that can be done. And maybe I'm not
4 understanding the full picture of what can
5 happen. So maybe what I'm imaging could be fix
6 isn't really a fix, so.

7 MS. STEINGASSER: I mean, we
8 certainly hear of it. HP or historic
9 preservation hears of it a lot. They're looking
10 at options to a historic district and what that
11 would do. You know, obviously that has a review
12 process, so that'd be --

13 COMMISSIONER MAY: Well, and I
14 think --

15 MS. STEINGASSER: -- the way that.
16 It's --

17 COMMISSIONER MAY: Yeah.

18 MS. STEINGASSER: -- a tough one and
19 it's, some of the properties cited weren't
20 actual pop-ups as much as they were new
21 construction that is --

22 COMMISSIONER MAY: Well, what, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 mean, what if there were --

2 MS. STEINGASSER: -- all.

3 COMMISSIONER MAY: -- required
4 staff design review of additions in an existing
5 neighborhood? I'm not saying that we, I mean,
6 we don't have to have BZA reviews. And we don't
7 want to, we can't require HPRB review
8 everything, but there is something to be said for
9 that staff review that is done by the Office of
10 Planning as the first filter on historic
11 preservation --

12 MS. STEINGASSER: And I would look
13 --

14 COMMISSIONER MAY: -- for
15 neighborhoods.

16 MS. STEINGASSER: -- support in
17 front of the city council for that particular
18 staff to be created. I mean we don't have
19 architects on board. The architects we have on
20 staff are in historic preservation --

21 COMMISSIONER MAY: Well, no, I mean
22 --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: -- and so you --

2 COMMISSIONER MAY: -- you know, one
3 of the things that Councilmember Graham asked
4 for was whether there was something that could
5 be done legislatively. And if it's design
6 review and staffing for the Office of Planning
7 to do it, maybe that's the answer.

8 MS. STEINGASSER: I don't want to
9 get into the function of the Agency as a way to
10 solve for this. If what you're looking for is
11 some kind of regulatory structure, we'll be
12 happy to take another look at that.

13 I can't comment on whether --

14 COMMISSIONER MAY: Okay.

15 MS. STEINGASSER: -- it's
16 appropriate for --

17 COMMISSIONER MAY: All right.

18 MS. STEINGASSER: -- the Agency to
19 have an internal review staff.

20 COMMISSIONER MAY: All right.

21 Thanks.

22 CHAIRMAN HOOD: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: I finished
2 before that beep.

3 CHAIRMAN HOOD: You have one minute
4 --

5 COMMISSIONER MAY: I'm done.

6 CHAIRMAN HOOD: -- but you don't see
7 that --

8 COMMISSIONER MAY: I was finished.

9 CHAIRMAN HOOD: Okay. All right.
10 Vice Chair.

11 VICE CHAIR COHEN: Thank you, Mr.
12 Chairman. Accessory units, again, what is
13 managing them is the size of the lot, is that
14 correct, but not the size of the unit?

15 MS. STEINGASSER: That's correct.
16 The size of the lot and the size of the house.
17 So what Mr. Baldwin brought up is correct. And
18 we carried that forward from the existing
19 regulations.

20 I think he made a very good point and
21 we're happy to take a look at something smaller
22 than the 2,000 square feet. That's what's in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 the regs now, we've brought that forward into the
2 proposal.

3 VICE CHAIR COHEN: I would suggest
4 to you that if we don't take a look at that, we
5 will have significant amounts of illegal units
6 in Dupont Circle, in rowhouses that have
7 basement apartments --

8 MS. STEINGASSER: Okay.

9 VICE CHAIR COHEN: -- on my own
10 street now.

11 MS. STEINGASSER: Say no more.

12 VICE CHAIR COHEN: Okay. One of
13 the opportunities for affordability is
14 something called co-housing, which hasn't
15 really taken off in our area, but exists
16 significantly in a number of other communities.

17 And I'm just hoping that, and again,
18 this concerns me, that a lot of the larger homes,
19 and I'm thinking of one in particular in Dupont
20 Circle, it's a huge house.

21 MS. STEINGASSER: Yes.

22 VICE CHAIR COHEN: It often has

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 students living in it, shared housing, but that
2 would be perfect for co-housing as well. Is
3 there any way that we can introduce that concept
4 as well and allow for it, especially if there are
5 large homes that can be converted?

6 Again, a lot of seniors are looking
7 forward to not going into institutions, but
8 maybe living as like a smaller part of the
9 village movement in a co-housing arrangement.

10 MS. STEINGASSER: We can take a look
11 at that. Yeah, absolutely.

12 VICE CHAIR COHEN: Good. When I
13 read the comprehensive plan, I never thought
14 that it did not allow for accessory units. I
15 don't think it's an inconsistent use.

16 MS. STEINGASSER: Yes.

17 VICE CHAIR COHEN: Is it not
18 mentioned specifically? I don't recall.

19 MS. STEINGASSER: It is absolutely
20 called out --

21 VICE CHAIR COHEN: It is --

22 MS. STEINGASSER: -- directly.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE CHAIR COHEN: Yeah, I thought.
2 Okay.

3 MS. STEINGASSER: It's an action
4 item to look at ways to encourage, what they
5 call, granny flats, accessory.

6 VICE CHAIR COHEN: Right. Okay.

7 MS. STEINGASSER: Yeah --

8 VICE CHAIR COHEN: -- I --

9 MS. STEINGASSER: -- absolutely.

10 VICE CHAIR COHEN: -- didn't think
11 that it was inconsistent. I thought somebody
12 said that, mentioned it tonight and I don't know,
13 maybe I'm imagining. All right. Those are my
14 questions. Thank you, Mr. Chairman.

15 CHAIRMAN HOOD: Okay. Thank you.
16 Mr. Turnbull.

17 COMMISSIONER TURNBULL: Oh, thank
18 you, Mr. Chair. I guess one of the things, we
19 had a lot of good questions tonight and comments
20 made from a lot of the people that showed up, and
21 I think the one time that I think is the
22 customized format that came up.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: Yes.

2 COMMISSIONER TURNBULL: Georgetown
3 is the one that's out there, but I asked to one
4 of the question is, what's the next process for
5 other neighborhoods to get this.

6 MS. STEINGASSER: Well --

7 COMMISSIONER TURNBULL: I mean, Mr.
8 Forrer, he was, but he wasn't being, I think and
9 he made clear, he said I'm not saying I'm being
10 picked upon or that we're being ignored, but he
11 said I feel like they were put off, not put off,
12 but he was like, I feel like we don't know what
13 to do next.

14 MS. STEINGASSER: Well, until the
15 Commission makes a ruling one way or another on
16 the customized zone options, it's an enormous
17 amount of work, both for --

18 COMMISSIONER TURNBULL: Right.

19 MS. STEINGASSER: -- and to take it
20 to the ANC, to do the assessment of the property.
21 We look to the community to be the lead in this.

22 So before we want people going out

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 there and doing the hundreds of hours of work,
2 the Zoning Commission needs to act one way or
3 another on this zoning regulation.

4 The general process is set out in
5 Subtitle X, I think. And it talks about just the
6 general --

7 COMMISSIONER TURNBULL: Now, does
8 that clarify then that it's an open process?

9 MS. STEINGASSER: Absolutely. And
10 I want to clear -- you know, Georgetown
11 volunteered to be the first, to do that work and
12 to do it themselves. So it's not as if we chose
13 one community over another. They were ready to
14 go.

15 COMMISSIONER TURNBULL: Right.

16 MS. STEINGASSER: They wanted an
17 overlay about six years ago. We said no, we
18 don't want to be doing any more overlays because
19 we're heading into this new process.

20 COMMISSIONER TURNBULL: Okay.

21 MS. STEINGASSER: So they
22 volunteered to be that prototype. But, yeah, we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 absolutely expect to work with multiple
2 communities on this. But in the, you know, --

3 COMMISSIONER TURNBULL: Well --

4 MS. STEINGASSER: -- in the last
5 eight months, no, we were not in the position to
6 stop the process, start taking up a new community
7 and try to incorporate it into these
8 regulations.

9 COMMISSIONER TURNBULL: Now, when
10 you do this, does the community, the group that
11 -- do they take the lead then on --

12 MS. STEINGASSER: That's our
13 expectation, you know. Because it's not going
14 to be the same issues that are important to every
15 community.

16 COMMISSIONER TURNBULL: Yes.

17 MS. STEINGASSER: And we want to
18 have as close to unanimity on what those issues
19 are, especially, if it starts getting into
20 issues of reduced building bulk, reduced
21 property rights, uses, limitations, those kind
22 of things that we want to make sure that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 property owners are in general consensus, not
2 100 percent consensus, but in general consensus.

3 COMMISSIONER TURNBULL: Okay. One
4 of the other, I mean, a lot of people made
5 comments about embellishments and the heights,
6 the, you know, limiting it at ten feet. You took
7 all that in. I mean, there was concerns about
8 suddenly that some of these things could be
9 occupied spaces. I think that there's --

10 MS. STEINGASSER: Well, I think
11 that's a, right now the code allows for roof
12 structures to be 18.5 feet.

13 COMMISSIONER TURNBULL: Right.

14 MS. STEINGASSER: We proposed that
15 in the low-densities it be reduced to ten feet
16 There's a comment. In terms of what can be used
17 for recreational, I think it just needs to be
18 more clear. We're talking about communal space
19 on things that may be nonconforming existing
20 apartments in the R-1s and the R-2s and the R-3s.

21 That was not intended that a single
22 family detached could suddenly put a communal

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 pool on their roof, you know. So that's a
2 carry-over from the current code. It just needs
3 to be massaged.

4 COMMISSIONER TURNBULL: We just
5 need to clarify it. Okay. We heard a lot of
6 concern about the corner store.

7 MS. STEINGASSER: Yes.

8 COMMISSIONER TURNBULL: And a lot
9 of these, we're not going to be able to go back
10 to the '50s or the '60s where you're going to have
11 a lot of neighborhood grocery stores. I just
12 can't see that, that the economies of that are
13 going to happen.

14 MS. STEINGASSER: Yes.

15 COMMISSIONER TURNBULL: And I think
16 a lot of there was concern, I think Commissioner
17 Green had something about, I think they were
18 worried about too many convenience stores, like
19 7-Elevens or something that it's soda pop, beer,
20 chips and cheap food that people can come in and
21 snack food. And I'm not sure how we deal with
22 that. I mean --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: We did hear a lot
2 and we heard it mostly from Ward 4. They are
3 greatly concerned about the corner store issue.

4 COMMISSIONER TURNBULL: Right.

5 MS. STEINGASSER: And we heard it
6 for a number of reasons. We heard exactly what
7 you heard this evening, that they are concerned
8 about an abundance of alcohol and low quality
9 wares.

10 COMMISSIONER TURNBULL: Yeah.

11 MS. STEINGASSER: They are also
12 concerned about it drawing from Georgia Avenue
13 and commercial corridors that they're trying to
14 get reinvestment in.

15 And then we heard, the third element
16 was many of the neighborhoods that are R-3, were
17 built in the '20s and they're berms, so their
18 topography may not lend itself to the same kind
19 of corner store access that you would see in
20 Georgetown or Capitol Hill.

21 So that's why we went away from the
22 matter of right proposal and went to a special

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 exception, so that these things could be
2 considered.

3 We felt it was important for
4 grocery's to be a true grocery. And you're
5 right, there may not be a market, in which case
6 it wouldn't be there. I don't know how to
7 address the enforcement issue.

8 COMMISSIONER TURNBULL: Yeah.

9 MS. STEINGASSER: We did propose a
10 limitation on alcohol. But there's also, you
11 know, there's different types of corner stores.
12 There's the florist, there can be the dry
13 cleaner. We see a lot more than just food sales
14 in terms of corner stores that serve this
15 neighborhoods.

16 COMMISSIONER TURNBULL: Okay.
17 Talked about, I think Commissioner may have
18 brought up about the alleys and I know I have a
19 case coming up on the BZA about a alley, you know,
20 which has been postponed, which I think the
21 Office of Planning is in opposition to, but it's
22 they don't go away. These alley units do not go

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 away.

2 MS. STEINGASSER: Well, that's why
3 we want to try, and I'm not referencing any
4 particular case --

5 COMMISSIONER TURNBULL: Right.

6 MS. STEINGASSER: -- but we do want
7 to make it clearer where they can be, where
8 they're appropriate and give some hard and fast
9 guidance on what we think is the right
10 development for them.

11 I think the biggest move we're
12 making is not permitting them in the R-1 zones
13 and the R-2 zones.

14 COMMISSIONER TURNBULL: Okay. One
15 of the things Commissioner Black, I mean, we've
16 heard different, a lot of -- some people don't
17 mind internally to use, but there was quite a few
18 comments on no garage ADU.

19 MS. STEINGASSER: Yes. Well, we
20 actually --

21 COMMISSIONER TURNBULL: I guess it
22 depends upon the neighborhood of the area.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: In terms of, I'm
2 not sure, obviously the Office of Planning's
3 position is that we do recommend them in --

4 COMMISSIONER TURNBULL: Right.

5 MS. STEINGASSER: -- existing
6 structures. But I think, yes, you are hearing
7 from various communities very different
8 positions. But I think it's just the nature of
9 each community as to whether they support or
10 don't support them.

11 COMMISSIONER TURNBULL: Right.
12 Now, it would be that there was some comments
13 made, I mean, and I think you have. You've done
14 studies, not -- I mean people talked about
15 Montgomery County or Arlington, but you had
16 looked at other cities and the policies of --

17 MS. STEINGASSER: We have.

18 COMMISSIONER TURNBULL: -- what
19 they are --

20 MS. STEINGASSER: We have. Yes, we
21 did do a best practice study of what other cities
22 are doing. And every city's very different --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER TURNBULL: Right.

2 MS. STEINGASSER: -- especially
3 here. The way Arlington does it's business is
4 just completely different. It's what they call
5 a Dillon Rule state. It has a very different
6 legal structure on how they negotiate
7 development.

8 COMMISSIONER TURNBULL: Yeah.

9 MS. STEINGASSER: And we'll
10 follow-up on Montgomery County and what they're
11 doing. I think Ms. Cort pointed out that so far
12 their's has been fairly successful. You know,
13 and ours has been on the books for quite a long
14 time.

15 COMMISSIONER TURNBULL: What about
16 some of the other cities like Boston and Chicago?

17 MS. STEINGASSER: We have surveyed
18 them and we can supply that report to you.

19 COMMISSIONER TURNBULL: Okay.

20 MS. STEINGASSER: You know --

21 COMMISSIONER TURNBULL: Thank you.

22 MS. STEINGASSER: -- report. It's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 more of a survey.

2 CHAIRMAN HOOD: Okay.

3 Commissioner Miller.

4 COMMISSIONER MILLER: Thank you,
5 Mr. Chairman. When, I think, Ellen McCarthy and
6 Richard Layman raised the issue of, if I got it
7 right, of that only one accessory dwelling
8 unit's permitted on a property. And that seems
9 overly restrictive, especially given that
10 currently, as you presented in your overview,
11 you could have more than that.

12 So, why is that restriction or no
13 permission if there's certain other lot size
14 configurations or otherwise that would allow
15 more than just one? Why couldn't you have both
16 the garage and the internal at the same time,
17 since you can have that now?

18 MS. STEINGASSER: I mean, we felt it
19 was kind of excessive. We were trying to bring
20 everything as close as we could to a middle
21 ground.

22 We didn't actually study the concept

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 of two accessory dwelling units being on any lot
2 beyond an analysis of the current code.

3 COMMISSIONER MILLER: But
4 currently under the current code, you could --

5 MS. STEINGASSER: You could have --

6 COMMISSIONER MILLER: -- have --

7 MS. STEINGASSER: -- two.

8 COMMISSIONER MILLER: -- more than
9 one.

10 MS. STEINGASSER: yeah.

11 COMMISSIONER MILLER: You could
12 have one internal and one --

13 MS. STEINGASSER: Than the --

14 COMMISSIONER MILLER: -- external.

15 MS. STEINGASSER: -- domestics.

16 We, you know, it was a big enough fight to try
17 to get one as a matter of right, so.

18 COMMISSIONER MILLER: Yes.

19 MS. STEINGASSER: But if want us to
20 take a look --

21 COMMISSIONER MILLER: But --

22 MS. STEINGASSER: -- at it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MILLER: -- you could
2 have it by special exception or no? You
3 couldn't even have more than one by special
4 exception?

5 MS. STEINGASSER: Could not. You
6 would have to get a variance.

7 COMMISSIONER MILLER: And that
8 would be a --

9 MS. STEINGASSER: Probably a use
10 variance.

11 COMMISSIONER MILLER: -- use
12 variance.

13 MS. STEINGASSER: Yes. And --

14 COMMISSIONER MILLER: I think we
15 should look at --

16 MS. STEINGASSER: -- at --

17 COMMISSIONER MILLER: -- given
18 where the existing code is, I understand all the
19 balancing that's gone on and is going on, but I
20 think we should look at possibly allowing it to
21 be a special exception process versus for more
22 than one.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: Okay.

2 COMMISSIONER MILLER: I mean, you'd
3 be looking to adverse impacts and that's what
4 it's all about for the neighborhood. But that's
5 just my own view. I don't know if my other
6 commissioners would agree with that.

7 I do agree with the content, the
8 size, the lot size needs to be looked at for
9 these minimum lot sizes. If we're excluding
10 half of the city from being eligible right off
11 the bat, that's a lot of exclusion and it might
12 encourage the very thing that's going on now as
13 the Vice Chair pointed out about illegal units
14 rather than trying to legalize these things with
15 appropriate conditions.

16 Well, before I leave accessory
17 units, I think Ms. MacWood on behalf of the
18 Committee of 100, said that we were going from
19 that the existing code allows only a one-story
20 15-foot high accessory structure, whereas this
21 proposal would permit two stories and 20 feet.

22 I didn't understand that to be the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 case, but can you address what she's --

2 MS. STEINGASSER: Well, I know the

3 --

4 COMMISSIONER MILLER: I should have
5 probably asked --

6 MS. STEINGASSER: -- current code
7 for an accessory building without -- that's not,
8 let me get my English correct here. An
9 accessory building that does not have a
10 domestic quarter on top is limited to 15 feet
11 and one story.

12 The only time you can go to 20 feet
13 and two stories is to have living quarters for
14 your employees. We're proposing that that be
15 basically taking the word employee and domestic
16 out so it would be permitted. If it's not
17 already constructed, it would be by special
18 exception.

19 COMMISSIONER MILLER: Okay.

20 MS. STEINGASSER: Now, the one
21 change I want to be clear about is we're not
22 proposing that it be restricted out of the rear

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 yard. We're actually saying it can be in that
2 rear yard because we feel it's almost more safe
3 to have it back by an alley or back along the
4 property and keep that sense of openness and air
5 and space and all of that.

6 It's a more a traditional form to
7 have the accessory buildings back. But we're
8 not dictating, it be one place or another. But
9 that is a change in what you're proposing.

10 COMMISSIONER TURNBULL: Okay.
11 Thank you. And on that absolute height, we've
12 heard a number of citizens testify about this
13 absolute ten-foot height limit of things on the
14 roof --

15 MS. STEINGASSER: Yes.

16 COMMISSIONER MILLER: -- and roof
17 structure. Is it not absolute or can these
18 things go higher?

19 MS. STEINGASSER: Right now, the
20 regs allow for penthouse and mechanical
21 structures on the roof to go to 18'5". And we're
22 proposing it be absolute at ten.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There's some confusion in the way
2 it's worded. That we just listed A, B, C and one
3 of the B's talks about the communal recreation
4 space which we just kind of copied over from
5 another section. And so that needs to be clear
6 that that is not appropriate for single family
7 residential detached.

8 I mean, it's seldom that you would
9 ever see. I can't imagine what an 18 foot
10 penthouse would be on top of a --

11 COMMISSIONER MILLER: Yes.

12 MS. STEINGASSER: -- residential
13 structure. But, you know, it gets to the issue
14 of the way people manipulate the regs and the way
15 the pop-up issues and the way people treat those
16 upper spaces, so we thought we'd at least limit
17 that. But we can be clearer on what that can be
18 used for. And mostly you'll see it in the
19 rowhouse zones, not in the single family zones.

20 COMMISSIONER MILLER: Now, Ms.,
21 back to the accessory issue.

22 MS. STEINGASSER: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MILLER: On the
2 24-foot width --

3 MS. STEINGASSER: Yes.

4 COMMISSIONER MILLER: --
5 requirement for the alley that the Commissioner
6 May asked you about. And you said it was the
7 fire department that's requiring it.

8 For the alley lots, though, you are
9 allowing if it's less than 24 feet to allow it
10 by --

11 MS. STEINGASSER: By special
12 exception.

13 COMMISSIONER MILLER: -- special
14 exception. Would that be the same for the
15 accessory?

16 MS. STEINGASSER: That would be the
17 same.

18 COMMISSIONER MILLER: Okay.

19 MS. STEINGASSER: Yes.

20 COMMISSIONER MILLER: Yeah. And
21 is that consistent with what their
22 recommendations had been in allowing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 development around the city or is this something
2 new that they've --

3 MS. STEINGASSER: For matter of
4 right, they haven't really, well, I'm going to
5 ask Mr. --

6 MR. GOLDSTEIN: Yes.

7 MS. STEINGASSER: -- Goldstein, who
8 actually did most of the work with the fire
9 department on this. Do you want me to get --

10 MR. GOLDSTEIN: Actually, if you
11 don't mind asking it again. It --

12 COMMISSIONER MILLER: So is there
13 thing that they need the 24 width and then on 24
14 width of the alley --

15 MR. GOLDSTEIN: No.

16 COMMISSIONER MILLER: -- before
17 giving the okay accessory structure being there,
18 is that requirement for habitable structures is
19 that consistent with their policies elsewhere?

20 MS. STEINGASSER: Or did they maybe
21 distinguish between that or of right and special
22 exception?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. GOLDSTEIN: You know, I'm not
2 quite sure how to answer that, frankly. In
3 alley lot cases, we've often tried to get them
4 engaged and with mixed success.

5 We did meet with them and they did
6 express they want 24 feet. And that's why our
7 special exception was geared to try to provoke
8 them as well to give feedback as part of a special
9 exception process.

10 COMMISSIONER MILLER: Okay. Mr.
11 Turnbull has a follow-up.

12 COMMISSIONER TURNBULL: Well, I
13 just, I don't want to take away from Commissioner
14 Miller's time, but then what's the minimum? If
15 you're allowing a special exception, if it's
16 less than 24, there's got to be some limit where
17 they're going to say at 15 feet forget it or
18 what's the minimum you can go?

19 MR. LAWSON: I think that's not
20 really what they're looking at. They're
21 looking at whether or not, well, 24 feet allows
22 in their mind the truck to go down the alley.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 If the alley is less than that, then
2 they would look at can they run the hoses in
3 through some other way. Is there a way to bring
4 it across the properties or a high joint at the
5 end of the alley that would provide that service.

6 Would they be able to ride that
7 service in a way where they wouldn't necessarily
8 have to take their truck down the alley itself.
9 But that they see is more of a case-by-case kind
10 of sight-by-sight basis because they would need
11 to assess all of those factors.

12 COMMISSIONER TURNBULL: Well, then
13 that would have to be identified when it's been
14 presented to the BZA then, I would think.

15 MR. LAWSON: Yes --

16 COMMISSIONER TURNBULL: And --

17 MR. LAWSON: -- and Mr. Goldstein
18 said that's really one of the main purposes of
19 a --

20 COMMISSIONER TURNBULL: Yeah,
21 somebody was --

22 MR. LAWSON: -- special exception.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER TURNBULL: -- asking
2 me to clarify what that is then.

3 COMMISSIONER MILLER: Okay. I think
4 I had one last question. I thought there was one
5 area in the Georgetown customized zone where it
6 actually for a little bit, it actually went the
7 other way and they allowed something. And I
8 think it was in the area of balconies, which
9 aren't allowed at all.

10 It's a lot like prohibition on
11 accessory structures for everybody else, but in
12 Georgetown they allowed it, but with very
13 stringent conditions, had to be in the footprint
14 of the building.

15 MS. STEINGASSER: That's correct.

16 COMMISSIONER MILLER: Why wouldn't
17 we at least allow elsewhere with the restrictive
18 condition, but would allow the balcony that's
19 allowed in Georgetown?

20 MS. STEINGASSER: We can certainly
21 do that. What Georgetown did is they actually
22 did a survey of every alley lot they had and every

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 alley structure.

2 And they have some very specific, I
3 don't want to call them communities, but small
4 clusters of old carriage houses that are already
5 two stories that have different articulation on
6 them. And they wanted to recognize those and
7 not prohibit them.

8 We haven't done that for all the rest
9 and we were trying to minimize the impact of
10 people being able to stand on a balcony and look
11 into other people's property just on a general
12 rule. We weren't able to make this
13 indetermination.

14 But Georgetown did, they walked and
15 surveyed. They've got a photographic survey of
16 all of their alleys and all their alley
17 structures.

18 COMMISSIONER MILLER: I guess
19 someone could come in with a special exception
20 in that case too and that could be one of the
21 conditions that could waived --

22 MS. STEINGASSER: Absolutely.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MILLER: -- if that's
2 shown that that doesn't have that kind of adverse
3 --

4 MS. STEINGASSER: Right.

5 COMMISSIONER MILLER: -- visual
6 impact.

7 MS. STEINGASSER: Yeah.

8 COMMISSIONER MILLER: Okay.
9 Thanks.

10 CHAIRMAN HOOD: Okay. Let's see
11 how I'm going to ask this question. Ms.
12 Steingasser, current structures that are in the
13 new rear yard that are measured from the rear lot
14 line, will they be noncompliant? You may have
15 answered this. Will they be nonconforming or
16 noncompliant?

17 MS. STEINGASSER: An existing
18 accessory building --

19 CHAIRMAN HOOD: Existing structure
20 that's in the rear, as we see it today, as it
21 exists today. And I think you alluded to that
22 earlier, I just can't remember your response.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 An existing structure in what would
2 now be the new rear yard --

3 MS. STEINGASSER: Yes.

4 CHAIRMAN HOOD: -- from the lot
5 line, the 25 feet that we have, so would that be
6 nonconforming or noncompliant?

7 MS. STEINGASSER: No sir, not as an
8 accessory structure. No.

9 CHAIRMAN HOOD: Okay. As we have
10 in there. So how will that be measured.

11 MS. STEINGASSER: Well, I hope we
12 captured it correctly. We're proposing that
13 accessory buildings be continued to be allowed
14 to be within a required rear yard. And that's
15 how the current code reads. It's whether it has
16 an accessory apartment on top. That's what
17 distinguishes it's location under the current
18 regulations.

19 And we proposed to allow that same
20 rear yard encroachment. I don't even want to
21 call it an encroachment because it's allowed to
22 be there, these accessory.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: So it would be --

2 MS. STEINGASSER: So think of it --

3 CHAIRMAN HOOD: -- nonconforming.

4 MS. STEINGASSER: -- as a driveway
5 coming off an alley that would be in the rear
6 yard, but we would naturally want that garage to
7 be off the alley. And so we tried to incorporate
8 those provisions.

9 CHAIRMAN HOOD: Okay. And let me
10 go to something else that hasn't come up, at
11 least, and I don't even know if that's the right
12 night. But I think it is.

13 The, I can't think of the name of
14 them, sometime back I mentioned to Office of
15 Planning early on that we wanted to look at those
16 little houses or whatever. You're supposed to
17 grow flowers in it, but they put it on a trailer
18 and they're able to get around the zoning laws
19 in the city.

20 I have to go back and look and see
21 what those are called. They're little houses.

22 MS. STEINGASSER: Little green

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 houses?

2 CHAIRMAN HOOD: Well, they in other
3 words they're not supposed to live in them, but
4 I know for a fact they live in them. We need to
5 address that.

6 MS. STEINGASSER: And they live in
7 them?

8 CHAIRMAN HOOD: Yeah, they live in
9 them. I can't think of the name of them right
10 now. They're on trailers.

11 COMMISSIONER MAY: You're talking
12 about the micro houses, the --

13 CHAIRMAN HOOD: Is that --

14 COMMISSIONER MAY: -- micro units?

15 CHAIRMAN HOOD: -- what they call
16 them? No, is that what they call micro units?
17 Yeah.

18 COMMISSIONER MAY: There's --

19 CHAIRMAN HOOD: They're in Ward 5.

20 COMMISSIONER MAY: -- a cluster of
21 them in Ward 5.

22 CHAIRMAN HOOD: I don't know.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: And they're like
2 200 square feet.

3 CHAIRMAN HOOD: I thought it was
4 another name. But I can tell you --

5 COMMISSIONER MAY: Oh, they're
6 trailer. I didn't think that --

7 CHAIRMAN HOOD: Yeah.

8 COMMISSIONER MAY: -- they were
9 considered --

10 CHAIRMAN HOOD: But I can tell you
11 the way they got around that law was because they
12 are on wheels.

13 FEMALE PARTICIPANT: They're not on
14 wheels.

15 CHAIRMAN HOOD: They don't move
16 anyway. People live in them. They're having
17 parties. But that's something we need to
18 address. I know if this is -- and here's the
19 thing, I don't think the Commission should
20 grandfather them in.

21 (Off mic comment)

22 CHAIRMAN HOOD: That was a loop

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 around this law and we need to deal with that.
2 Let me move on. I need to do my research on it.
3 Jim Graham has asked us a number of questions.

4 MS. STEINGASSER: Yes.

5 CHAIRMAN HOOD: Our Councilmember
6 represents the whole --

7 MS. STEINGASSER: Eight.

8 CHAIRMAN HOOD: -- ward. We're
9 going to need to respond.

10 MS. STEINGASSER: Yes, sir.

11 CHAIRMAN HOOD: If we can work with
12 the Office of Planning, Office of Zoning, just
13 like we responded to Councilmember Cheh's
14 letter, we need to respond.

15 But I do, and I know my colleagues
16 have already asked about the pop-ups. We do
17 need to deal with that as it's been an issue, as
18 I stated to him as (HARDROW?) mentioned that to
19 us some years ago. So, okay.

20 Let me see. Let me run right quick.
21 I don't want to go over my time because I don't
22 want Commissioner May to say that I went over my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 time.

2 There's some things probably, about
3 other concerns. Oh, I'll tell you this. I'm
4 concerned about the participation. I know
5 we've done everything we can do.

6 I'm concerned about, even though
7 this is just the third night, we've had two
8 people from Ward 5, nobody from Ward 7. And I'm
9 not necessarily asking the Office of Planning
10 this, I'm just saying this for anybody who may
11 be viewing this.

12 Maybe, and I don't meant this
13 sarcastically or anything, maybe we need to ask
14 Ms. Cort how we get people involved. And I mean
15 that wholeheartedly because what's going to
16 happen is once we finalize this, I'm going to be
17 in some of those neighborhoods or some of those
18 areas, we're going to be in some of those areas
19 and they're going to be asking us why did you all
20 do that and, or why was this done.

21 But I just don't know how to get
22 people engaged. I think Office of Planning, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I've said this, has done a real nice job about
2 getting out. The Office of Zoning has done a
3 real nice job about getting out.

4 I don't want to discourage the
5 participation we had tonight or we had the other
6 two nights. But I just would like to see some
7 of the folks that I'm going to see after this is
8 over and I'm hoping they're watching this.

9 And they're going to criticize us
10 for how they're going either say how we've done,
11 well, they're not going to say how we've done a
12 great job with this, but how we messed it up.
13 But that's why we need -- let me finish my
14 sentence -- of how we're going to. And I'm just
15 saying that for anybody who may be looking.

16 Let me ask this, Ms. Steingasser.
17 Ms. Schmitt brought up a point about renters.
18 I'm not sure if that's necessarily tied to
19 zoning. That's a whole other issue about
20 putting people --

21 MS. STEINGASSER: Yes.

22 CHAIRMAN HOOD: -- out of homes. I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mean that's going to be hard either way. I don't
2 know if zoning is the cure-all or even the right,
3 and I'm sorry she's here because I don't want to
4 make a scene like I'm saying this while she's not
5 here, but I don't even know if this is the right
6 forum for that.

7 Did you all consider that, about how
8 it's hard to get renters out?

9 MS. STEINGASSER: We didn't. I
10 mean if a homeowner doesn't want to be a
11 landlord, they're not forced to be a landlord.
12 These are options.

13 Our conversations with the tenant
14 advocacies, this is a very rare case. Eviction
15 is a very extreme position. It's not something
16 that happens every day.

17 You know, we do recognize, DCRA
18 requires a business license, they require a
19 registration of the unit. If it's less than
20 four units and it's a homeowner, it's not subject
21 to rent control laws if it's built after '75.
22 But in terms of elder abuse, that's not a zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 issue. I didn't understand then.

2 CHAIRMAN HOOD: Okay. And also the
3 issue from Commissioner Green about the alcohol.
4 I know Mr. Turnbull touched on that. I think the
5 regulations, what is it, 20 percent of the square
6 footage of the corner store? Is it 20 percent
7 or 10?

8 MS. STEINGASSER: Fifteen.

9 CHAIRMAN HOOD: Fifteen percent.
10 And were studies done on that or was that that's
11 what's allowable now?

12 MS. STEINGASSER: We took 15, you
13 may remember the Harris Teeter and Adams Morgan
14 in the big --

15 COMMISSIONER MILLER: Citadel.

16 MS. STEINGASSER: The Citadel.
17 That was the resolved percentage of floor area
18 that they felt was appropriate for alcohol sales
19 there. And so we went with that same standard.

20 CHAIRMAN HOOD: Okay. And that's,
21 again, this is a balancing act because I can, and
22 I didn't think of this until she left, but there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 are some people who actually want to go their
2 corner store and have a beer. And that's just,
3 you know, that's where it is.

4 I understand what's she saying
5 though, abundance of it, but there are some --
6 so that's a dual argument.

7 MR. LAWSON: I just want to clarify
8 something. They wouldn't be able to go to the
9 corner store and have a beer.

10 CHAIRMAN HOOD: Oh no. Yeah, I --

11 MR. LAWSON: But this one's --

12 CHAIRMAN HOOD: -- understand.

13 MR. LAWSON: -- approved.

14 CHAIRMAN HOOD: I mean, excuse me,
15 purchase a beer.

16 MS. STEINGASSER: Purchase a beer.

17 MR. LAWSON: You'd be able to
18 purchase one. And you're right, we have heard
19 from a lot of people who have trouble, you know,
20 carrying their beer on their bike from the
21 grocery store.

22 MS. STEINGASSER: You'd have to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 drink it on the --

2 CHAIRMAN HOOD: Well, that bike,
3 not going a ways --

4 MR. LAWSON: Yeah, and so it's more
5 convenient. But seriously, we have heard from
6 people on both sides of this argument. We've
7 definitely heard from people that they're very
8 concerned about the ability to have a corner
9 store to sell alcohol at all.

10 We've heard just the opposite,
11 people saying that they really look forward to
12 an opportunity to have, you know, a nice, you
13 know, little wine store in their neighborhood.
14 So we've definitely heard both sides.

15 We thought that we would come up with
16 a number that would make sure that the corner
17 store was never predominantly a liquor store.
18 That it would be kind of overwhelmingly,
19 actually 85 percent of it's space would be
20 devoted to other kinds of uses.

21 But, certainly, if the Commission
22 wanted us to look at that number, if you felt that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that number was too large or too small, we'd
2 certainly be happy to do that.

3 CHAIRMAN HOOD: No. And I
4 appreciate the clarification, Mr. Lawson.
5 Because when I looked at the regulations, you're
6 right, you cannot consume it in.

7 And what eventually went through my
8 mind when Ms. Green and especially others, even
9 though you can't consume it in the corner store,
10 most people go right out and consume it. So, you
11 know, you can't tie that in to --

12 MR. LAWSON: Most.

13 CHAIRMAN HOOD: -- most people.

14 MR. LAWSON: No.

15 CHAIRMAN HOOD: I'm not going to --

16 MR. LAWSON: Well --

17 CHAIRMAN HOOD: Okay. Well,
18 again, it depends on where you are. The houses
19 are called tiny houses and I'm going to thank
20 the Office of Zoning for letting me know that.
21 They're called tiny houses. Okay. Okay, I've
22 got one minute.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 And I'm kind of pushed between a lot
2 of these issues of making a matter right. I know
3 some issues are already there. I would agree
4 with Commissioner Miller.

5 I forgot exactly what it was, but I'm
6 always of the mindset of making sure that the
7 community has input. That's just how I've
8 always been and I definitely agree with
9 Commissioner Miller's issue. I can't remember
10 what it was, but the matter right.

11 I'm always in favor of, I mean, not
12 matter right, I'm always in favor of community
13 input. So, I know some of these things we're
14 looking at is a matter of right and trying to make
15 them matter of right.

16 I'm not going to rush. I'm done. I
17 have 19 seconds left. All right. Any other
18 -- do we need to do a second round? Let me ask
19 this first before anybody goes. Do we need to
20 do a second full round? Do we need to do a
21 five-minute round? Do we need to do a
22 two-minute round?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE CHAIR COHEN: I think
2 ten-second round would be okay.

3 CHAIRMAN HOOD: Okay. Well, as
4 long as it's ten seconds. Go ahead, Vice Chair.

5 VICE CHAIR COHEN: Thank you, Mr.
6 Chairman. And Mr. Chairman, I had similar your
7 experiences with actually getting participation
8 from a number of communities. And that's why I
9 had and it might have been a very unpopular
10 suggestion, but I still think it might be
11 fruitful for us to actually go out to listen to
12 communities when they're reluctant or unable for
13 whatever reason, but at least make ourselves
14 available in the community.

15 CHAIRMAN HOOD: I think that's
16 something that, and I appreciate that Vice Chair
17 and I agree with you, I think that's something
18 that we're going to be looking into because we
19 need to discuss.

20 But I don't want to fall short of
21 mentioning that I was glad to see a letter from
22 8A and 8C, which they've asked us to leave the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 record open. And I think somebody asked us
2 again tonight, so it's gradually getting there.

3 And again, no reflection on the
4 Office of Planning, Office of Zoning, I know for,
5 I'm not going to let anybody say they didn't do
6 their due diligence because they did.

7 But I really want the citizens of
8 this city to understand the impacts or what may
9 be the impacts or the changes or the improvements
10 is what I would like to say. I want to end on
11 a positive note, the improvements here.

12 But I'm still trying to figure out
13 the unintended consequences. But if I know the
14 Office of Planning, if we put something in this
15 code that is detrimental to the city, they will
16 bring it back immediately just as they've done
17 in other cases and things that we've had. So
18 enough said on that. Anything else?

19 COMMISSIONER TURNBULL: I just have
20 one.

21 CHAIRMAN HOOD: Yes, sir.

22 COMMISSIONER TURNBULL: And I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think it's really a zoning issue of after you
2 have to structure a certain point, Commissioner
3 Black had talked about all in favor of the
4 internal ADU's, but she saw a problem where if
5 you've got to retrofit your house and bring it
6 up to a significant code level, you're going to
7 find a lot of people are going to say I can't do
8 it.

9 It's not like years ago where
10 somebody opened up their house or took in a
11 renter, a boarder or a roomer. And if now it's
12 a licensing issue and you've got to go up, so I
13 mean that's really not a zoning issue.

14 We're allowing the opportunity for
15 it, but I think there's an unintended
16 consequence that it may be more difficult than
17 we think. I mean, and it could be significantly
18 cost prohibitive to a lot of people to want to
19 go ahead and do this.

20 MS. STEINGASSER: Well, the issue
21 of safety was a critical issue --

22 COMMISSIONER TURNBULL: Right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. STEINGASSER: -- for everybody
2 and people like harkened back to a horrific
3 incident in Georgetown where --

4 COMMISSIONER TURNBULL: Sure.

5 MS. STEINGASSER: -- some students
6 were burned. Boarders are still permitted.

7 COMMISSIONER TURNBULL: Yeah.

8 MS. STEINGASSER: So if somebody
9 wanted to have boarders in their home, that's
10 still --

11 COMMISSIONER TURNBULL: That's
12 still allowed.

13 MS. STEINGASSER: -- a permitted
14 use. So you could still have your boarders if
15 you didn't want to have the apartment.

16 COMMISSIONER TURNBULL: Okay.

17 CHAIRMAN HOOD: Okay. Anything
18 else? Ms. Schellin, do you have anything else?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay. I want to
21 thank everyone for their participation tonight.

22 And I appreciate again, I'm going to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 say this probably every night, I appreciate the
2 work that Office of Planning has done. And
3 again, especially being responsive. That means
4 a whole lot.

5 And I also appreciate all the work
6 that Office of Zoning has done being responsive
7 and that means a whole lot. And everybody who's
8 participated. So with that, tonight's meeting
9 is adjourned. See you tomorrow night.

10 (Whereupon, the hearing in the
11 above-entitled matter was concluded at 9:53
12 p.m.)

13

14

15

16

17

18

19

20

21

22

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1

2

3

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com