

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
TITLE 11, ZONING REGULATIONS : Case No.
- COMPREHENSIVE TEXT : 08-06A
REVISIONS :
 :
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Thursday,
January 30, 2014

Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C.

The Public Hearing of Case No.
06-04C by the District of Columbia Zoning
Commission convened at 6:00 p.m. in Room 412
at 1350 Pennsylvania Avenue, N.W.,
Washington, D.C., Anthony J. Hood, Chairman,
presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

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OFFICE OF ZONING STAFF PRESENT:

SARA BENJAMIN BARDIN, Director
SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel
ZELALEM HILL

OFFICE OF PLANNING STAFF PRESENT:

HARRIET TREGONING, Director
JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
ELISE VITALE

The transcript constitutes the
minutes from the Public Hearing held on
January 30th, 2014.

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

(6:10 p.m.)

CHAIRMAN MENDELSON: Why don't we get started here. I'm Phil Mendelson, for those of you who don't know me. I'm glad to see you all here. As you know, about every three months I host a meeting of ANC commissioners here at the Wilson Building to talk about issues of concern to ANC commissioners.

We decided to do something a little bit different this time. Anthony Hood, who is Chair of the Zoning Commission, volunteered that what we would try to do, especially since there's been a lot of concern on the part of some ANC commissioners from commissions around the city about the Zoning Regulations rewrite, that we would sort of segue, if you will, the meeting that I host every three months to a Zoning Commission hearing on the Zoning Regulations rewrite.

1 So I'm here for only a couple of
2 minutes, and then this is going to become a
3 Zoning Commission hearing for ANC
4 commissioners chaired by Anthony Hood with
5 the Commissioners here. So this will be
6 their hearing, their show.

7 But I did want to take a couple
8 minutes first to thank the Zoning Commission
9 for its willingness to do this. The Zoning
10 Regulations rewrite, as you all know, is a
11 major endeavor on the part of the
12 government, and in particular, the Zoning
13 Commission. And it is significant enough
14 that many ANCs across the city are concerned
15 -- all of them should be concerned -- that
16 whatever views they have, they articulate
17 those views.

18 My staff, I believe, has
19 circulated for use something unrelated to
20 zoning, which is the Council's schedule for
21 performance oversight hearings and the
22 budget. Now, I'm going to host another

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1 meeting with ANC commissioners at the end of
2 March; we usually do them the last week in
3 March because that's when the fewest ANCs
4 are meeting. We will get that date out to
5 all of you, but we are looking at the last
6 week in March, which is well into the
7 Council's process with regard to oversight
8 and the budget.

9 Those of you who don't know, we
10 get the budget from the Mayor usually at the
11 end of March, and in the month or month and
12 a half prior to getting the budget from the
13 Mayor, the different committees of the
14 Council have hearings -- what we call
15 performance oversight hearings -- of all the
16 agencies under the different committees. So
17 the Committee of the Whole, which I chair,
18 for example, has scheduled oversight
19 hearings with the Office of Contracting
20 Procurement, the University of the District
21 of Columbia, the Office of Zoning for that
22 matter --

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1 You've got your date; right?

2 CHAIRMAN MENDELSON: And that's
3 what every committee is doing.

4 This is the schedule; that's
5 what's been handed out. There will probably
6 be some changes to this schedule because
7 this schedule goes through .

8 COMMISSIONER MAY: We will be
9 getting the budget from the Mayor on April
10 3, although I expect that he will probably
11 announce the budget the week before. And
12 so, when we complete our oversight hearings
13 in the middle of March, it will be a couple
14 weeks, then we pick up on with our hearings
15 on the proposed budgets for the different
16 agencies, including those hearings in the
17 middle of May for, then, our getting
18 together as a full council to adopt the
19 budget. That entire schedule is laid out
20 out here. It's also on the Council's
21 website. And as changes are made, those
22 changes will be posted on the Council's

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1 website. So this should be of interest to
2 all ANCs.

3 I think that was the main thing I
4 wanted to address before I turned it over to
5 the Zoning Commission.

6 I will ask if there are any
7 questions from any commissioners that I can
8 answer --

9 (No response.)

10 CHAIRMAN MENDELSON: -- in which
11 case, thank you again for being here. And
12 to the members of the Zoning Commission,
13 thank you so much for doing this. I
14 appreciate your making yourselves accessible
15 on this issue.

16 Thanks.

17 CHAIRMAN HOOD: Okay, thank you.

18 Good evening, ladies and
19 gentlemen. My name is Anthony Hood. I am
20 the Chairman of the Zoning Commission.

21 Before the Chairman of the City
22 Council leaves, I want to thank him for

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1 taking the opportunity in his regular ANC
2 meetings with you all to allow us to be able
3 to come and have a commission meeting here
4 in this arena. So we greatly appreciate the
5 opportunity.

6 One of the things that we have
7 heard is that we have not heard from a lot
8 of ANC commissioners, so we want to make
9 sure -- we wanted to come to this meeting so
10 we can make sure that from the frontline
11 elected officials in this city, we wanted to
12 make sure that we heard from you firsthand.
13 So I appreciate your attendance. I'm
14 looking forward to tonight, and I want to
15 thank the Chairman and his staff, as well.

16 This meeting will please come to
17 order.

18 Again, I'm Anthony hood, Chairman
19 of the Commission.

20 I'm going to ask my colleagues if
21 they could introduce themselves. We will
22 start with the Office of Zoning to my left,

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1 and we'll do introductions in that order.

2 Let's start with the Vice Chair.

3 VICE CHAIR COHEN: Thank you, Mr.
4 Chairman. My name is Marcie Cohen. I am
5 Vice Chair, and I am a mayoral appointee.

6 COMMISSIONER MILLER: Good
7 evening. I'm Rob .

8 COMMISSIONER MILLER: I'm a
9 mayoral appointee to the Zoning Commission.

10 COMMISSIONER TURNBULL: Good
11 evening. My name is Michael Trumbull, and
12 I'm representing the Architect of the
13 Capitol.

14 COMMISSIONER MAY: I'm
15 Commissioner May, representing the National
16 Park Service.

17 MS. BUSHMAN: Esther Bushman,
18 Office of Zoning.

19 MR. HILL: Zelalem Hill, Office
20 of Zoning.

21 MS. BARDIN: Sara Bardin,
22 director of the Office of Zoning.

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1 MS. SCHELLIN: Sharon Schellin,
2 Secretary to the Zoning Commission.

3 MR. LAWSON: Good evening -- Joel
4 Lawson. I'm the Associate Director for
5 Development and Review in the DC Office of
6 Planning.

7 MS. VITALE: Elisa Vitale, DC
8 Office of Planning.

9 CHAIRMAN HOOD: Okay, thank you
10 for this introductions.

11 **ZONING COMMISSION CASE 0806**

12 **[Zoning Regulations Revisions]**

13 CHAIRMAN HOOD: Again, this is a
14 Zoning Commission Case 0806.

15 Each ANC will be allowed allotted
16 eight minutes as a whole to provide
17 testimony, and each SMD commissioner will be
18 allotted three minutes.

19 We would ask, as usual -- you
20 know how we operate in the Council chambers;
21 same thing with the Zoning Commission
22 chambers -- that you do not display signs as

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1 we proceed in this meeting.

2 So with that, Ms. Schellin, do we
3 have any preliminary matters?

4 MS. SCHELLIN: I would just like
5 to announce that the witness list is to our
6 left on the table.

7 If you have not already signed up
8 to testify, we would ask that you put your
9 name on the list. If you've already
10 registered, if you've contacted our office
11 and registered to testify, then you don't
12 need to sign in. If you haven't, then we
13 would ask that you do that.

14 Also, there are copies of the
15 Notice of Hearing on the table if you would
16 like a copy of that.

17 CHAIRMAN HOOD: Okay, do we have
18 anything else?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Okay.

21 Let's go ahead and proceed.

22 Again, if I mispronounce your

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1 name, if it sounds in the ballpark, just
2 come to the table, and forgive me for
3 mispronouncing your name.

4 Commissioner Mark Eckinwiler;

5 Commissioner Brian A. *Cohen;

6 Commissioner Sheila *Carson-Carr;

7 Commissioner Shirley Smith.

8 CHAIRMAN HOOD: I think I see
9 three that are moving.

10 Commissioner Judy Jones;

11 Commissioner Debbie Steiner;

12 Commissioner Kishan Putta;

13 Commissioner Joyce Robinson Paul;

14 Commissioner Jimmy Rock.

15 Come forward.

16 I think we have four.

17 Again, I would ask you to be
18 mindful of the clock, and we're going to
19 start to my right; your left.

20 Please introduce yourself and
21 give your name. You may begin.

22 TESTIMONY OF MARK ECKINWILER (ANC 6C-04)

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1 MR. ECKINWILER: Thank you, Mr.
2 Chairman, members of the Commission. My
3 name is Mark Eckinwiler. I am Commissioner
4 for ANC 6C-04. I've been designated by the
5 chair to testify on behalf of ANC 6C this
6 evening.

7 We appreciate the opportunity to
8 bring forward our views before the
9 Commission and offer the following comments.
10 I'll just proceed in order of the subtitles.
11 I assume that's most straightforward and
12 simple for the Commission.

13 Beginning with Subtitle C, the
14 General Rules, ANC 6C identified a problem
15 in the drafting of Section 1902.1, which
16 sets forth the eligibility criteria for the
17 50 percent reduction in the minimum vehicle
18 parking requirement.

19 As currently written, that
20 provision is very confusing. It begins with
21 some introductory language and then four
22 items, subparagraphs, denominated (a)

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1 through (d). The problem that (a) ends with
2 "and," (b) and (c) end with "or," and when
3 you have that mix of conjunctive and
4 disjunctive, it's a little unclear exactly
5 what's going on.

6 ANC 6C assumes that what the
7 drafters in the Office of Planning intended
8 here was to exclude entirely from this
9 provision -- that is, to disallow -- the 50
10 percent parking reduction to sites within
11 zones covered by subtitles D and E.

12 And therefore, our recommendation
13 would be to move subparagraph (a) up into
14 the introductory language. So eliminate
15 that from the list, just move it up to the
16 top as, you know, part of the preface. And
17 then D through E would become items (a)
18 through (c), all in the disjunctive; you
19 know, (a) or (b) or (c).

20 The second item, now moving on to
21 subtitle E for residential flat zones, we
22 identified three different areas here on

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1 which we wish to express comment.

2 One, we support the modifications
3 in Chapter 8 relating to accessory
4 buildings, including the change that allows
5 a dwelling unit within an accessory
6 building. We did note, though, what seems
7 to us a something of a technical mismatch
8 between Section 801.4B, which specifies the
9 need for a special exception for an addition
10 or an expansion to an existing accessory
11 building, proposed for residential purposes.

12 So, between that section and
13 Section 1201.2B, which relates to special
14 exception relief for new or enlarged
15 accessory structures, we suggest looking at
16 insertion of language in 801.4B relating to
17 the construction of new accessory buildings.

18 Moving next to Chapter 9, alley
19 lot standards, ANC C6 opposes the lot
20 occupancy figures that are set out in the
21 chart in Section 901.2. Those figures, just
22 to summarize: 100 percent for the smallest

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1 lots; 90 percent and then 80 percent for
2 extremely large lots.

3 The two reasons we think this is
4 problematic: One, it seems to us a bit of a
5 mismatch in RF zones where the maximum
6 occupancy by right is typically 60 percent.
7 It's anomalous to allow even, you know, 80
8 percent or 90 percent lot occupancy in an
9 alley lot. We do, however, support allowing
10 greater lot occupancy in the case of lots
11 with substandard area.

12 And second, I think it's worth
13 noting here -- this is something I don't
14 think we have in the existing Zoning
15 Regulations -- is that by adopting the
16 stair-step approach, where there are these
17 breakpoints among lots of different sizes
18 going from 100- down to 90- down to 80-
19 percent lot coverage, it creates some very
20 anomalous results. So, if you have a lot
21 that's exactly 2,000 square feet, under the
22 proposal, that could be developed up to 90-

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1 percent lot occupancy, or 1,800 square feet.

2 But a marginally larger lot --
3 say, 2,100 square feet -- can only go up to
4 80 percent occupancy. And frankly, that
5 break is even more stark when you look at a
6 lot that's 2,001 square feet. So you have
7 these very, very, I think, almost unfair
8 divisions; these very, very sharp
9 discontinuities.

10 What ANC 6C recommends for the
11 Commission instead is a more gradual
12 approach for lots of 1,900 square feet or
13 less, allowing 100-percent lot occupancy to
14 encourage density, with lots from 900 to
15 1,800 -- basically a scalar reduction of two
16 percent for every 45 square feet. What that
17 does, in effect, in the range from from 900
18 square feet to 1,800 square feet, is it
19 reduces the maximum lot occupancy from 100,
20 gradually, down to 60 percent. And so, a
21 lot occupancy with then be capped at 60
22 percent for standard-size lots, 1,800 square

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1 feet and larger. And as I say, that gets
2 rid of those anomalous discontinuities
3 created by the current proposal.

4 Finally, we also note that under
5 the current proposal, there is also,
6 somewhat strangely, a 10-percent minimum
7 pervious surface requirement in that same
8 chart, 901.2, and it's a little hard to
9 square that, I think, with 100 percent lot
10 occupancy.

11 So our recommendation would be to
12 waive that requirement for lots of 900 square
13 feet or less so they can in fact occupy 100
14 percent of the lot.

15 And then last from ANC 6C, for
16 Chapter 11, in "Use Permissions," ANC 6C has
17 voted to oppose the proposal in 1101.2E to
18 allow certain corner stores -- basically
19 grocery restores -- as a matter-of-right
20 use. The commission felt some substantial
21 concern over the potential adverse impacts
22 of those kinds of new uses on adjacent

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1 properties.

2 We urge instead that the
3 Commission require that a special exception
4 be obtained in order to enable resident
5 input to the public hearing process.

6 One last point on Subtitle I,
7 "Downtown Zones," we voted unanimously to
8 support the expansion of the downtown zone
9 to the proposed area within NoMa. We
10 understand that that will eliminate the
11 minimum parking requirement, and we fully
12 support that.

13 And if I may, Mr. Chairman, I've
14 run through the comments that I have from
15 the commission. I'm told that I can't
16 actually have an additional three minutes to
17 speak in my on behalf, so I'd just like to
18 mention a couple things, but again, in my
19 own right, not speaking as a representative
20 of ANC 6C, with your leave.

21 There are a couple things in the
22 current draft that I want to draw the

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1 Commission's attention to, that I think are
2 very probably problematic just in terms of
3 their construction. So, staying in the use
4 permissions section here, Chapter 11, the
5 'corner store' stuff really is kind of a
6 mess. And I think, if you look at that, you
7 can see -- you know, if you go from 1101.2,
8 it takes you forward to 1106.12, and there
9 some more things there about the by-right
10 use. I do think that needs to be organized
11 a little bit.

12 And then last, in subtitle C,
13 Chapter 7, I just one flag a very technical
14 error here. All the figures in Chapter 7
15 are actually labeled as if they were in
16 Chapter 10. I think those all need to be
17 re-denominated.

18 That concludes my remarks. Thank
19 you.

20 I'd be happy to entertain any
21 questions.

22 CHAIRMAN HOOD: Okay, thank you

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1 very much.

2 If you all can hold your seats,
3 we may have some questions for you at the
4 and of the panel.

5 Okay, next.

6 TESTIMONY BY BRIAN COHEN (ANC 3B)

7 MR. COHEN: Thank you, Mr.
8 Chairman and members of the Commission. My
9 name is Brian Cohen. I'm share of Advisory
10 Neighborhood Commission 3B, representing the
11 communities of Glover Park and Cathedral
12 Heights, and on behalf of ANC 3B, I urge you
13 to approve the draft revisions to the zoning
14 code.

15 ANC 3B has been monitoring the
16 ongoing discussion over these revisions and
17 has provided numerous opportunities for our
18 constituents and neighbors to learn about
19 and comment on the proposed changes to the
20 code. We hosted representatives from the
21 Office of Planning at a public meeting in
22 December 2012, and in February 2013. The

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1 five ANC 3B commissioners voted unanimously
2 to support a resolution in support of the
3 zoning rewrite.

4 I'll submit a copy of that
5 resolution for the hearing record.

6 The ANC 3B position in our
7 February 2013 resolution has not changed.
8 We continue to support the rewrite. The
9 five-year process has allowed ample
10 opportunity for community education and
11 input. Representatives from the Office of
12 Planning and Office of Zoning have visited
13 communities, heard from residents, and
14 addressed concerns. I appreciate the time
15 and effort they've put into this. It's time
16 now to move forward to update the District
17 out-of-date zoning code.

18 I do want specifically to address
19 the allegations and concerns that others
20 have raised regarding whether we need to
21 spend additional time reviewing and studying
22 and analyzing these. I think it's certainly

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1 possible, in good faith, to oppose some or
2 all of the zoning code changes.

3 I find it a little bit
4 mystifying, having observed the process and
5 been part of the process, to think that we
6 simply don't have enough information. This
7 is my second time testifying as an ANC
8 commissioner before the Commission on this
9 issue. As I said in my testimony, we have
10 had ample opportunity to interact with, and
11 get our questions answered by the Office of
12 Planning and Office of Zoning. Anyone who
13 has an interest in these issues has had an
14 opportunity to have their voice heard.
15 That's why I think it's important to move
16 forward now.

17 I do understand the temptation to
18 maintain the status quo, and I hold that as
19 you consider the zoning proposals, you don't
20 succumb to theoretical worst-case scenarios
21 that are nothing but efforts to scare us
22 away from change.

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1 Sure, it's possible, if you allow
2 a by-right creation of accessory dwelling
3 units, a bad tenant could move into one of
4 these ADUs. It's possible that if you allow
5 corner stores, one of these corner stores
6 could be a bad actor. But these are
7 problems that could be solved, and perhaps
8 should be solved, in other ways. A bad
9 tenant could move into an existing dwelling
10 under current zoning laws. More
11 importantly, agencies like DCRA, MPD, and
12 others, whose job it is to protect District
13 residents from these outcomes, are able to
14 control any of these potential theoretical
15 worst-case scenarios.

16 This same fact holds true for any
17 concerns regarding negative impacts from
18 parking changes or neighborhood stores.
19 It's not our job, it's not your job as
20 Zoning commissioners, to micromanage law
21 enforcement within the District; that's the
22 job of the DC agencies. And I hope you

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1 weigh that as you consider moving forward.

2 I have no doubt that the changes
3 under discussion are good for our city and
4 our city's residents, and are consistent
5 with the long-term vision contained in the
6 comprehensive plan for the Nation's Capital.
7 I would like to address three controversial
8 areas that are under discussion in the
9 current draft. All three would have
10 significant impacts in the Glover Park and
11 would benefit our community. That's why we
12 support these changes.

13 The updated draft makes
14 reasonable allowances for local corner
15 stores in row house residential areas,
16 including Glover Park. Those stores will
17 provide community residents with the ability
18 to walk a short distance to local,
19 neighborhood-friendly stores. They will
20 enrich our neighborhood fabric and provide
21 easy access to daily necessities.
22 Neighborhoods like Capitol Hill and

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1 Georgetown that already have these corner
2 stores are some of the most beloved and
3 sought-after communities in our city.

4 The updated draft offers improved
5 options for homeowners to create accessory
6 dwelling units. The neighborhoods possibly
7 affected by this proposed changes include
8 Clover Park and Cathedral Heights. These
9 accessory dwelling units create more
10 affordable housing, increase the value of
11 existing housing stock, allow for
12 neighborhood population growth without
13 modifying existing building density or
14 reducing green space, and can provide an
15 income source to allow seniors to age in
16 place in their homes.

17 The proposal also contains
18 reasonable limits on accessory dwellings to
19 prevent overcrowding of neighborhoods or
20 accessory dwellings that are not consistent
21 with the fabric of our traditional
22 neighborhoods.

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1 Accessory dwellings would improve
2 the quality of life for those who live here
3 now, and provide space for new vibrant
4 residents of the District. We therefore
5 support changes to the zoning code. It
6 would make it easier to create these ADUs.

7 The updated draft proposal also
8 contains limited changes to current mandated
9 parking minimums. These changes would
10 affect our community. They would affect
11 Wisconsin Avenue as it travels through
12 Glover Park and Cathedral Heights, and the
13 area directly surrounding Wisconsin Avenue.
14 Current parking minimums undermine market
15 forces, increase housing costs, reduce
16 incentives to use mass transit, and damage
17 the historic and walkable form of many
18 neighborhoods.

19 The changes proposed in the draft
20 zoning code, which are most significant for
21 Downtown and areas well served by transit,
22 would mitigate those problems. They would

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1 allow room for automobiles but create new
2 incentives and opportunities for
3 environment- and neighborhood-friendly
4 transportation options: Walking, car and
5 bike sharing, and mass transit.

6 They would also allow for the
7 development of some previously non-
8 developed, blighted properties. To give you
9 one example, in Glover Park, I believe the
10 address is 2341 Wisconsin Avenue. There's
11 been an abandoned dwelling along Wisconsin
12 Avenue, in our neighborhood, for probably
13 about a decade. One of the reasons that
14 hasn't been developed is because it turns
15 out to be impossible to put in enough
16 parking spaces. Absent a curb cut, it is
17 impossible to put in enough parking spaces
18 to serve a multi-unit development under the
19 current zoning code.

20 Finally, a developer did come in.
21 They did go through the process of getting
22 an exemption. They had to go before the

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1 ANC; it was a long process, but they were
2 able to do so, and finally moved forward.

3 But there's no reason for the zoning
4 code to distort and prevent those kinds of
5 developments in neighborhoods like Glover
6 Park that already have good mass transit.

7 I would like to conclude, I
8 guess, by noting that the proposed changes
9 are not radical. They are long overdue
10 modifications to an out-of-date 1950s zoning
11 code. The proposed changes will make our
12 neighborhoods, and the District of Columbia
13 as a whole, a better place to live, work,
14 and play, not just for future residents but
15 for those who live in the District of
16 Columbia today. That's why, on behalf of
17 the ANC 3B, I hope you will approve these
18 changes in an expeditious fashion.

19 Thank you.

20 CHAIRMAN HOOD: Okay, thank you.

21 Next.

22 TESTIMONY BY SHIRLEY *RITTER-SMITH (5B-01)

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1 MS. *RITTER-SMITH: That evening,
2 Mr. Chairman and members of the Zoning
3 Commission. My name is Shirley Ritter-
4 Smith. I am a Commissioner for ANC 5B-01
5 and Chair of ANC 5B.

6 I live at 2000 Upton Street,
7 Northeast. My family has lived in our home
8 for over 52 years. My single-member
9 district is made up of over 70 percent
10 retired residents that have lived in their
11 homes for 50 to 60 years. We have no
12 schools, two 10-unit apartment building, two
13 business areas with six to eight businesses,
14 the Hospital for Sick Children, four
15 churches, and two parks. ANC 5B includes
16 Brooklyn, Michigan Park, North Michigan
17 Park, Queens Chapel, and Woodbridge.

18 After reading what Ms. Gates has
19 stated in reference to the protection of
20 existing neighborhood character, with a
21 motion of conforming, I thought it was
22 important to describe my neighborhood.

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1 I realize that what is being
2 proposed by the Office of Planning promotes
3 the destabilization of existing
4 neighborhoods, recommending new maximum
5 building footprint in lieu of lot occupancy.
6 Proposed matters of right construction on
7 substandard lots will remove required
8 uniform side yards, eliminate light and air
9 condition considerations, propose rear-yard
10 accessory residential space, and trade the
11 customization of zones into a unique overlay
12 that currently provides protections for
13 established neighborhoods.

14 Last October, ANC 5B submitted
15 three resolutions. One, approve the DC
16 Zoning rewrite a process, amending the
17 inclusionary zoning, redefining
18 affordability in DC -- of course, we have a
19 very significant population of residents
20 which are seniors, families with children,
21 and individuals on fixed, limited, and
22 restricted income.

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1 Two, approve the DC Zoning
2 rewrite process because of our seniors and
3 others in the community -- we requested that
4 the Office of Planning visit our community
5 for one, and more as needed, public
6 community meetings to discuss the impact of
7 their draft recommendations in the specific
8 impact on our neighborhood so we can
9 understand the full scope of the amendments
10 to provide informed feedback to the Zoning
11 Commission.

12 We also requested that the Zoning
13 Commission, two, to postpone any decision-
14 making or rulemaking and keep the record
15 completely open regarding the zoning rewrite
16 process for at least 180 days. Since we've
17 submitted our resolution, we feel the record
18 should still be open, even longer than the
19 180 days.

20 Approve the DC zoning rewrite
21 process amending the Board of Zoning
22 Adjustment rules to require a special

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1 exception for big-box commercial
2 developments because, without a special
3 exception requirement for big-box stores,
4 these developments are considered a matter
5 of right; thus, DC residents and ANCs are
6 not afforded any public service and
7 approval.

8 I strongly oppose the adoption of
9 the Office of Planning proposed amendment
10 and maximum parking requirement changes. At
11 this time, I recommend that further study
12 needs to be done.

13 After reviewing the
14 recommendations and attempting to determine
15 how they would be implemented in the various
16 residential district zones within 5B
17 boundaries, we came to the conclusion that
18 we did not have sufficient information to
19 draw any conclusions since we are concerned
20 that our residents may not understand the
21 potential impacts, pro and con.

22 We request that the Zoning

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1 Commission seek additional detail from the
2 Office of Zoning on how each recommendation
3 would be implemented in each residential
4 zone district that meets the definition of
5 "low-" and "moderate density."

6 In addition, we request that the
7 record remain open so that ANC 6B, along
8 with other ANC commissioners, would have
9 time to review and comment on any new
10 material submitted by the Office of
11 Planning. We are requesting that the Office
12 of Planning have a call out to each
13 community, like what was done in Georgetown
14 -- it may have been 3B -- where OP will
15 conduct workshops in all communities over a
16 period of time.

17 Thank you for the opportunity to
18 present our testimony this evening.

19 This concludes my prepared
20 remarks, and I would be pleased to respond
21 any questions the Commission may have.

22 Thanks.

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1 CHAIRMAN HOOD: Thank you.

2 Next.

3 TESTIMONY BY JIMMY ROCK (1C08)

4 MR. ROCK: Good evening. My name
5 is Jimmy Rock. I am Commissioner for ANC
6 1C08 in Adams Morgan, and I'm also Chair of
7 the planning and zoning and transportation
8 committee of ANC 1C.

9 Mr. Chairman and Zoning
10 Commission, thank you for having this
11 meeting tonight for the ANC.

12 ANC 1C authorized me to speak on
13 its behalf tonight and utilize its time, and
14 they tasked me with sharing with the
15 Commission some of the general concerns that
16 we have heard from our constituents in Adams
17 Morgan concerning the Zoning Regulation
18 rewrite, and to try to tie those in, into
19 general zoning concerns that we encounter in
20 Adams Morgan.

21 And as I mentioned, I chair the
22 planning and zoning and transportation

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1 committee of our ANC, and in that role, I'm
2 sort of tasked with taking the first look --
3 my committee takes the first look -- at
4 zoning issues that come up before they
5 percolate up to the full ANC. So what I'm
6 going to try to do in my remarks is just
7 give you a sense of some concerns we hear
8 regularly as members of ANC 1C from our
9 constituents about zoning, and how we see
10 those tied to the zoning regulation rewrite.

11 In some of those areas, the ANC
12 1C has weighed in, and I'll try to point
13 those out to you. In some of those areas,
14 we have chosen not to weigh in and give our
15 great weight to this, but we felt an
16 obligation to go ahead and pass up concerns
17 and comments that we hear regularly from
18 people that come to ANC 1C meetings.

19 The six general areas I will be
20 talking about tonight concern the time for
21 ANC and public review of report and
22 recommendations and advance of Zoning

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1 Commission hearings, and how that might be
2 addressed in a zoning rewrite;

3 Concerns over creeping
4 commercialization and how that might be
5 addressed, or has been addressed, in the
6 zoning regulation rewrite;

7 Down-zoning;

8 Parking;

9 Inclusionary zoning; and

10 Some procedural fixes that we
11 would commend to your attention.

12 First, on the time period, ANC 1C
13 has voted and authored a resolution in
14 connection with this -- that's part of my
15 written remarks that I have submitted --
16 that asks that in connection with
17 proceedings before the Zoning Commission and
18 the BZA, the ANCs be given sufficient time
19 to receive reports, recommendations, and
20 other documents to consider a response to
21 those documents.

22 It often is the case now that

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1 documents will come from the Office of
2 Planning, there will be other documents
3 submitted to the Zoning Commission or BZA,
4 and ANC's are not given a 30-day period in
5 which to review and consider response to
6 those. And we do need that amount of time
7 in order to have the documents in hand and
8 consider a response in our meeting.

9 And so the resolution that's
10 attached to my remarks that the ANC has
11 passed urges the Zoning Commission to adopt
12 a policy that any documents or reports or
13 recommendations that will be considered by
14 the Zoning Commission or BZA be submitted 30
15 days in advance, and that a mechanism be put
16 in place through the zoning regulation
17 rewrite to make sure that happens.

18 Let me turn next to creeping
19 commercialization. This is a common concern
20 that I hear before the PZT committee and
21 that we here before our ANC meetings, and
22 it's a concern that Adams Morgan residents

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1 take seriously because of our commercial
2 strip that runs up and down 18th Street.
3 But it's surrounded on all sides by
4 residential neighborhood. And so we are
5 very concerned that while we enjoy the
6 commercial parts of Adams Morgan, we want to
7 make sure that those will stay inside the
8 commercial area.

9 To that end, we hear constantly
10 from our constituents concerns that the
11 zoning regulation rewrite, as a whole, work
12 to make sure that commercial areas don't
13 creep into residential ones.

14 Now, in connection with that,
15 there has been generally, I think, positive
16 response to the members of Adams Morgan to
17 the proposed row house zones RF 4 and RF 5,
18 but there has been concern about the corner
19 store and the nonprofit office uses, and
20 whether that would lead to creeping
21 commercialization. Many residents in Adams
22 Morgan have urged that those be removed from

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1 the zoning regulation rewrites.

2 In connection with that, there
3 are changes in the zoning regulation rewrite
4 to mixed-used zones that, that there's also
5 been concerns expressed to us that could
6 lead to those mixed-use zones transitioning
7 not away from residential, and just to
8 commercial uses.

9 I attached a resolution that was
10 passed by Kalorama Citizens Association on
11 this point, and it is attached to the
12 written remarks that I submitted through
13 *ISIS, I would commend to you on that.

14 KCA has called for, in the mixed-
15 use zones, restoring the requirements for a
16 60 percent lot occupancy, maximum rear
17 setback, and to maintain the current FAR
18 limits. I would commend the specific points
19 contained in the KCA resolution to your
20 consideration.

21 Another area in which there are
22 several parts of Adams Morgan that are

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1 interested in, is down-zoning. And you
2 know, we currently have several historical
3 districts that are contained in Adams
4 Morgan, and we're seeing right now a trend
5 towards pop-ups going into those -- most of
6 those historical districts contain mostly
7 row houses -- and we're seeing, as those are
8 developed, that they are developing as pop-
9 ups, and we have really seen a difficult
10 time in addressing that pop-up problem
11 through the zoning regulation rewrite.

12 The main vehicle that we've been
13 successful in Adams Morgan in fighting back
14 against pop-ups is to go into the Historic
15 Preservation Review Board and fighting it
16 that way, but that means you have to be
17 inside and historic district in order to do
18 that. We would encourage you, when you're
19 looking at the zoning regulation rewrite, to
20 ask yourself if there is a mechanism for
21 down-zoning that can be more sort of user-
22 friendly to the neighborhood.

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1 Now, there is the availability
2 for specialty zones, and you know, at any
3 given time a neighborhood or an area can
4 approach the Office of Planning and say, we
5 want to have a special new zone. And that's
6 a great process that's very involved, and it
7 perhaps is a little too cumbersome. And so
8 I wanted to pass on the feeling that I hear
9 from many residents in Adams Morgan, that
10 down-zoning might be accomplished in
11 specialty zones if there could be some
12 tinkering with how you get to a specialty
13 zone and that it might be a little easier
14 process in which to go through.

15 Parking is a perennial issue that
16 we hear about from our constituents in Adams
17 Morgan. What was originally proposed by OP
18 had a high-transit zone that I personally
19 supported that would have led to a
20 relaxation of the mandatory minimums. We
21 heard many comments against that automatic
22 reduction of those parking minimums in the

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1 transit zone. And my understand is that
2 currently, that will be a zone that ANCs
3 could request but that it would not be
4 mandatory, and the mandatory parking
5 minimums for new developments would be
6 something that a community would have to
7 specifically ask for. I think, in general,
8 what we hear from our constituents in Adams
9 Morgan is that's the way they would like to
10 be.

11 And as an individual SMD
12 commissioner, I would urge you to keep that
13 in there as an option as well.

14 There are some procedural points
15 that are also in my written testimony, as
16 I'm running out of time, that I would ask
17 you to consider.

18 I will close with a plug for
19 inclusionary zoning. That is not currently
20 something that is being considered as part
21 of the zoning regulation rewrite, but we
22 hear from many members of Adams Morgan that

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1 it is something that, if possible, should be
2 added, and that if it was added, that it be
3 addressed in such a way that the median
4 income requirement be tied only to the
5 District, and not tied to a standard that
6 goes outside of the District and ends up
7 raising the income requirement to that.

8 Thank you very much.

9 CHAIRMAN HOOD: Thank you all
10 very much for your testimony. It was very
11 helpful.

12 Let me see if we can open it up.

13 Any comments or questions,
14 colleagues?

15 (No response.)

16 CHAIRMAN HOOD: Vice Chair?

17 VICE CHAIR COHEN: Thank you, Mr.
18 Chairman.

19 Mr. Rock, I wasn't quite
20 following your 'creeping commercialism'
21 argument. So can you spend a short period
22 of time going over that for me, please?

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1 MR. ROCK: Sure. It's a concern
2 that we hear that zoning rules, as they're
3 being changed, not allow commercial uses to
4 creep into areas that are currently just
5 residential.

6 And the one concern that I really
7 see is in the proposed row house zone. My
8 understanding is that there would be corner
9 store and nonprofit offices uses that would
10 be available in those. And that is a
11 concern that that would be a allowing what
12 are really commercial uses to creep into
13 residential zones.

14 VICE CHAIR COHEN: Okay, but a
15 grocer is not going to open a store for the
16 sake of opening a store. There is going to
17 be some idea that he can make money -- he or
18 she can make money -- and so, if it is a
19 corner grocery store, they're really not
20 going to go creeping into neighborhoods that
21 can't support what they perceive as it can't
22 be supported financially.

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1 So that's just my own
2 observation. I don't think it's as much of
3 a problem, unless you can be a little bit
4 more specific, as to where you see this
5 happening.

6 MR. ROCK: Well, in the specific
7 context of Adams Morgan, our concern is that
8 we would have these new row house zones
9 buttressed up against the mixed-use zones of
10 18th Street, and that, really, you're going
11 to have the ability of all those commercial
12 areas in someplace like that.

13 We, we wouldn't also want to see
14 more space available for commercial uses in
15 the row house zones that would be just
16 adjacent of that.

17 VICE CHAIR COHEN: Okay, thank
18 you.

19 MR. ROCK: And they -- which may
20 be commercially supported. Someone may go
21 ahead and want to open up a corner store in
22 the row house zone. But if it would be

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1 adjacent to an already-present commercial
2 strip, that would be the concern there.

3 VICE CHAIR COHEN: Okay, thank
4 you.

5 I just want to make one comment,
6 Mr. Chairman, since two of the people who
7 have testify to talk about inclusionary
8 zoning.

9 After our marathon public
10 hearings, I did some research because
11 affordable housing was my profession, and I
12 went back about the median income issue.
13 And I just want to let you know that there
14 are always unintended consequences.

15 If we change the median income as
16 a general number -- that's a federal number
17 -- we also, then, eliminate our ability to
18 get subsidies from HUD. So I wanted to
19 bring that up and not mislead anybody about
20 that issue. It's something that we need to
21 address, but we can't address it by changing
22 the definition.

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1 CHAIRMAN HOOD: Okay, thank you.

2 Any other comments,
3 Commissioners?

4 (No response.)

5 CHAIRMAN HOOD: Let me say, Mr.
6 Eckenwiler, I really appreciate your
7 comments. You cut straight to the chase,
8 and I just wanted you to expound a little
9 more for me.

10 You said corner stores are a
11 mess, or what is proposed is a mess.

12 Can you help me understand that?

13 MR. ECKINWILER: Sure, Mr.
14 Chairman.

15 As we look through the
16 regulations, it's kind of scattered all over
17 Chapter 11. You have to read 1101, 1102,
18 then you skip to 1106 and some of the
19 matter-of-right elements. I mentioned, for
20 instance, for a fresh food market grocery
21 store, which you would think would be in
22 1101, where the by-right store carveout is

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1 mentioned, those are in fact buried in
2 1106.12. And it really is kind of a
3 spaghetti tangle.

4 I am an attorney; I deal with
5 statutes and fairly intricate regulations
6 all day long, and God help the person, God
7 help the layman, who was trying to interpret
8 this. I do think it could be consolidated
9 and made a little more usable.

10 CHAIRMAN HOOD: Okay, thank you.

11 I will note that we've been
12 joined by Ms. Steingasser, and again, we
13 have the Office of Planning. So one of the
14 things that we're going to do -- at least
15 I'm going to do, and I'm sure my colleagues
16 also; there's a lot of good comments that
17 we've heard. We're not going through this
18 as an exercise. We're going through this so
19 that we can make sure we get input again
20 from the front-line leaders in the city, and
21 that is the ANC commissioners.

22 Some of these suggestions, most

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1 of them, we're going to be asking them to
2 look into, so I'm hoping they are getting
3 copies of testimony that's being presented
4 so we can look into and expound on some of
5 these ideas that are being presented.

6 Again, not giving 30 days --
7 Commissioner Rock, you mentioned 30 days.
8 That concerns me.

9 I felt everyone had an
10 opportunity to everybody for a 30-day
11 comment period.

12 What is it that's not happening
13 in those 30 days?

14 MR. ROCK: Well, this was a
15 resolution that came out of our public
16 safety committee. Their concern is that --
17 in my experience, what I've heard from the
18 public safety committee chairman -- is there
19 have been instances where there are filings,
20 and especially what he had told me is that
21 there are times when there are reports that
22 gets submitted from the Office of Planning

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1 from other parts of the city that are going
2 to be considered by the Zoning Commission
3 and BZA, and those aren't always filed, so
4 that the ANC gets them with 30 days to
5 consider and formulate a response to those,
6 as well.

7 CHAIRMAN HOOD: I got you.

8 I wanted to assure you on pop-
9 ups, Councilmember Graham, your councilman,
10 has definitely put pop-ups on the radar
11 screen of the Zoning Commission, so I wanted
12 to assure you of that.

13 Commissioner Smith, I noticed
14 that you basically gave us the scope of how
15 your neighborhood is.

16 Let me ask you this, and I'm
17 asking this is to previous hearings -- I
18 haven't heard from a neighborhood pretty
19 much like this, I don't think; at least I
20 can't recall -- but are there any car-
21 sharing vehicles in your neighborhood?

22 MS. SMITH: No.

1 CHAIRMAN HOOD: Okay. Are there
2 any bike stations in your neighborhood?

3 MS. SMITH: No.

4 CHAIRMAN HOOD: And most of your
5 neighbors are seniors; your community. From
6 what you have in your testimony, there are a
7 lot of seniors.

8 MS. SMITH: That's correct.

9 CHAIRMAN HOOD: Okay.

10 Let me ask this question, and I'm
11 asking this because I know what I've heard
12 in the past: If one of your seniors go to a
13 doctor's office, how do they usually travel?

14 MS. SMITH: By their car. They
15 all have cars.

16 CHAIRMAN HOOD: Okay. All right.

17 I have one more question. And I
18 have a question for my friend from 3B who
19 has testified in front of us previously.

20 Basically, in your testimony,
21 you're speaking in terms of how things work
22 in Glover Park; am I correct?

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1 MR. ROCK: Yes, sir.

2 CHAIRMAN HOOD: Okay.

3 There was one thing you said.
4 You were talking about, "[C]urrent parking
5 minimums and other market forces increase
6 housing costs, reduce incentives. . . ."

7 And then you go on to say, "[T]he
8 changes proposed in the draft zoning code,"
9 which are only significant for downtown
10 areas as well served by transit, "would
11 mitigate these problems."

12 And then you go on to say, "They
13 would allow room for automobiles but create
14 new incentives and opportunities for
15 environmentally . . . friendly
16 transportation" -- obviously, walking, car
17 and bike sharing, and mass transit.

18 So what are you explaining to me
19 there? Help me understand what meant in
20 those comments.

21 MR. ROCK: Well, let me give you
22 two examples; one, I talked about in my

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1 testimony.

2 Real estate is pretty expensive
3 in Glover Park. You would be surprised to
4 learn that there have been houses along
5 Wisconsin Avenue in Glover Park, and lots
6 along Wisconsin Avenue, that have been
7 abandoned for years.

8 As we learned, finally, about six
9 months ago when a developer finally took the
10 plunge, one of the reasons those lots are
11 abandoned is because they are either not
12 zones or inappropriate for commercial use.
13 They are like that used to have single-
14 family homes but right now are no longer
15 appropriate for a single-family home. So
16 the only reasonable financial investment
17 that anyone would make is to go to a
18 multifamily development.

19 The problem is, simply because of
20 the geometry of Wisconsin Avenue and the
21 alleys behind it and the availability of
22 parking, there's something no way to build

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1 one of those multiunit developments within
2 enough parking, so those lots have lain
3 fallow. There is the exemption process, of
4 course, but not every developer knows about
5 that. And even if you use it, it's
6 uncertain and time-consuming. So that's one
7 area where we've seen a real-life example
8 where relaxing the parking minimums would be
9 good for the community.

10 The other example, just to give
11 you an example now -- we have a developer
12 that is in the process of building a by-
13 right development with approximately 85 one-
14 and two-bedroom apartments. And they are,
15 with that development, building underground
16 and above-grade parking.

17 The developer is willing to do
18 that, but I think a consequence of the
19 developer having to do that, an obvious
20 consequence to the developer having to do
21 that, is that money and space -- it's a
22 limited space; you can't extend anywhere

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1 beyond the lines of the property -- which
2 means money and space that the developer
3 could be using to build more units in that
4 same spot is instead devoted the cars. So
5 that means that the unit that developers are
6 building are going to be more expensive. So
7 I think that's a good example of how the
8 parking minimums reduce the affordability of
9 housing.

10 And this is a neighborhood -- we
11 always complain that we would love to have
12 better transit. I would love to have a
13 Metro up Wisconsin Avenue. But as a
14 practical matter, there are many people who
15 live in Glover Park who don't have cars. If
16 you live right on Wisconsin Avenue, the 30
17 buses come quite frequently. There is ample
18 care sharing. There's ample bike sharing.
19 There are very many ways to live without a
20 car.

21 There's no reason we should force
22 someone who wants to live in Glover Park

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1 without a car to take on the expense of a
2 parking space.

3 CHAIRMAN HOOD: Okay, thank you
4 very much.

5 Let me ask each of you a
6 question. I'm not going to ask a lot of
7 questions because our intent tonight is to
8 hear from you all. I'm going to curtail
9 some of my questions.

10 Office of Planning went out to
11 different communities a couple of months
12 ago; I think it was December or January.
13 Did any one of you all attend any of those
14 sessions?

15 (No response.)

16 CHAIRMAN HOOD: Okay. All right.
17 Thank you very much.

18 Commissioner .

19 COMMISSIONER MAY:

20 COMMISSIONER MAY: I just have
21 one quick question for Commissioner Rock,
22 which is that you referred to nonprofit

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1 office use in the flat zone, in the RF
2 zones. And the way I think the regulations
3 read, that's a special exception; it's not a
4 matter of right.

5 MR. ROCK: Okay.

6 COMMISSIONER MAY: So are you --

7 MR. ROCK: I thought it was a
8 matter of right. But if it's a special
9 exception --

10 COMMISSIONER MAY: And it's
11 possible I misunderstood something.

12 MR. ROCK: No.

13 COMMISSIONER MAY: But so long as
14 it's a special exception, you're okay.

15 MR. ROCK: Yes, I would be okay
16 with a special exception.

17 COMMISSIONER MAY: Thanks.

18 CHAIRMAN HOOD: Any other
19 comments?

20 Commissioner Miller.

21 COMMISSIONER MILLER: Thank you,

22 Mr. Chairman.

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1 I have no questions. I just
2 wanted to thank each of the ANC
3 commissioners for their very thoughtful
4 testimony, and for your public service to
5 the city.

6 (No response.)

7 CHAIRMAN HOOD: Okay, I want to
8 thank you all for --

9 Commissioner Smith?

10 MS. *SMITH: Let me just put on
11 the record because I think, in listening to
12 ANC commissioners come with a lot of
13 adversity, and I can guarantee you most ANC
14 commissioners are not attorneys; they are
15 not experts in zoning; they are not experts
16 in planning.

17 When you come into a community
18 like my community, where the community is
19 not in a position to be able to understand
20 everything within 30 days to 60 days -- if I
21 go to a planning meeting, I can read
22 forever, then I have to go back and I have

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1 to go through five or six different kinds of
2 documents even to understand what they were
3 saying when they were at the meeting. It's
4 zoning.

5 But I think, as we come out to
6 these communities, we need to come out to
7 these communities with layman's terms, not
8 speaking to the community, where the
9 attorneys and those who are going to prosper
10 -- the developers are going to be the ones
11 who are going to benefit.

12 I think the citizens are -- I'm
13 speaking for citizens like me, who's a
14 layperson; understand, I'm a finance person
15 but I am not a zoning or planning person.

16 I'm saying as I sit and listen to
17 people, I've spent at least the last six
18 months going back and forth through these
19 documents, and every time I learned one
20 thing, I learn something different someplace
21 else, and it's hard for me to match them up
22 at all times.

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1 So I'm just saying, just take
2 into consideration you do have laypeople
3 when you come to your communities, to be
4 able to talk with them, too.

5 CHAIRMAN HOOD: Okay, thank you.

6 I want to thank --

7 Commissioner Turnbull.

8 COMMISSIONER TURNBULL: Thank
9 you, Mr. Chair.

10 Do you feel that the Office of
11 Planning -- I mean they're not attorneys --
12 and I'm just wondering, do you feel that
13 maybe what Office of Planning was explaining
14 was not in layman's terms?

15 MS. SMITH: No, no. The Office
16 of Planning -- let me just tell you, I did
17 not get what the Office of Planning at that
18 time was bringing to our community, and I
19 did not bring the sheets of paper today, so
20 I do not remember off the top of my head.

21 But I'm just speaking in general,
22 when the Office of Planning or Zoning or any

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1 other agency comes into the community,
2 especially right now with zoning and
3 planning, they need to understand that
4 whenever they are talking to the community,
5 they need to talk to the community at a
6 level that is not in the codes of what
7 they're coming out to present.

8 COMMISSIONER TURNBULL: Okay,
9 thank you.

10 MR. *ECKINWILER: I would just
11 add -- I apologize for taking up your time,
12 and I won't take up much of it -- but we're
13 in the same position in our ANC. We don't
14 have zoning experts; we're laymen. We had
15 very positive experiences with the Office of
16 Planning and Office of Zoning. They came to
17 our meetings when we asked. They explained
18 things in layman's terms. When we had
19 questions by email or zone, they followed
20 up.

21 We had a very positive
22 experience, and I thought we were able to

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1 get all of our questions and issues answer
2 and addressed.

3 MR. *ROCK: I would echo that.

4 MR. *SOMEONE: If I could just
5 jump in on one point raised by my
6 counterpart to my far right on timing and
7 proceedings before the Commission, there is
8 one issue that occurs to me, I know I've
9 seen personally, and that is the potential
10 for disparity between a PUD initial
11 application and the prehearing statement.

12 Of course, the prehearing
13 statement is obviously very late in the
14 game, and my ANC 6C does have policy of
15 trying to schedule matters as late as
16 possible so we get the most current
17 information on an application.

18 But I know, in at least one case,
19 we've seen an instance where there was a
20 fairly significant technical change that we
21 were wholly unaware of, after the ANC had
22 voted, that cropped up in the prehearing

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1 statement. It had some pretty significant
2 ramifications for the neighbors in terms of
3 an alley closing over a period of time.

4 The point being, because the
5 prehearing statement tends to be sort of an
6 afterthought and comes so close in time to
7 the hearing in many cases, the commissions,
8 in my experience, often do not have a
9 meaningful opportunity to review or pass
10 comment on the pre-hearing statement.

11 CHAIRMAN HOOD: Okay, I want to
12 thank this panel. We greatly appreciate
13 your testimony. Very helpful. Thank you
14 all for your time.

15 I want to announce again that the
16 witness list is on the table to the left.
17 For those who did not register to testify at
18 a time with the Office of Zoning, again, the
19 witness list is to the left. So, if you've
20 come in and you have not signed up
21 previously, you can sign up to the left at
22 this time.

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1 Also, I'm going to ask my
2 colleagues that we relax our dress code.
3 It's getting a little hot. It works
4 differently sometimes when you're away from
5 home. I don't know how the Councilmembers
6 do it, but it's a little hot up here, so if
7 you all would like, we can take our jackets
8 off.

9 And I don't want to be a
10 chauvinist, but whatever else that you have
11 on that's hot, doesn't expose you, please
12 take it off because I am very hot up here.
13 And that goes to anyone else.

14 We've been joined by the Planning
15 Director, Ms. Harriet Tregoning.

16 And also -- I don't know if I
17 mentioned this earlier -- we have our
18 director from the Office of Zoning, Ms. Sara
19 Bardin.

20 Okay, Commissioner Summersgill --
21 again, if I mispronounce your name, forgive
22 me.

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1 Commissioner Stewart, 7C, Gregory
2 Stewart;
3 Commissioner Treadway;
4 Commissioner Wisniewski;
5 Commissioner Wilsey;
6 Commissioner Flahaven.

7 And just feel free to yell out
8 and correct me if I get really mess it up.

9 Commissioner Gold, ANC 3D -- oh,
10 okay, I'm sorry; I have four. Are you
11 Commissioner Gold?

12 MR. GOLD: Yes.

13 CHAIRMAN HOOD: Hold tight for a
14 second. I'm sorry about that. We normally
15 have eight. I've got to get accustomed;
16 it's a different arena.

17 Okay, we're going to start to my
18 right -- your left -- and you may begin.

19 TESTIMONY BY BOB SUMMERSGILL (3F07)

20 MR. SUMMERSGILL: Good evening,
21 Chairman Hood and members of the Zoning
22 Commission. My name is Bob Summersgill. I

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1 am the ANC commissioner for 3F07. That's
2 roughly Connecticut Avenue to Rock Creek,
3 from *Porter to Van Ness Streets.

4 I appreciate the extensive
5 engagement on zoning revisions over the past
6 six and a half years with the Office of
7 Planning, the DC Council, and Zoning
8 Commission. Usually, a notice in the DC
9 Register is all that's done to reach the
10 public.

11 I support the overall goals of
12 the Office of Planning's proposed zoning
13 regulations; in particular, subtitle C,
14 Chapter 19, on parking. I appreciate the
15 goals stated in Section 1901.1 and
16 especially 1901.1 C: "Ensure that surface
17 parking areas are planted and landscaped to
18 be compatible with their surroundings and
19 reduce the environmental impacts." This
20 goal could be better achieved if, through
21 the regulations, the Zoning Commission
22 adopts the philosophy of no net loss of

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1 green space or trees.

2 There will be occasions when
3 design and practical matters require surface
4 parking for buildings to be built in
5 existing green spaces, but an equal amount
6 of green space and trees should be created
7 and planted to make up for the loss.

8 Sections 1905.4 and 1906.1 should
9 explicitly protect the total amount of green
10 space and trees.

11 Section 1903.2 should allow the
12 Board to reduce the parking minimums in
13 order to protect trees and allow green
14 space. Cutting down a tree solely for the
15 purpose of parking minimums should not be
16 allowed.

17 Section 1907.382 is at odds with
18 the Urban Forestry Administration's effort
19 to plant a tree in every empty tree box in
20 the next five years. Instead of requiring
21 developers to instead of requiring
22 developers to plant trees -- plan street

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1 trees -- it would be preferable to require
2 them to contribute to the Tree Fund or to
3 plant trees on private land in the District,
4 ideally within the same ward or ANC.

5 Reducing parking minimums, as the
6 proposal has called for, is a step in the
7 right direction, but it fails to go far
8 enough. Subtitle I, Chapter 11, remove
9 parking minimums for Downtown. This fails
10 to go far enough, again. Parking minimums
11 induce demand for more cars, more
12 congestion, and more dangers for
13 pedestrians. Parking maximums ensure that
14 we prioritize pedestrians and help make our
15 neighborhoods more walkable. Likewise, the
16 reduction of parking minimums in transit
17 zones should be changed to remove minimums
18 altogether.

19 The proposal calls for shared
20 parking, car sharing, and bike sharing to
21 offset minimum parking requirements. Each
22 of these has an effect of removing more than

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1 one car from the street. Each space taken
2 by the shared system should result in more
3 than a one-for-one space. Ten-for-one
4 substitution is appropriate, but as little
5 as two-for-one substitution is better than
6 the proposed regulations.

7 Section 1912.3 will induce a
8 demand for SUVs. The issue of size of
9 parking spaces should be left to the market
10 demand or favor smaller cars.

11 The Zoning Regulations can be a
12 tool to eliminate impervious parking lots
13 over time. Allowing impervious pavement
14 does not help the removal of impervious
15 surfaces, which contribute to storm water
16 runoff.

17 Paragraphs 1911.8 and 1913.1
18 should illuminate the phrase, "in addition
19 to in addition to traditional impervious
20 surfaces," and allow only pervious parking
21 surfaces as we go forward.

22 Accessory apartments of subtitle

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1 D have become controversial. I support the
2 proposal. I believe that these will help
3 make neighborhoods more affordable for
4 seniors and young people, especially
5 students. Since I was first elected, only
6 to accessory apartments of been proposed for
7 ANC 3F. Both were unanimously approved.
8 Each was uncontroversial when it was
9 proposed, and I see no reason why we
10 wouldn't be in favor of these developments.
11 The restrictions on where they can be and
12 owners living on the lots mitigate any
13 concerns that might be raised by the ANC.

14 Section 1915 is excellent.

15 Paragraph 1915.7 might be better
16 as a reference to Section 1703. These
17 sections should at least be harmonious.

18 Maisie Hughes of Casey Trees and
19 Laszlo Bock have both submitted testimony to
20 strengthen Chapter 17, and I fully support
21 their suggestions. Former ANC Commissioner
22 David Bardin had suggested definitions that

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1 should be included, and I support his
2 suggestions.

3 In a purely a formatting issue,
4 Section 1915.7D through G are subservient to
5 Section C and should be indented and re-
6 enumerated one through four.

7 Thank you for considering my
8 testimony.

9 CHAIRMAN HOOD: Thank you.

10 Next.

11 TESTIMONY BY KEVIN WILSEY (2C)

12 MR. WILSEY: Thank you, chairman
13 hood and members of the Commission. I'm
14 Kevin Wilsey. I'm Chairman of the ANC. 2C
15 comprises Penn Quarter, Chinatown, and part
16 of the Mount Vernon neighborhood. These
17 neighborhoods have led the District's
18 transformation to living Downtown. More
19 than 10,000 residents call this place is
20 their home. The city has very successfully
21 established communities with a mix of
22 commercial, residential, and cultural areas.

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1 Current zoning for 2C is almost
2 entirely commercial -- C4 and C5.

3 Traditionally, residential
4 districts have been established to protect
5 residents from uses that generate
6 incompatible activities, especially those
7 that disturb the quiet enjoyment of one's
8 home. The zoning rewrite has removed these
9 protections from the Downtown area because
10 the Downtown doesn't have residential
11 districts. Instead, residential uses are
12 permitted in a commercial-like zone, even
13 where the today it is zoned residential, and
14 where residential exists with ground-floor
15 retail. This issue can only be ameliorated
16 by simply substituting the words
17 "residential use" or "uses."

18 The proposed zoning regulations
19 to place restrictions on types of uses when
20 they are adjacent to or near residential
21 districts. However, since Downtown does not
22 include residential districts, only

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1 residential uses, it seems Downtown is being
2 discriminated against, or at the very least,
3 forgotten about.

4 Residential uses in downtown
5 should be afforded some degree of protection
6 from certain uses, noise, or artificial
7 light, to maintain an acceptable quality of
8 life. This creates and maintains a viable,
9 living downtown. The proposed Zoning
10 Regulations should be modified to treat
11 residential uses in the Downtown zone
12 similar to residential districts elsewhere.

13 Further, using "residential use"
14 instead of "residential district or zone"
15 will help facilitate the ability of other
16 agencies to establish or change regulations
17 to protect the quality of life of Downtown
18 residents.

19 On behalf of our residential
20 community, ANC 2C respectfully would request
21 the that the Zoning Commission and the
22 District Office of Planning revise the

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1 proposed zoning regulations and subtitle 1C
2 to protect the quality of life Downtown
3 residents.

4 Parking, subtitle C, section
5 1900, the parking requirement, "Vehicle
6 parking shall not be required in downtown
7 zones" -- many who own cars and live in
8 Downtown seldom use them, especially to
9 commute to work. Most work nearby and use
10 Metro or bike to and from work, or they
11 walk. Reducing commuter traffic is where
12 the city should concentrate its efforts.

13 Unlike residential neighborhoods
14 to the north, south, east, and west, street
15 parking is not available to Downtown
16 residents. Parking is needed on
17 commercially developed sites for today's
18 residents, and it is available. But what
19 about the future? Having a no-parking
20 requirement could create an imbalance in the
21 future, and this needs to be looked at
22 closely. Given that parking is a use that

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1 cannot be easily retrofitted, we suggest
2 that this be looked at again.

3 There are many that simply cannot
4 use public transportation to get to work or
5 to come to Downtown for sporting or theater
6 events. This would hurt business in the
7 Downtown, and I therefore request that it
8 should include a minimum parking requirement
9 for most commercial and residential
10 buildings in the Downtown area.

11 This also coincides with the car
12 sharing requirement, Section 1808.2. If
13 there's no parking requirement, it may be
14 difficult to require buildings to have car-
15 sharing services available to residents if
16 there's no space to house the cars.

17 And finally, the FBI site -- the
18 proposed designation for this site is the
19 D6B1. D7B1 requirements are the same as
20 those for the C5 zoning category today.
21 They were created to conform development of
22 the three blocks to the requirements of the

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1 Pennsylvania Avenue Plan, 1974, as amended.
2 The FBI currently conforms to the C5 zoning
3 and the Pennsylvania Avenue plan.

4 There are setback requirements
5 and building height and C5 and D7B1 zone, as
6 there are in the Pennsylvania Avenue Plan.
7 C4 and D6B1 does not have these
8 requirements. It does not allow buildings,
9 as a matter of right, to attain the full
10 160-foot measure from Pennsylvania Avenue
11 that is permitted under the 1910 Height Act
12 as a C5 or D7B1 zones do. We ask that you
13 change the FBI site to a D7B1 so that the
14 urban signage objectives requiring setbacks
15 and allowing the building to obtain full
16 height to compensate for the loss of FAR
17 from the setbacks can be achieved.

18 This is critical to the framing
19 of the vista and to the Capitol on both the
20 north and south sides of Pennsylvania
21 Avenue. The additional height permitted
22 should also be useful in encouraging a

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1 mixed-use development scheme once a site is
2 eventually developed.

3 Thank you in advance for your
4 consideration of these important issues that
5 affect the Downtown area.

6 CHAIRMAN HOOD: Okay, thank you.

7 Next.

8 TESTIMONY BY BRIAN *FLAHAVIN (6B)

9 MR. FLAHAVIN: Good evening,
10 Chairman Hood and members of the Zoning
11 Commission.

12 My name is Brian *Flahavin, and I
13 serve as Chair to the Advisory Neighborhood
14 Commissions 6B, which represents the area of
15 Southeast Capitol Hill. My single-member
16 district, 6D09, lies in Hill East and
17 includes Barney Circle, the historic
18 Congressional Cemetery, and the Eastern
19 Branch Boys and Girls Club building.

20 I appear today on behalf of ANC
21 6B to provide our commissions' comments and
22 recommendations on the proposed rewrite of

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1 the city's zoning code. At its regularly
2 scheduled monthly meeting on January 14,
3 with a quorum present, ANC 6B approved my
4 testimony tonight by a vote of nine-to-one.
5 ANC 6B appreciates this additional
6 opportunity to testify before you.

7 ANC 6B strongly supports the
8 Office of Planning's effort to update the
9 city's zoning code and urges the Zoning
10 Commission to approve the update as soon as
11 possible.

12 Our commission is been very
13 engaged by on the zoning update. Three of
14 my colleagues, Commissioners Dave Garrison,
15 Kirsten Oldenburg, Ivan Frishberg, have
16 already testified before you on the
17 Commission's position on subtitles E
18 (residential flats), H (neighborhood
19 commercial), and C (parking). You've also
20 received our formal position and comments,
21 which our commission approved at a regularly
22 scheduled, properly noticed meeting on

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1 October 8, 2013.

2 We had hoped that after a month
3 of hearings on the update, the Zoning
4 Commission would currently be in the midst
5 of its final rulemaking process.
6 Unfortunately, it appears that some
7 individuals and organizations are trying to
8 slow the rulemaking process by claiming
9 there hasn't been enough time to consider
10 OP's proposal, nor appropriate outreach and
11 education by the agency. Many of the voices
12 calling for further delay also oppose
13 certain specific provisions of OP's
14 proposal.

15 While we understand and certainly
16 respect the right of individuals and
17 organizations to oppose specific provisions
18 of the update, or the update entirely, our
19 commission feels that interested
20 stakeholders have had ample time to consider
21 or weigh in on OP's proposal.

22 When OP released its first draft

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1 in the fall of 2013, ANC 6B immediately
2 created a working group to evaluate the key
3 issues in the update. Our goal was to have
4 "two bites at the apple": submit one set of
5 comments to OP and another set of comments
6 once OP submitted its final proposal to the
7 Zoning Commission. The working group,
8 chaired by Commissioner Dave Garrison, held
9 five public meetings between December and
10 March 2013 and involved commissioners and
11 residents, including two zoning expert who
12 advised the group. Jennifer Steingasser
13 from OP attended our February 14, 2013
14 working group meeting to provide additional
15 information and answer questions about the
16 proposal.

17 Ultimately, the group produced a
18 detailed matrix outlining major zoning
19 changes included in OP's proposal.

20 At its March 5, 2013 meeting, ANC
21 6B's planning and zoning committee
22 considered the matrix and recommended

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1 positions on the key changes to the full
2 commission. ANC 6B then considered and
3 voted on the committee's recommendations at
4 its March 12 meeting, and submitted its
5 formal comments to OP.

6 When OP released its revised
7 proposal in July, our working group convened
8 once again, in September, to evaluate the
9 revisions. The working groups updated
10 matrix was presented once again to ANC 6B's
11 planning and zoning committee on October 1.
12 The committee made recommendations on key
13 issues in the revised proposal, which were
14 taken up by the full commission on October
15 8, 2014. Our final position and comments
16 were formally submitted to the Zoning
17 Commission on October 21, 2013.

18 This was a thorough, organized
19 process that included multiple public
20 meetings and opportunities for residents to
21 weigh in. As our process demonstrates,
22 there was ample time for individuals, ANCs,

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1 and other community organizations to
2 consider OP's proposals and weigh in with
3 both the agency and the Zoning Commission.
4 While various stakeholders can disagree on
5 various provisions in the day -- and we had
6 our share of disagreements -- we feel that
7 many of the current complaints about process
8 are primarily an effort to install a much-
9 needed of the to the city's zoning code.

10 We hope that this hearing and the
11 four additional community hearings scheduled
12 in February will be the final hearings, and
13 that the Commission will proceed
14 expeditiously to final rulemaking.

15 I would also like to take this
16 opportunity to reiterate ANC 6B's position
17 on two of the most visible changes proposed
18 in the update. While ANC 6B is pleased with
19 most of the aspects of OP's revised
20 proposal, we were disappointed that OP
21 weakened its original proposal on the
22 elimination of parking minimums. ANC 6B

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1 urges the Zoning Commission to support OP's
2 original proposal eliminating parking
3 minimums required for new construction of
4 single-family houses for residential
5 development of less than 10 units.

6 ANC 6B also urges the Zoning
7 Commission to support OP's original proposal
8 eliminating parking minimums in apartment
9 and commercial mixed-use zones within a
10 half-mile of Metro stops or a quarter-mile
11 of high-service bus corridors. The
12 commission's vote on this position was
13 seven-to-two.

14 As our commission evaluated OP's
15 original parking minimum proposal, we
16 supported a long-term vision of moving
17 beyond the auto-centered development and
18 acknowledged that the proposed zoning
19 regulation of parking minimums was a policy
20 change that would have an impact on the
21 built environment for decades to come. Many
22 of us noted the declining share of DC that

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1 residents who owned vehicles, while others
2 highlighted the arbitrary nature of the
3 current parking minimum requirements.
4 Unfortunately, OP's revised proposal
5 continues to preserve arbitrary parking
6 minimum requirements, with the exception of
7 downtown. We urge the Zoning Commission to
8 adopt OP's original proposal on parking.

9 I would also like to reiterate
10 ANC 6B's unanimous support for OP's proposal
11 on corner stores. Allowing limited
12 commercial uses in residential zones is a
13 good idea if we want to make our
14 neighborhoods more walkable and accessible,
15 particularly for those who wish to age in
16 place. ANC 6B also unanimously supports
17 giving the board the authority to waive the
18 requirement that a corner store may not be
19 located within 500 feet of another
20 commercial use in the same residential area,
21 which would potentially open up additional
22 opportunities for corner stores on Capitol

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1 Hill.

2 Thank you for providing this
3 additional opportunity to testify, and I
4 would be happy to answer any questions.

5 CHAIRMAN HOOD: Okay, thank you.

6 Next.

7 TESTIMONY BY JOE WISNIEWSKI

8 MR. WISNIEWSKI: Thank you, and
9 good evening.

10 My name is Joe Wisniewski, and
11 I'm an Advisory Neighborhood Commissioner
12 for 3D10, and my testimony does not
13 represent the views of ANC 3D as a whole.

14 My SMD is unusual for ANC 3D. I
15 do not represent any single-family homes,
16 and all of my constituents live in apartment
17 buildings and condominiums. This gives me a
18 different perspective on the zoning code
19 compared to the zoning rewrites -- I should
20 say, compared to the rest of my commission.

21 But the main reason I'm here is
22 because I have a dual role in this city.

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1 That as a Commissioner, and that as a
2 student and as a senior at American
3 University. DC has become my home, and
4 quite a change from where I am originally
5 from, Indiana. When I first moved here,
6 family and friends were shocked that I
7 didn't have a car, and the concept of using
8 only mass transit was to completely
9 unfamiliar to them at first. But over time,
10 they began to understand.

11 I'll never forget a conversation
12 that I had with my elderly grandparents who
13 live in their dream home, a modest home in
14 rural Michigan isolated on a lake. To them,
15 their car keys represented freedom, and
16 without those car keys, they would have no
17 other option but to be forced to give up
18 their dream of living on a lake. The idea
19 that they could walk to a corner store to
20 grab groceries, that they could move to an
21 affordable apartment without a front yard to
22 take care of, or even easily rent out part

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1 of their home to help pay the bills, shocked
2 them. The reason why tell you this story is
3 because I don't want any senior citizen in
4 this city to choose between their dreams and
5 reality, a decision that will be facing my
6 grandparents as they grow older and slowly
7 lose the ability to drive.

8 The story my grandparents and
9 other senior citizen that I represent in my
10 SMD shows me that this isn't an issue that
11 breaks down as one generation versus the
12 other. To me, the zoning rewrite is much
13 more than just the convenience of being able
14 to bike on a bike lane, walked down to a
15 store, or easily park on a busy street.
16 It's about opening up this city and
17 affording its opportunities to everyone.

18 It's about making sure that
19 Alexander, a senior citizen I represent, and
20 others like him live in walkable
21 neighborhoods because of businesses like
22 former stores.

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1 It's about a young college
2 student living in an accessory dwelling unit
3 that makes it possible for them to help pay
4 the tuition at American University.

5 Many people don't pay attention
6 to the zoning rewrite. They don't
7 understand that the zoning code represents
8 the invisible framework of rules and
9 regulations that don't just govern how tall
10 a building is; they don't even just govern
11 the fundamental character of this city. But
12 they actually can give people a chance to
13 live out their dreams, whether it be
14 retiring in this city or being able to
15 afford college in this city.

16 I'm here because these zoning
17 rights, after five years of discussion, have
18 reached a point where they respect the
19 historical character of the city while
20 paving the way for the city to grow for the
21 rest of the 21st Century.

22 I thank you for your time.

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1 CHAIRMAN HOOD: Okay, and we
2 thank each of you for your testimony.

3 Let's see if we have any
4 questions.

5 Colleagues, do you have any
6 questions?

7 (No response.)

8 CHAIRMAN HOOD: Vice Chair.

9 VICE CHAIR COHEN: Yes, I don't
10 have a copy of Mr. *Wilsey's testimony.

11 Do you --

12 MR. *WILSEY: I didn't bring in a
13 copy, so I can give you mine.

14 VICE CHAIR COHEN: Okay, thank
15 you.

16 CHAIRMAN HOOD: Okay, any
17 questions?

18 (No response.)

19 CHAIRMAN HOOD: Okay, not seeing
20 anything any, thank you. We appreciate the
21 perspectives.

22 I really appreciate the

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1 perspective from university student. I
2 appreciate that.

3 MR. WISNIEWSKI: Thank you.

4 CHAIRMAN HOOD: Thank you very
5 much for coming down -- and your time.

6 Okay, let me --

7 Kishan Putta;

8 Michael Gold.

9 And I have Will Stevens or Noah
10 Smith -- I think it's one or the other, the
11 way I read this.

12 (Whereupon, a speaker made off-
13 mic comments on the record.)

14 CHAIRMAN HOOD: I'm coming back
15 to -- we're almost finished with the list I
16 have. I'm coming back to those who were not
17 here when I called your names.

18 Believe it or not, I actually
19 know a number of commissioners out here, so
20 I -- Commissioner Stewart, I knew when you
21 came in. We're almost friends. I got you.

22 Commissioner Stein, I know you.

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1 And there are a couple of others,
2 so I got you.

3 Is it Will *Stevens or Noah
4 Smith?

5 *MR. SMITH: Noah Smith.

6 CHAIRMAN HOOD: Okay -- and Nancy
7 MacWood.

8 Forgive me; I called everyone
9 "Commissioner." Excuse me; Commissioners.

10 Oh, I'll make this announcement
11 again: The witness list is on the table to
12 the left. For those who did not register to
13 testify ahead of time to testify, you can
14 register at this point with the Office of
15 Zoning.

16 Commissioner Putta, we're going
17 to start with you and were going to go down.
18 Thank you.

19 TESTIMONY BY KISHAN PUTTA

20 MR. PUTTA: Thank you, Mr.
21 chairman.

22 Before I get began, I want to

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1 thank Donna Hanousek for her outreach to the
2 ANC. She's been really great to coordinate
3 with. And I want please ask, don't let it
4 end tonight; please continue working with
5 ANCs and holding workshops so we can explain
6 this to our residents because it's hard for
7 us to get it, and it's even harder for them
8 to get it. So we would appreciate more
9 educational efforts.

10 In a moment, you'll be hearing
11 from Noah Smith, my colleague on the DuPont
12 Circle ANC. He is speaking as a
13 representative of the ANC; I'm speaking on
14 my own recognizance.

15 Our ANC submitted a letter
16 supporting the guidelines, and I am in
17 support as well.

18 I want to talk with you about
19 something outside of *DuPont Circle. I've
20 been working on healthcare issues east of
21 the river, and local leaders there have been
22 trying to get dozens of vacant lots

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1 developed, some perhaps into medical
2 centers; others into residential units.
3 These vacant lots are bad for the city.

4 As Commissioner Greg Stewart, who
5 will be speaking, has mentioned to me, these
6 lots breed crime and keep neighborhoods from
7 improving, these vacant lots, so many of
8 these vacant lots are nonconforming. In
9 particular, limiting development to only 40
10 percent of a lot prevents voluble
11 development of housing and other services.
12 I'm told that there is interest in
13 developing these vacant lots. Changing
14 restrictions like this would go a long way
15 to improving neighborhoods struggling to
16 advance.

17 I just want you to know that as
18 ANC commissioners, we don't only focus on
19 our tiny districts. Mine is probably the
20 tiniest; it's like six blocks. But we also
21 want our whole city to advance together, and
22 changes like this are needed in certain

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1 places to do this.

2 So thank you.

3 CHAIRMAN HOOD: Okay, thank you.

4 Next.

5 TESTIMONY BY MIKE GOLD (3D08)

6 MR. GOLD: My name is Mike Gold.

7 I am vice chair for ANC 3D. Our chair was
8 out of town, so I will be speaking for ANC
9 3D.

10 I represent beautiful single-
11 member district 3D08, home to *Sutton
12 Towers, a large high-rise, Sutton Place
13 townhouses, and a brand-new *Wagshaws, which
14 is delicious.

15 We really appreciate this
16 opportunity to testify before the
17 Commission.

18 Zoning is an issue of critical
19 importance to ANC 3D commissioners and the
20 residents that we represent. Our ANC has
21 spent a great deal of time on zoning and has
22 passed several resolutions dealing with the

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1 topic. While each issue raised by various
2 zoning changes is often unique and can be
3 specific to a particular neighborhood or
4 activity, in every zoning case that's come
5 before our commission, ANC 3D has always
6 stood behind the core principle of local
7 control.

8 ANC's neighborhood associations
9 are the institutions closest to DC
10 residents, and there is no decision that the
11 Zoning Commission to make regarding zoning
12 which would not benefit substantially from
13 local input. Unfortunately, there is no
14 one-size-fits-all solution for zoning,
15 making soliciting, respecting, and acting
16 upon local input the best thing for the
17 welfare of this city.

18 Additionally, another broad
19 concern often voiced by my fellow
20 commissioners and residents relates to
21 parking. Every member of our ANC is
22 supportive of reducing congestion and

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1 pollution in this city by encouraging
2 residents to use public transportation, such
3 as the Metro, cycling, or walking. However,
4 there are many residents for which
5 automobiles remain the only option.

6 For example, I have many senior
7 citizens in my single-member district who
8 have no other choice than to drive.
9 Similarly, those of you with children know
10 that short of hiring a team of Sherpas,
11 automobile travel is often the only option
12 for shuffling children to and from school,
13 various sporting events and afterschool
14 activities.

15 For all these reasons, we believe
16 that the city government's desire to reduce
17 reliance on driving in favor of public
18 transportation is commendable but must be
19 tempered by the reality that cars are a
20 necessity for many residents, and that the
21 District's growing population will
22 inevitably result in increased traffic,

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1 further aggravating and already acute need
2 for parking in many neighborhoods.
3 Therefore, I would ask this Commission to
4 remain both cognizant and realistic when it
5 comes to DC's increasing demand for parking,
6 and again, to always solicit local input for
7 taking any action.

8 Moving from these general
9 comments to specific feedback, I would like
10 to review some votes taken by our ANC on
11 specific issues. By a vote of seven to
12 three, ANC 3D opted to approve a resolution
13 opposing the revisions proposed by DC Office
14 of Planning for subtitle C, Chapter 19 on
15 vehicle parking, to update parking
16 requirements for new developments and to
17 support maintaining existing regulations for
18 parking requirements.

19 The rationale was that the we
20 noted that the number of automobiles
21 registered in DC continues to increase,
22 based on data provided by the DMV.

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1 Moreover, parking demand in the city
2 continues to as a result of an increased
3 number of automobiles owned by DC residents,
4 in contrast with the arguments made by OP
5 that the percentage of households with cars
6 is declining, and to meet the demands of
7 commuters, tourists, and other providers.

8 OP's proposed parking rules are
9 particularly insensitive to the diversity of
10 DC's population and fail to recognize the
11 needs of all DC residents who are at
12 different stages of life when, due to age,
13 physical condition, or even family size, are
14 not able to use alternative transportation
15 options and maybe more reliant on the
16 automobile as a primary means of
17 transportation.

18 ANC 3D also expresses grave
19 concern that OP's proposed new rules would
20 undermine the ability of residents to have
21 input as part of the zoning process to
22 ensure new developments, including adequate

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1 parking.

2 In regard to subtitle D, Chapter
3 3, residential house zones, Group 2, Chain
4 Bridge Road, University Terrace; Chapter 8,
5 residential house zones, Group 7, Wesley
6 Heights, by a unanimous vote, ANC 3D voted
7 to support a motion to maintain the existing
8 overlays for Chain Bridge Road, University
9 Terrace, and Wesley Heights and oppose OP's
10 recommendation for combining the underlying
11 zones with an overlay into a single-zone
12 district.

13 Both neighborhoods fall within
14 the boundaries of ANC 3D. These
15 neighborhood residential overlays are
16 community-originating zoning that should be
17 honored. OP's proposal to combine all
18 overlays into a single-zone district is
19 inconsistent with the comprehensive plan.
20 Additionally, overlays are created to
21 distinguish the neighborhood interests and
22 needs from citywide applied zoning district

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1 provisions. They typically trump citywide
2 provisions when there is a conflict, and the
3 purpose and goals are the main standards for
4 review of special exception requests.

5 OP's proposal dilutes the
6 boundaries, purposes, and goals and further
7 weakens the review standards by less than
8 current penalties and adding new provisions.
9 Neighborhood overlays should be preserved in
10 their existing form, including provisions
11 for special exceptions.

12 In regard to subtitle D, Chapter
13 13, accessory building regulations for R
14 zones, by a vote of seven to three, ANC 3D
15 approved a resolution opposing changes
16 recommended by OP to allow accessory
17 dwelling units -- ADUs -- in residential
18 zones as a matter of right if ADUs are
19 located within the main house or an existing
20 accessory structure, but supporting OP's
21 recommendation to revise the Zoning
22 Regulations allowing accessory dwelling in a

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1 newly constructed accessory structure with
2 special exception review.

3 ANC 3D also voted to support
4 giving the DC Department of the Environment
5 an expanded role as part of the special
6 exception process for inspecting, testing,
7 and certifying that an existing accessory
8 structure is free of toxic substances prior
9 to its use as an accessory structure.

10 With regard to subtitle D,
11 Chapter 16, "use permissions, residential
12 zones, corner stores," which has been
13 discussed, by a vote of seven to three, ANC
14 3D approved a resolution opposing the
15 establishment of corner stores, including
16 corner stores for which the use is a fresh
17 food market or grocery store by right in R3
18 and R4 zones, and further proposes that the
19 corner store should not be built within
20 1,200 feet of an existing commercial zone
21 property in a neighborhood, such as Foxhall
22 Village that was built around a central

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1 commercial core that is walkable from all
2 points in the neighborhood.

3 OP's proposal to authorize the
4 establishment of up to four corner stores
5 within 500 feet as a matter of right would
6 undermine the character of a neighborhood
7 like Foxhall Village. Foxhall Village is
8 primarily a row house neighborhood located
9 within the boundaries of ANC 3D.

10 In recommending new rules, OP
11 cites neighborhoods like Capitol Hill and
12 Georgetown to argue for its to propose
13 changes. Unlike Capitol Hill and
14 Georgetown, however, Foxhall Village was
15 built as a planned neighborhood that
16 included a specifically designated
17 neighborhood that included a specifically
18 designated location for a neighborhood-
19 serving retail. However, some homes are
20 located further than 500 feet from the
21 central commercial zone strip. OP's one-
22 size-fits-all approach to these rules would

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1 undermine and radically alter the character
2 of what is already a walkable community --
3 the type of community that OP is seeking to
4 encourage throughout the city.

5 OP's proposed rules would deny
6 citizens the opportunity to have input into
7 this process. Therefore, ANC 3D recommends
8 that corner stores only be allowed as part
9 of a special exception review, and that they
10 not be built within 1,200 feet of an
11 existing commercially zoned property. This
12 change to OP's proposal would allow for
13 corner stores in row houses and
14 neighborhoods without comprising a
15 neighborhood like Foxhall Village that was
16 planned and built with neighborhood-serving
17 retail specifically located in a designated
18 commercial area of the neighborhood.

19 I would also like to remind the
20 Zoning Commission that in October, our ANC
21 adopted a resolution in regard to university
22 and private school zoning, which reflects

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1 many of the the concerns that I have
2 previously described regarding maintaining
3 local input and preserving parking. A copy
4 of this resolution was transmitted to OP,
5 the Zoning Commission, the Mayor, and the
6 City Council. The relevant testimony was
7 provided by my fellow commissioner, Tom
8 Smith, at a previous hearing.

9 I am attaching a copy of this
10 resolution, as well as a copy of the
11 recommendations adopted by our ANC, in
12 regard to revisions in the DC zoning code
13 for inclusion in this record.

14 Again, I cannot thank you enough
15 for taking the time to talk to the ANCs.
16 Local input is so important. I commend you
17 because, without local input, the only zone
18 we're going to be in is the Twilight Zone,
19 so I thank you for taking the time.

20 CHAIRMAN HOOD: Okay, thank you.

21 Next.

22 TESTIMONY BY NOAH SMITH (2B09)

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1 MR. SMITH: Good evening, Mr.
2 Hood and Commissioners. My name is Noah
3 Smith. I'm the ANC Commissioner for 2B09,
4 also the vice chair of ANC 2B for DuPont
5 Circle; 2B09 includes the Southwest corner
6 of 14th and U.

7 I first want to apologize; I'm
8 pinch-hitting tonight for our zoning expert,
9 who at the last moment could not be here
10 tonight. My testimony closely resembles our
11 written comments. We are generally in favor
12 of the rewrite, and we're also taking this
13 opportunity to speak with you all about a
14 particular parking issue that has come up in
15 our neighborhood.

16 On behalf of ANC 2B, we
17 appreciate that the Zoning Commission has
18 scheduled additional hearings to allow for
19 further input into the process of rewriting
20 and updating the zoning codes. We
21 particularly appreciate that the Commission
22 has scheduled a hearing specifically to

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1 allow input from ANCs and the great weight
2 that ANCs to due.

3 Our ANC has followed zoning
4 rewrite process over the last several years
5 with great interest, including inviting
6 representatives from the Office of Planning
7 to brief the ANC and the community on the
8 process and the proposed changes. Most
9 recently, we discussed the final zoning
10 rewrite proposal at a duly noticed special
11 ANC meeting in late November. That meeting
12 was dedicated solely to considering the
13 current zoning proposals.

14 It is the opinion of ANC 2B that
15 the Office of Planning and the Zoning
16 Commission have conducted an extensive and
17 inclusive public process. The commission
18 supports the concept and implementation of a
19 green area ratio to protect neighborhood
20 character and sustainability in our
21 community.

22 The commission supports the

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1 concept of bicycle parking minimums to
2 increase multi-modal transportation options.

3 The commission appreciates the
4 Office of Planning's renaming guidelines for
5 zone designations, including overlays, as
6 part of the zoning code, codifying mixed-use
7 corridors and zoning designations, and
8 changing names without materially changing
9 the features of the zone.

10 The ANC acknowledges the
11 District-wide injustice based on a lack of
12 affordable housing because the supply of
13 housing has not been able to keep up with
14 demands. The commission commence the Office
15 of Planning for finding ways to increase the
16 residential housing supply in the District,
17 while respecting the historic nature of
18 fabric of our neighborhoods.

19 The commission acknowledges
20 walkable, livable, and in many parts, mixed-
21 use, mixed-use, DuPont Circle neighborhood,
22 with many historic apartment buildings and

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1 townhouses. Without garages and surface
2 parking lots -- excuse me -- they could not
3 exist under current zoning regulations due
4 to parking minimum requirements.

5 The commission is concerned about
6 the availability of on-street parking
7 availability, which allows caretakers to
8 help senior citizens age in place, nannies
9 and babysitters to help young parents, in-
10 home physical therapists and doctors and
11 nurses to make house calls, plumbers,
12 electricians, and their in-home repair
13 workers, each of whom need available and
14 accessible short-term neighborhood parking.
15 The commission acknowledges these priorities
16 are not under the purview of the conference
17 of zoning plan code.

18 The commission respects the right
19 of residents to individually choose to live
20 car-free, especially in a transit-oriented
21 neighborhood -- as is represented by ANC 2B
22 -- without being forced to subsidize their

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1 neighbors' choices to park a car. And the
2 Commission notes that there been several
3 incidents in neighboring ANCs were residents
4 of new developments are prohibited from
5 obtaining residential parking permits as a
6 condition of the zoning variance, to
7 eliminate or reduce parking minimums.

8 ANC 2B supports the proposed
9 guidelines and values public process and
10 forthrightness of the Office of Planning and
11 the Zoning Commission throughout the zoning
12 update process. ANC 2B does not support the
13 growing practice of prohibiting residents
14 with certain addresses from obtaining
15 residential parking permits as a trade-off
16 with the neighborhood and the Zoning
17 Commission for reducing parking minimum
18 requirements. This practice rewards
19 developers without a proven benefit to the
20 neighborhood, while the dismissing the right
21 of tax-paying citizens to the same city
22 services as others.

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1 ANC 2B encourages the Zoning
2 Commission to cease any such future
3 arrangements, and instead, to work with the
4 District Department of Transportation, ANCs,
5 and developers on more reasonable,
6 effective, and egalitarian solutions to
7 parking concerns. The commission implores
8 the District Department of Transportation to
9 conduct a survey on existing parking
10 utilization and conduct a public process to
11 create new parking regulations which allow
12 for our concerns about short-term on-street
13 parking, as expressed above, to be
14 ameliorated, but does not believe that this
15 important five-year process of the zoning
16 update should be delayed to conduct research
17 in another part of the District's
18 government.

19 Thank you for a much for your
20 efforts. We appreciate the opportunity to
21 provide our group weight.

22 CHAIRMAN HOOD: Thank you.

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1 Before we go to Commissioner
2 MacWood -- someone mistakenly picked up the
3 original witness list -- if you could, just
4 look through your papers and bring it back
5 so we can have it for the file.

6 Again, somebody mistakenly picked
7 up the original witness list.

8 Okay, thank you.

9 Commissioner.

10 TESTIMONY BY NANCY MacWOOD (3C)

11 MS. MacWOOD: Good evening. I'm
12 Nancy MacWood, a 13-year ANC commissioner,
13 former ANC chair, and current ANC 3C
14 planning and zoning committee, and the
15 historic preservation committee chair, and
16 the designated representative of our
17 commission tonight. We appreciate the
18 opportunity to testify.

19 ANC 3C has strong concerns about
20 the effect of some of the zoning proposals
21 on the stability of our neighborhoods. We
22 were disappointed that the zoning revision

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1 has focused so many changes on our
2 neighborhoods, changes that we haven't asked
3 for and that we don't want.

4 ANC 3C is also alarmed at the way
5 the zoning proposals would eliminate our
6 ability to represent our residents. In the
7 future, when residents turn to their elected
8 ANC commissioner for help, we will be
9 powerless to assist them if some of these
10 proposals are approved. Permissions to
11 allow property owners to exercise their
12 self-interest would replace consideration
13 for everyone's quality of life.
14 Neighborhoods would become denser and
15 commercialized, not because our elected
16 councilmembers think that is what we want
17 but because the Office of Planning wants it.

18 We hope the Zoning Commission
19 will look at the totality of these
20 proposals. Looking at the amount of change
21 being proposed for low-density residential
22 neighborhoods, one would think they must be

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1 reinvention to be good places to live. You
2 know that is not the case. And yet you
3 control, through the provisions that you
4 approve, our future neighborhood quality and
5 our comfort level that our emotional,
6 physical, and financial investment, large or
7 small, in our homes and neighborhoods is
8 protected.

9 Several of our comments can be
10 grouped together under the title "external
11 chaos." Currently, we allow the inside of a
12 home to be used for multiple purposes. If
13 you want to monetize your home, you have
14 some options, either by right or with a
15 special exception. But you must do them in
16 your home, where the effects would be
17 minimal on the neighbors and the
18 neighborhood.

19 Proposals before you would wipe
20 out many of the productions against external
21 chaos. Garages would become the site for
22 home occupations. Home occupations would

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1 expand to include every business within a
2 general business category just by
3 maintaining the current language but
4 changing the meaning of "category." Your
5 neighbor could still tutor in his home, but
6 he could also create a dry-cleaning service,
7 an appliance repair shop, or a catering
8 operation in the garage.

9 Under the proposals, these
10 businesses could be housed in two-story, 20-
11 foot-high accessory buildings next to the
12 neighbor's backyard. The neighbor could not
13 object. The ANC would get no notice that
14 the business was not about to be created in
15 an expanded garage and would have no
16 authority to complain, no matter how many
17 garages were transformed into business
18 sites. We do not support increasing the
19 height of garages or expanding home
20 occupation categories or location as
21 proposed.

22 We also do not support accessory

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1 dwelling units in garages. Since there is
2 no District-specific information available
3 about the number of existing ADUs, their
4 locations, their tenants, their
5 affordability, their safety, and their
6 contributions to seniors aging in place, we
7 think that expanding the provision to
8 accessory structures, expanding their
9 permission to external accessory structures,
10 is not warranted.

11 It is much easier to expand an
12 allowance with conditions based on good
13 information than to retract a permission
14 that may be may be unnecessary to achieve
15 goals and that will change neighborhood
16 character. We urge the Zoning Commission to
17 establish the goals of this use and to
18 determine the internal ADUs cannot achieve
19 these goals before expanding the permission
20 to garages and accessory structures.

21 ANC 3C further has concerns about
22 the proposal to allow accessory buildings to

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1 be constructed in the side yard setback. A
2 10-foot-high-by-12-foot-long building that
3 is potentially five to eight feet from
4 the neighbor's house would present a
5 wall-like appearance and would reduce light
6 and air. Any accessory structure built on a
7 lot line is going to present problems. And
8 we urge that the zoning code avoid creating
9 more of these controversies in single-family
10 neighborhoods by simply not expanding this
11 permission. Therefore, we urge the Zoning
12 Commission to reject allowing accessory
13 structures in the side yard setback and to
14 maintain the current requirement.

15 ANC 3C foresees many issues
16 created by the corner food proposal. We
17 strongly urge the Zoning Commission to only
18 permit corner food stores based on a small
19 area plan requesting them, and approved by
20 the DC Council.

21 The current proposal is full of
22 holes. The distance requirement and the

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1 concentration limits only apply to food
2 stores, and they can be weighed by special
3 exception. The special exception process
4 does not really protect the neighborhood
5 because it is assumed that applications will
6 be approved and that the only question is
7 what conditions might be added to the order.
8 That does not give neighborhoods much
9 comfort that any row house ground floor
10 won't be converted to commercial use, and
11 that the stores won't proliferate in the
12 neighborhood.

13 The same lack of reliable and
14 predictable controls is true for other types
15 of retail service, food and alcohol, and art
16 stores. The proposed conditions for these
17 uses are minimal and don't cover distance
18 from commercial zones or concentration
19 limits, or even the number of employees and
20 hours. Each applicant for a special
21 exception can propose must every feature of
22 the store, including outdoor seating, music,

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1 changes to the site, number of employees,
2 and hours. If our row-house neighborhoods
3 decide they need commercial, we would like
4 to work with our residents to determine what
5 that would mean and then approach you about
6 permitting it.

7 It is interesting to us that the
8 Office of Planning wants to convert garages
9 to apartments at the same time they are
10 promoting proposals to convert existing
11 housing for non-residential uses. An
12 example of this non-residential creep into
13 our residential neighborhood is the
14 institutional use proposal.

15 The proposal would continue the
16 carve-out for historic districts with a
17 special exception but would allow, with a
18 special exception, institutional uses in
19 every other neighborhood, which means that
20 an entire house could be removed from the
21 housing stock and used for a non-residential
22 purpose. The only stipulation is that the

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1 use be organized for social welfare of the
2 neighborhood. What does that mean? Anybody
3 could decide that they have a program for
4 our social welfare that we should pay them
5 to provide. We do not want tis introduction
6 of nonresidential uses in our neighborhood,
7 by special exception or otherwise.

8 One of our big concerns with the
9 zoning proposals is the lack of foundation
10 for them. There is no data, no reports, no
11 rationale for many of the proposals that
12 could affect us profoundly. Parking is a
13 good example. We oppose most of the
14 proposals, and there is extensive discussion
15 of our reasons in our submitted testimony.

16 We want to urge the Zoning
17 Commission to maintain the neighborhood
18 commercial and residential overlays in their
19 current form. Again, please refer to the
20 submitted testimony.

21 It is unfortunate that the
22 revision of the zoning code has focused on

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1 liberalizing permissions rather than on
2 improving provisions that work. One example
3 is the absence of improvements to the tree-
4 and-slope overlay. ANC 3C has had several
5 cases where it is clear that the Zoning
6 Administrator would benefit from the Urban
7 Forestry Administration's expert advice. We
8 will provide more information to you on this
9 subject prior to the closing of the record
10 on March 3, 2014.

11 Thank you very much for the
12 opportunity.

13 CHAIRMAN HOOD: Okay, thank you.

14 I want to thank each and every
15 one of you for your testimony.

16 Colleagues, do we have any
17 questions of this panel?

18 Commissioner May.

19 COMMISSIONER MAY: I have one
20 question for, I think it was Vice Chairman
21 Smith, who had the concern about exempting a
22 building from residential parking permits as

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1 a way of addressing, I don't know, other
2 zoning relief that might be requested.

3 Can you explain that to me?
4 Because, there's a certain logic to it that,
5 if you're going to introduce a large
6 building and you can't necessarily fit in
7 sufficient parking to take care of the
8 people who might want to park there, there
9 would have to be some sort of limitation.
10 Otherwise, they would end up filling up all
11 of the residential parking spaces on the
12 block.

13 So can you explain to me more
14 about why you object to it? I mean it
15 sounds like maybe you're concerned that it's
16 free parking and everybody should have
17 access to it, no matter what building they
18 live in. Is that it, at all?

19 *MR. SMITH: It's a city-service,
20 egalitarian concern. I think it's, the
21 commission doesn't think it's right to deny
22 a resident of a building.

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1 COMMISSIONER MAY: Not even as a
2 precondition of the ownership?

3 MR. SMITH: You know, we're
4 thinking -- you know, this is in perpetuity
5 of the building; right?

6 COMMISSIONER MAY: Right.

7 MR. SMITH: So we're thinking
8 four or five apartment renters ahead.

9 You know, you don't need a car
10 when you move in, but how do you age in
11 place? Or what if you get a job in Reston?
12 You're then forced to move out of that
13 building because there's almost no
14 opportunity to have a car.

15 COMMISSIONER MAY: Or you could
16 get parking in another building. I mean you
17 can you parking in the building.

18 MR. SMITH: You're absolutely
19 correct.

20 COMMISSIONER MAY: It won't mean
21 there isn't any parking available; it just
22 means that there won't be any street

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1 parking. MR. SMITH: I agree
2 with you. But at the same time, you're
3 subsidizing the street parking of everyone
4 else, while the city is denying you the
5 right to park on the street.

6 COMMISSIONER MAY: Right.

7 So it's a matter of --

8 COMMISSIONER MAY: Unfortunately,
9 we don't control the residential parking
10 permit system.

11 I mean, since we don't control
12 that system, are you suggesting that maybe
13 the solution to that is that street parking
14 should be done at market rate? Because,
15 that's the only way to really equalize it.

16 MR. SMITH: I absolutely think
17 that \$35 is not enough to charge for
18 parking. I don't what the market rate would
19 be.

20 COMMISSIONER MAY: One hundred
21 fifty dollars a month.

22 MR. SMITH: There you go; it's

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1 \$200 in DuPont.

2 COMMISSIONER MAY: Right.

3 MR. SMITH: By we think --

4 COMMISSIONER MAY: So is that
5 what you're suggesting it should be?

6 MR. SMITH: We think there are a
7 number of ways that parking issues could be
8 addressed that does not deny a resident of a
9 building the ability to park in the street,
10 just because of their address. Right? This
11 is just sort of, on its face, we think, not
12 good policy for a city to set. That, just
13 sort of in perpetuity, you would think that
14 just because you live at this address, you
15 don't get to park on the street.

16 What if that were the case with
17 any other type of city service?

18 COMMISSIONER MAY: But I mean
19 that happens now if the street address is on
20 commercial block. You're not allowed to get
21 RPP now.

22 MR. SMITH: If it's on the

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1 commercial block, if it's --

2 COMMISSIONER MAY: If you're on a
3 commercial block. It's only when you're on
4 a residential street that an apartment
5 building is allowed --

6 MR. SMITH: So, a mixed-use
7 building, for example.

8 COMMISSIONER MAY: Yes, if it's
9 on commercial Street, then you don't get to
10 qualify for an RPP.

11 MR. SMITH: Okay. I mean --

12 COMMISSIONER MAY: I don't
13 disagree with you. I'm just trying to
14 understand what it really is about because,
15 you know, there are distinctions based on
16 where you live, and some of them -- I'm not
17 necessarily arguing that you are not
18 entitled parking space in the neighborhood
19 if you happen to live in the neighborhood.
20 It's just that there are distinctions the
21 come with the different types of housing
22 that you might live in.

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1 You might live in a row house
2 that doesn't have a parking garage or a
3 parking space. And when you age in place,
4 it isn't going to help you very much if you
5 have RPP if you can't get a parking space
6 right in of your house.

7 MR. SMITH: Well, you're
8 absolutely right, but I don't think that
9 that's a reason to deny someone else that
10 ability to park in her neighborhood.

11 COMMISSIONER MAY: Right.

12 MR. SMITH: I think it -- the
13 concept didn't sit well with us. You know,
14 it just feels like a way for the person
15 developing a land to get out of parking
16 minimums without fixing the problem, and
17 frankly, to the detriment of the residents
18 of that building, even if somebody is coming
19 in knowing full well that they're not
20 allowed to get an RPP. It didn't sit well
21 with us, and we don't think it's the right
22 city policy.

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1 COMMISSIONER MAY: All right,
2 thank you.

3 MR. SMITH: Thank you.

4 CHAIRMAN HOOD: Any other
5 questions?

6 Commissioner Turnbull.

7 COMMISSIONER TURNBULL: Thank
8 you, Mr. Chair.

9 Ms. MacWood, in your argument
10 about the corner stores, you talk about the
11 special exception process, and it sounds
12 like you think that special exceptions are
13 too easy to get and won't provide the
14 protection for the neighborhood.

15 Do you are more that you wanted
16 to say on that? I mean do you think that --

17 MS. MacWOOD: We're very
18 concerned about the proliferation of corner
19 stores, and our position is that --

20 COMMISSIONER TURNBULL: The BZA
21 is too lax, or would be too lax?

22 MS. MacWOOD: Well, I don't think

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1 it's a problem with the BZA. I don't to
2 leave you with that impression.

3 COMMISSIONER TURNBULL: I'm not
4 trying to put words in your mouth.

5 MS. MacWOOD: I think that's what
6 the zoning code says, is that a special
7 exceptions, for the most part, are approved
8 as long as there are adverse consequences,
9 impacts, that are shown not to be so serious
10 that they can't be mitigated.

11 Most special exceptions -- in
12 fact, perhaps all; I'm not sure -- but in
13 our neighborhood, all special exceptions
14 have been approved, and the only question is
15 what conditions might be applied to the
16 order.

17 So, in the case of the corner
18 stores, both the concentration limit and the
19 distance from a commercial zone can be
20 waived by special exception. That's the
21 food store.

22 COMMISSIONER TURNBULL: Would you

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1 like to see that tightened up?

2 MS. MacWOOD: Yes, absolutely --
3 well, what we would prefer is to do this on
4 a neighborhood-by-neighborhood basis, and
5 instead of authorizing corner stores, allow
6 communities to come to you to say, we would
7 like corner stores, and for you to then
8 permit it based on whatever conditions,
9 whatever scenarios, would be beneficial for
10 that community.

11 We can't speak for other
12 communities in the city, but we've heard
13 some of the testimony during the earlier
14 hearing that while corner stores may be
15 quite a benefit to Georgetown and to Capitol
16 Hill, other communities around the city,
17 including our own, may not experience the
18 same sort of benefit. We're not asking for
19 corner stores; no one in our community has
20 asked for corner stores.

21 So what we're saying is please
22 don't make it a right for someone to come in

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1 and transform a row house, the ground floor
2 of a row house, into a former store, and we
3 have no opportunity to say, that's really
4 not what we want. We would like the
5 opportunity to come to you affirmatively and
6 say, this what we would like, and these are
7 the conditions under which we would like it,
8 rather than having a poll in polls upon us.

9 COMMISSIONER TURNBULL: So there
10 could be flexibility to allow it, but it
11 should be initiated by the neighborhood
12 coming to ask for it.

13 MS. MacWOOD: Absolutely.
14 Absolutely.

15 Corner stores may be extremely
16 beneficial to a lot of communities in the
17 city, but I think we have to recognize that
18 other communities may not welcome them, or
19 may want to tailor them to their particular
20 needs and concerns.

21 COMMISSIONER TURNBULL: Okay,
22 thank you.

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1 CHAIRMAN HOOD: Any other
2 questions or comments?

3 (No response.)

4 CHAIRMAN HOOD: I want to thank
5 this panel. We appreciate your comments and
6 your testimony, and also for taking the time
7 to come down.

8 Commissioner Gregory Stewart, ANC
9 7C;

10 Commissioner Timothy Jones;

11 Commissioner David Garber;

12 Commissioner Green.

13 Okay, Commissioner Stewart, we're
14 going to start with you. You can come down.

15 TESTIMONY BY GREGORY STEWART (7C)

16 MR. STEWART: Good evening,
17 Chairman Hood and the rest of the
18 Commission. Thank you for inviting me here
19 this evening. No, I don't have written
20 testimony; I'm going off the coast now. I
21 will submit written testimony after this.

22 I think I just gave a series of

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1 four handouts that I'm speaking to.

2 In ANC 7C, we're pretty much low
3 density, low to moderate density. The
4 biggest problem that we have, the reason we
5 oppose, that we wanted more time is we
6 needed more time to meet with the Office of
7 Planning to identify -- because of our
8 vacant lot situation.

9 The very first handout that you
10 would have would be this. That's 272 vacant
11 lots, vacant properties or vacant lights
12 that are within ANC 7C. They've been
13 identified in the 2006 comprehensive plan.
14 We've actually gone through and started
15 categorizing these properties.

16 The second handout, if you look,
17 are photos of some of the vacant lots.
18 We've had some problems with trash, vermin,
19 illegal dumping all of those sorts.

20 What we had wanted to do is have
21 Office of Planning come out to us and meet
22 with us because in Zoning Case 07-30, which

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1 -- you guys don't have that, but it came
2 before the Zoning Commission in 2008 -- in
3 Marshall Heights, they rezoned most of the
4 properties from R5A to R2s and R3s in order
5 to help facilitate small homebuilders to
6 begin construction. We, as ANC 7C, wanted
7 the opportunity for the Office of Planning
8 to come out with us and look at these lots.

9 The problem that we're having is
10 -- the third when that you have, 19 49th
11 Street; that's one of our developers that's
12 in the area. The reason the lots were
13 vacant and have been vacant, is because
14 they're nonconforming law. They're
15 generally 2,000 square feet; you know,
16 they're little bit long and a little bit
17 deep.

18 At 219 49th Place, Northeast, the
19 developer came through, and he had submitted
20 a BZA change. He had submitted a variance.
21 He was looking for the primary variances of
22 side yard setbacks and -- I can't remember

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1 what the other one is.

2 By we -- instead of having 272
3 BZA requests coming in through here, the
4 time, the upper, the energy all of the
5 developers because, you know, there are been
6 a number of them coming to us. Instead of
7 doing that one at a time, and the cost --
8 it's very cost prohibitive for those guys;
9 as you guys are aware, it's very expensive
10 to go through the BZA process, and going
11 through it one at a time can be very
12 expensive for developers -- we wanted the
13 Office of Planning to come out to us as ANC
14 7C, individually go out there with the lots.
15 We wanted to change the lots and get some
16 kind of overlay to identify the lots, five-
17 foot setbacks and -- what are the other
18 variances? I can't recall -- the other
19 variances. But those of the primary two
20 issues that we have in ANC 7C. So that's
21 the main reason why we need more time,
22 because we wanted the Office of Planning to

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1 come out to us so that we can go and
2 identify these lots to make it by right for
3 the developers to be able to go in there and
4 begin to constructing the homes.

5 As you see, for 1019 49th Place,
6 he's built probably about 15 or 20 of those
7 homes. He's been selling them in the
8 \$300,000-\$400,000 price range, and he's sold
9 several of them since 2005-2006. We like
10 working with him and some other developers
11 in the area. And they say that if we were
12 able to accomplish this, they would be able
13 to build more, and build more faster, and
14 get rid of those blighted, eye-sore
15 properties that you see with the trash
16 dumping, and turn them into single-family
17 homes that occupy families and taxpayers in
18 DC.

19 CHAIRMAN HOOD: Thank you.

20 Next.

21 TESTIMONY BY DAVID GARBER (C607)

22 MR. GARBER: Yes, my name is

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1 David Garber. In the Commissioner for a and
2 CD07, which is in the Navy Yard/Ballpark
3 neighborhood.

4 I want to suppress express my
5 support for the Office of Planning's effort
6 to rewrite the zoning regulations. I
7 appreciate the public outreach that the
8 Office of Planning has conducted over the
9 last few years, as well as the significant
10 efforts to engage the public and listen to
11 our input.

12 Regarding the substance of the
13 zoning rewrite, I am particularly excited
14 about the changes and modifications that
15 will encourage local living and the building
16 and growing of more livable communities
17 inside our city. In particular, I
18 appreciate the addition of language that
19 thoughtfully allows for neighborhood retail
20 in areas currently underserved in that way.

21 As the Advisory Neighborhood
22 Commissioner for the Navy Yard neighborhood,

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1 I found this comment on a DC blog very
2 representative of my own feelings:

3 "There's a tiny corner store on
4 third and Southeast called *Cornercopia.
5 They sell a variety of necessities and
6 gourmet luxuries, and also hot coffee and
7 sandwiches to go. I've gone there for
8 morning coffee, and occasionally for lunch.
9 The coffee and food are great. I guess they
10 sell the other stuff for the growing
11 population of new residents, some of whom
12 are car-free and may want something in
13 between deliveries, or who have cars and
14 want something in between supermarket trips.
15 It definitely fills a niche and doesn't seem
16 to create any nuisance for neighborhood. I
17 wish we had a lovely little place like that
18 in my neighborhood, but our low-density
19 militates against it, and the zoning
20 probably makes it impossible."

21 Any neighborhood in the city
22 would be like to have a shop like

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1 Cornercopia move nearby. It is places like
2 these where store owners know your name, you
3 bump into neighbors, and you can shop
4 without having to go an inconvenient
5 distance that makes DC an attractive,
6 vibrant, and sustainable city, and they
7 should be encouraged and allowed in all
8 neighborhoods.

9 Another change I'm proud of is
10 the language that allows for accessory
11 apartments and owner-occupied single-family
12 homes. In order for this city to be truly
13 sustainable, we need to allow for a greater
14 variety of housing types for greater variety
15 of incomes, and we need to allow new ways
16 for people to maximize the usability of
17 their properties. Allowing accessory
18 dwellings is one tangible way that has been
19 done successfully in other cities to help
20 address those needs.

21 Lastly, I am grateful for the
22 language that thoughtfully addresses the

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1 fact that parking minimums in this city have
2 been far too high for far too long. The
3 neighborhoods in this city that are most
4 treasured are the ones with the least amount
5 of available and easily accessible parking.
6 There are, of course, nuances to each
7 situation, but more parking typically only
8 encourages more driving, not the creation
9 and evolution of better neighborhoods.

10 Also notable is the expense
11 required to build required parking, which
12 could be going towards a higher level of
13 architecture or greater housing leasable
14 space for portability. In his city
15 extremely well served by other forms of both
16 personal and public transportation, it's
17 time to formally acknowledge within the
18 zoning regs that car-based transportation
19 isn't the only way people get around, and
20 shouldn't be the basis for our city how our
21 city is built going forward.

22 Thank you.

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1 CHAIRMAN HOOD: Thank you.

2 Next.

3 TESTIMONY BY SARA GREEN (4B01)

4 MS. GREEN: Good evening. My
5 name is Sarah Green, and I represent
6 Advisory Neighborhood Commission 4B01.

7 I'd like to just be a second to
8 note that I am speaking, I'm coming in
9 support of what we've already submitted,
10 which is ANC 4B's resolution. And also, at
11 the end, I would like to add one or two
12 things that are not within that resolution,
13 and speaking for myself.

14 I think one of the issues that
15 most concerns me and others of my neighbors
16 is the Takoma neighborhood zone. It's the
17 Takoma neighborhood mixed-use plan. And I
18 would like to point out something that is of
19 concern, and that is the simple word
20 "generally."

21 What we have is language that
22 talks about -- I apologize; let me get to it

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1 -- talks about the purpose of the mixed-use
2 zone is uses that are compatible in scale,
3 that are -- it says, "generally compatible
4 in scale with existing businesses and
5 consistent with the Takoma Historic
6 District."

7 The word "generally" is a bad
8 choice for us and is of concern.
9 "Generally" is an exception, is a change,
10 that can mean a lot of things. It's very
11 important that anything that happens in that
12 neighborhood around the Takoma Metro station
13 be compatible with the existing use and
14 scale of the surrounding community. That is
15 part of the Takoma Central District plan,
16 and that is something that we ask you to
17 enforce.

18 The Takoma Central District plan
19 is very clear. It says that we need to
20 preserve and enhance Takoma's small-
21 town/village character. It talks about new
22 residential and commercial buildings that

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1 should be no more than two to four stories
2 in height to match existing neighborhood
3 scale. What we're seeing
4 discussed right now in the community around
5 the Metro station is a building that could
6 be 70, 75 feet tall. That is way different
7 than what the Takoma Central District plan
8 called for. So it needs to be extremely
9 clear in the new zoning rewrite, as long as
10 we have a Takoma mixed-use, as long as
11 there's a special plan, a special group of
12 regulations, just for Takoma, that they
13 conform to the Takoma Central District plan
14 -- not "generally," not "maybe," not
15 "kinda," but absolutely conform -- they are
16 consistent with the Takoma Central District
17 plan.

18 And if there's one thing to leave
19 you with today, that's what I would like to
20 leave you with. Well, I guess I ended that.

21 Thank you for listening.

22 CHAIRMAN HOOD: Thank you.

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Next.

TESTIMONY BY TIMOTHY A. JONES (4C08)

MR. JONES: Yes, good evening.

My name is Timothy A. Jones. I am the Advisory Neighborhood Commissioner for single-member district 4C08, a position that I've held for eight terms now.

I'm here to express my concerns about the ZRR -- most importantly, the fact that ANCs will be denied overview in certain instances on the proposed document, and especially since the document will impact upon the District and the future generations for years.

Another concern that I have is the corner store. Corner stores and neighborhoods -- I feel that they should only be permitted with empirical evidence supporting it and documentation from neighbors insisting that is what they want. Commercial use in residential areas tend to put upward pressure on property values.

1 Also, another concern of mine is
2 that certain neighborhoods are allowed to
3 have customized zoning, which could be used
4 to pop-ups and other forms of undesirable
5 development. I, like most other ANCs, feel
6 that my single-member district should play
7 second-fiddle to none, and that should be
8 reserved for all or placed in the new zoning
9 rewrites.

10 Also, as for the accessory
11 dwelling units, I feel that technical
12 assistance should be provided for them,
13 lowering costs, since they may tend to have
14 prohibitive rents and be unsanitary and
15 unsafe structures. Secondly, I feel that
16 the whole zoning process should be something
17 that is undertaken with the Office of
18 Planning and community stakeholders walking
19 hand in hand through the process. Previous
20 zoning rewrites have led to displacement in
21 areas of Georgetown and in Southwest.

22 A better document can be crafted

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1 if it's undertaken under those means, and
2 with continuing discourse and briefings with
3 the community about the zoning rewrite as it
4 goes along.

5 I'm somewhat deviating from my
6 prepared comments, but I wanted to get
7 everything stated. Excuse me.

8 Thank you.

9 CHAIRMAN HOOD: Thank you.

10 We really appreciate this panel's
11 testimony. Let me see if we have any
12 questions.

13 Commissioners, any questions?

14 Vice Chair.

15 VICE CHAIR COHEN: Ms. Green, do
16 we have your testimony up here?

17 MS. GREEN: Oh, you're talking to
18 me.

19 VICE CHAIR COHEN: Yes.

20 MS. GREEN: No. No. I wanted to
21 just expound on what we've already
22 submitted.

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1 VICE CHAIR COHEN: Okay.

2 MS. GREEN: And so that's in our
3 testimony.

4 VICE CHAIR COHEN: That we have
5 received earlier. Okay, thank you.

6 MS. GREEN: That you have
7 received earlier, yes.

8 VICE CHAIR COHEN: Okay.

9 Mr. Stewart, these vacant lots --
10 first of all, I don't think that the zoning
11 rewrite is mutually -- I think you could
12 work on both, frankly, at the same time.

13 But these vacant lots -- are
14 developers coming to you to develop? Do
15 they want to bundle the law? Do they wanted
16 to a single-lot development? Do you know?

17 MR. STEWART: A little bit of
18 both.

19 They're going through -- some
20 have ideas on specific lots, where they're
21 going to look at them, and it's like a 20-
22 by-20-square-foot wide. So they say, we're

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1 interested in purchasing the property.

2 I'm a realtor, you know, so we
3 know there's a lot of vacant properties out
4 there.

5 So they're looking at the properties,
6 they're going down to the BZA trying to get
7 a rough idea of what it would take in order
8 to have that property ready for them to
9 begin construction.

10 And they're coming back and
11 they're getting -- lot occupancy, that's the
12 other one where having a problem, between
13 the lot occupancy and the setback, as they
14 re coming back. And it's really becoming an
15 issue of, you know, there's a pretty good
16 number of developers that want to develop a
17 lot of the large number of vacant lots.

18 We're going out there. We've
19 started getting more dumping, more illegal
20 dumping. And as we're seeing the homes
21 being developed on those vacant lots,
22 dumping is going down. You know, it's just

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1 making a tremendous difference. If we can
2 get a lot more of those vacant lots into
3 service.

4 The reason that we brought this
5 up as part of the zoning rules rewrite was
6 because we found out about 07-30, where they
7 were able to do that at one shot. They went
8 through and probably did about 80 or 90 lots
9 at one time, where they rezoned them all and
10 they made it all by right for everyone to
11 get in there. So we would like to have that
12 same opportunity so we'll basically be able
13 to facilitate a large grouping of these
14 developers to go in there and begin
15 construction immediately.

16 VICE CHAIR COHEN: All right,
17 thank you. I just needed some
18 clarification. I'm actually boiling
19 up here, so my brain is not working well
20 right now.

21 CHAIRMAN HOOD: Any other
22 comments of this panel?

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1 (No response.)

2 CHAIRMAN HOOD: Commissioners,
3 let me just ask -- I asked another panel --
4 the Office of Planning went out some months
5 ago, about two months or so and did a
6 consultation with the wards.

7 Did any one of you attend?

8 (No audible response.)

9 CHAIRMAN HOOD: Okay. Good.

10 MS. *GREEN: May I just add
11 something to that?

12 CHAIRMAN HOOD: Yes.

13 MS. GREEN: One of the problems
14 with the different ward meetings was they
15 were basically all the same. I mean it was
16 good to have the Office of Planning come
17 out, but when they went, say, to Ward 4;
18 they were at Takoma School. There was no
19 presentation about, okay, here are the zones
20 in Ward 4, and here's how it will affect
21 you, and these are things to look at.

22 I had been to another presentation in

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1 another part of the city, and they
2 essentially gave the same presentation in my
3 neighborhood that they gave across the city.
4 So there was no way -- I mean people sat
5 there and said, wait a minute; how does this
6 affect me? And there was no presentation
7 made -- okay, in this neighborhood, look at
8 these issues because we're not a row house
9 neighborhood.

10 So it was, people who came, they
11 didn't know what an R4 was. They didn't
12 know what a 'this' was. They didn't know
13 what a C2 'this' was. And so, when the
14 presentation came in and the speakers were
15 saying, well, this only happens in the R4
16 zone, I could see my neighbors looking and
17 saying, well, what's R4? They had no basis
18 for their presentation. And I
19 think, at the end of the day, the end of the
20 evening, people were as confused if not more
21 so, as when they came in because the context
22 of the presentations was just very, very

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1 difficult.

2 MR. GARBER: Could I speak to
3 that report?

4 CHAIRMAN HOOD: Sure.

5 MR. GARBER: I've been to a
6 number of these meetings as well, and I
7 can't recall if I've been to the actual ward
8 meetings.

9 But at each of the zoning rewrite
10 community meetings I've been at, there have
11 been multiple, multiple people from the
12 Office of Planning from the Office of
13 Planning at stations kind of around the
14 room, set up, able to address anybody's
15 questions and concerns.

16 So I just wanted you to know that
17 I had a very different experience with the
18 multiple community meetings that I've been
19 to on this subject.

20 CHAIRMAN HOOD: Well, as you all
21 know, we're going to go on the road, too.
22 We have a list on the website, and hopefully

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1 you all have received something. We're
2 going to be coming out to the wards if you
3 could help spread the word in your
4 communities and let people know that we're
5 going to come out.

6 We're going to do to wards at a
7 time. I think the first one is on Saturday.
8 I don't want to give out any dates because I
9 will get it all messed up; somebody will be
10 there on the wrong date and then I'll be in
11 trouble. But if you look on the Office of
12 Zoning website, it tells you so. If you can
13 prepare your neighbors, let them know the
14 Zoning Commission is coming to the
15 community, do that for us. They can view a
16 lot of things on the website to really help
17 them get prepared for those meetings.

18 So help us get the word out
19 because we are trying hard; trust me.

20 I want to thank this panel. We
21 greatly appreciate it.

22 I'm almost finished with who I

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1 have signed up. I have three more names --
2 no; sorry -- four more names. Then I'll go
3 back through the earlier list.

4 Commissioner Tom Quinn or
5 Commissioner Matt Freeman;

6 Commissioner Patrick Kennedy;

7 Commissioner Kathy Henderson;

8 Commissioner Charles Wilson.

9 Okay, I think we have four, and
10 we're going to start to my right; your left.

11 Commissioner Henderson, you may
12 begin.

13 TESTIMONY BY KATHY HENDERSON (5D05)

14 MS. HENDERSON: Thank you, Mr.
15 Chairman.

16 Good evening, Chairman Hood,
17 members of the Commission -- Kathy
18 Henderson. I'm the chairperson representing
19 ANC 5D. I'm here on behalf of my
20 commission, and certainly on behalf of the
21 single district I represent, which is 5D05.

22 Our neighbors are not clamoring

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1 for corner stores. Our neighbors are not
2 clamoring for less parking. Our neighbors
3 are not clamoring for accessory dwelling
4 units, storage units, or cabanas that can be
5 converted into housing. Our neighbors are
6 affirming their right to peace, quiet,
7 water, and safety, and the closer we get to
8 peace, order, quiet, and safety, the happier
9 our neighbors are becoming. Unfortunately,
10 the zoning rewrite process appears to be a
11 tale of two cities. It's very divisive, and
12 it smacks of disenfranchisement.

13 Our community has not had an
14 ample opportunity to go through this entire
15 document. I have before me two-thirds of
16 the proposed zoning rewrite. This is just
17 two-thirds; this is over 1000 pages.

18 We demand the right, we have the
19 right, to have the opportunity to go through
20 this zoning rewrite chapter by chapter, with
21 the benefit of representatives from the
22 Office of Planning to assist us and to get

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1 our feedback in a meaningful and thoughtful
2 way. We have not had that, and we're asking
3 for additional time, and that is not a
4 frivolous requests.

5 I've heard from my colleagues
6 that they have had benefit of Ms.
7 Steingasser assisting them. They've had
8 their questions answered. They've had ample
9 opportunity. Well, we have not had that
10 opportunity, and I am here today to affirm
11 that we have the same rights in this city
12 that everyone else has, and we want to
13 participate in a meaningful way, and we
14 don't want to be disenfranchised and left
15 out and forced to comment briefly on simply
16 parking.

17 We shouldn't have it to choose a
18 few subtitles and the zoning rewrite to
19 comment on. We have a right to comment on
20 each and every page. And I can share with
21 you that the zoning rewrite process seems to
22 be sharply at odds with the Aging City

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1 initiative, you know, that was initiated by
2 the Mayor's office. In February, the
3 Mayor's office is going to begin asking
4 every ANC single-member district, citizens,
5 to walk the neighborhoods block by block to
6 identify quality-of-life issues and to make
7 sure that we can correct our neighborhoods
8 to support people aging gracefully in their
9 homes.

10 How can we sit here and tell
11 people that they need to give up their
12 parking? I represent, as the chairperson --
13 our community in 5D represents -- a
14 significant amount of senior citizens. We
15 have families with small children. And
16 certainly, we support having additional
17 transportation options. I have the pleasure
18 of living near the streetcars that are
19 coming. We are benefiting, we will benefit
20 from those. We have additional Metro
21 options that, frankly, we have additional
22 Metro options that, frankly, some of the

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1 *Ivy City don't have, that they deserve. We
2 cannot force people out of their cars; we
3 cannot have developers not provide minimum
4 parking.

5 People are fighting over parking.
6 People want peace and quiet. We don't want
7 additional occupations as a matter of right
8 in people's homes.

9 Anecdotally, in my single-member
10 district, which is 5D05, we have six or
11 seven people in one house, 11 people in a
12 two-bedroom house with no basement. I can
13 tell you, these families negatively affect
14 the quality of life in the community.
15 Imagine what would happen if they had the
16 opportunity to go get a 40-by-40 shed from
17 Home Depot and turn it into an accessory
18 dwelling unit. The zoning rewrite process
19 would allow that. It would allow people to
20 become creative with creating additional
21 housing units that would disrupt the
22 community.

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1 Again, no one in our community is
2 asking for these units. No one is asking
3 for this. Why are we being forced to accept
4 a process that, again, doesn't even afford
5 us ample time to go through it? We've
6 heard, you know, this process and under way
7 for five years. Okay, well, where is the
8 assistance to go through this chapter by
9 chapter? And until the citizens that I
10 represent, until the citizens that my
11 colleagues represent, have a time to go
12 through this document in a public forum, and
13 until we have the opportunity to make our
14 recommendations in a thoughtful way and to
15 really consider how these proposals are
16 going to affect our future quality of life,
17 we ask that you will this train down.

18 And in fact, I made this request
19 at Monday's meeting with Mayor *Gray, his
20 meeting of ANC chairpersons, and he assured
21 me as well as every other Commissioner in
22 attendance, some of whom are in this room

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1 right now, that that process was going to be
2 extended. Now, we're not asking that this
3 process be drawn out ad nauseam over years,
4 but we are asking for a fair opportunity to
5 weigh in, to be heard, and we want to make
6 sure that things do not come to our
7 community that we later regret.

8 We're already fighting strip
9 clubs. Every day that I check my emails,
10 there's yet another email about getting
11 marijuana facilities when we've already said
12 no. We've already said no 15 times. We
13 voted no.

14 We want you to listen to us, just
15 like you are giving consideration to other
16 agencies and providing them with great
17 weight. I am here today to assert our right
18 to the requisite great weight, and I want to
19 make sure that we hear from our citizens.

20 I rest, and of course, I am
21 available to answer any questions that you
22 may have. And I will certainly be

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1 submitting written testimony summarizes what
2 I've said here today, that summarizes what
3 I've heard from my colleagues, and that
4 summarizes what I've already presented to
5 this esteemed commission in the previous
6 hearing.

7 Thank you.

8 CHAIRMAN HOOD: Thank you.

9 Next.

10 TESTIMONY OF PATRICK KENNEDY (2A)

11 MR. KENNEDY: Well, thank you
12 very much, Chairman Hood and members of the
13 Zoning Commission. I want to thank you for
14 the opportunity to testify.

15 My name is Patrick Kennedy. I am
16 the Chairperson of ANC 2A, which serves the
17 Foggy Bottom and West End communities of
18 Ward 2. I think that this is an exceptional
19 process, and I want to thank you for taking
20 your hearings on the road, and especially
21 being sure to hear from ANC commissioners.
22 I think it's a testament to the respect with

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1 which you hold her peers, and I want to say
2 thank you on behalf of our commission.

3 In particular, I want to testify
4 this evening regarding subtitle X of the
5 zoning Regulations dealing with the general
6 procedures, and specifically, the chapter in
7 there that deals with university campus
8 plans. That is obviously an issue that is
9 of great concern to Foggy Bottom and the
10 West End; it has been for some time.

11 Chairman Hood, you certainly know
12 that.

13 And I do want to know that the
14 resolution that this testimony is based on,
15 it was filed with the Zoning Commission. It
16 is Exhibit 477. It also supplements
17 testimony that our ANC gave in October and
18 the testimony of my predecessor, who is
19 Chairperson *Florence Harman.

20 As you all are no doubt familiar,
21 the campus planning process is an incredibly
22 important one for communities in the

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1 District of Columbia that neighbor all of
2 our institutions of higher learning. We're
3 all familiar with the tensions that
4 traditionally *townie-town paradigm. But
5 the campus planning process should in theory
6 alleviate some of those tensions by
7 providing an opportunity for universities to
8 plan their futures inclusively with their
9 neighbors.

10 As we've seen in recent years
11 with the Georgetown campus plan, a
12 cooperative relationship between
13 universities and neighborhoods is possible.
14 To get to this point, however, all issues of
15 contention between universities and
16 communities need to be put on the table and
17 addressed. The campus plan process provides
18 an optimal setting to do this, but
19 presently, an important piece of campus
20 planning is not required to be a part of the
21 process, and that would be commercially
22 zoned property owned and potentially

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1 acquired over the course of campus plans by
2 universities.

3 In this matter, ANC 2A joins our
4 colleagues on ANC 3D, as well as
5 Councilmember Mary Cheh, to encourage the
6 Zoning Commission to adopt regulations
7 mandating that ownership and planned
8 acquisition of commercial properties be
9 considered as a component of university
10 campus plans.

11 I would note that Exhibit 91
12 reflects the views of ANC 3D on this topic.
13 Councilmember Cheh, in a letter addressed to
14 Chairman Hood on August 19, 2012, expressed
15 the views of our commission.

16 And I would note that this is a
17 particularly important matter for the
18 residence of Foggy Bottom and the West End.
19 GWU is the largest private landowner in the
20 District of Columbia. It has substantial
21 holdings in our neighborhood and has
22 continued to add to those holding over the

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1 past half-century. And to be clear, GWU
2 offers many benefits for our community. I'm
3 still an enrolled student there. If it
4 didn't I would have transferred.

5 You know, the University is a
6 definite asset to our community, but we need
7 to control for the potentially adverse
8 impacts of universities. And that is, I
9 think, at the heart of what the campus
10 planning process is designed to do. We want
11 to preserve residential quality of life. We
12 want to preserve Foggy Bottom and the West
13 End and Georgetown and Spring Valley and
14 *Wesley Heights as places that are viable
15 for long-term residential community, and
16 particularly in our area -- this is an aside
17 from my end -- to get families back into
18 Ward 2.

19 But, as GWU is the largest
20 private landowner, a substantial number of
21 its landholdings are held in commercial
22 property, and some of those holdings are off

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1 campus, not currently subject to the campus
2 planning process either in office buildings
3 to the east in the north of campus, or even
4 to the west. Some of those are used for
5 educational holdings; some classrooms are in
6 auxiliary locations. Some of them are used
7 for revenue-generating purposes. We think
8 it's important that those properties be
9 considered as the result of a holistic
10 evaluation of the University's campus plan.

11 And I would note that the Office
12 of Planning is to be commended for many of
13 the changes it has proposed to subtitle X
14 and, I would say, the following goals that
15 it identified in the campus planning
16 process, or at least for the proposed
17 rewrite of campus plans: To promote well
18 planned and designed educational campuses;
19 to encourage long-term facilities planning
20 for those uses; to minimize negative impact
21 of campuses on surrounding residential
22 areas; and to provide consistency and

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1 transparency in the campus planning process.
2 Those are goals that we believe, adding
3 commercial properties to the campus planning
4 purview, it absolutely dovetails with all
5 four of them.

6 And I would indeed note that in
7 the draft regulations in Chapters 102.5 and
8 102.6, that allows for the applicant to
9 request that its commercial property, under
10 the new regulations, be subject to Plan
11 regulations. Subject 102.6 specifically
12 gives the Zoning Commission the opportunity
13 to determine whether it would be appropriate
14 for a lot of these holdings to be included
15 in the campus plan.

16 However, it would be our position
17 as a commission that those types of reviews
18 under campus plans, of course, be mandatory.
19 And we believe that, you know, arbitrary
20 determinations of which property is best
21 reviewed under campus plans and which are
22 not should be shunted aside in favor of a

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1 more holistic perspective.

2 It's also the opinion of our ANC
3 that supplemental textual changes are needed
4 to address matters that are not covered
5 under the draft language. We have been
6 assured, and I've been told on a couple of
7 occasions, that this would be addressed in
8 the supplemental process, additional changes
9 as necessary to PUDs.

10 We want to emphasize the
11 importance of that, and specifically as
12 reflected in our resolution, members of our
13 community are concerned about a lack of
14 standardization in terms of setup for campus
15 plans, the very length of the campus plans,
16 as well as the structure of them. Ours is
17 structured as an omnibus PUD, which was
18 unprecedented when it was first proffered by
19 GWU in 2006-2007.

20 The 20-year length of GWU's
21 campus plan offers little substantial
22 opportunity for the community to impact the

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1 nature of campus development through second-
2 stage further processing because that is, of
3 course, limited to a very specific criteria.
4 The nature of the omnibus PUD, on the other
5 hand, resulted in the delivery of what many
6 feel are substandard community amenities
7 with little relation to the actual reference
8 the community members.

9 And if I can digress to my point
10 of view on that, I would say that a lot of
11 people view the amenities offered by GWU in
12 the last campus plan to be largely either
13 nebulous or self-serving things to be
14 extended. You know, a streetscape plan,
15 sustainability features, quality
16 architecture -- we believe that those are
17 more benefits for the University and its
18 tenants than they are actual amenities for
19 the broader community.

20 We feel that it's necessary for
21 the Office of Planning to address these
22 matters in order to ensure that the campus

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1 planning process will be an equitable one
2 for both universities and their surrounding
3 neighborhoods in the future.

4 But I do want to conclude by
5 thanking the Office of Planning, the Office
6 of Zoning, and the Zoning Commission for all
7 of your hard work in this process. I know
8 it has not been easy, but I do appreciate,
9 in particular, you're hearing my testimony.
10 And of course, I'm happy to answer any
11 questions that you might have about it.

12 Thank you.

13 CHAIRMAN HOOD: Thank you.

14 Next commissioner.

15 TESTIMONY OF TOM QUINN (3E)

16 MR. QUINN: Good evening,
17 Commissioners. My name is Tom Quinn. I'm
18 testifying tonight on behalf of ANC 3E.
19 This testimony was unanimously approved at a
20 special meeting of ANC 3E, and we thank the
21 Zoning Commission for the opportunity to be
22 heard on these important matters.

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1 The challenge of the zoning
2 rewrite is how we're going to meet the
3 coming population and economic growth in
4 ways that serve our goals and do not create
5 unfair burdens on some. So I'm just going
6 to move through some of the areas that we
7 opined on in preparation for this.

8 The first is parking minimums.
9 If we add cars and people at the same pace,
10 we will have a problem. There is no way for
11 the zoning rules to be neutral on this
12 issue. Maintenance of the status quo is a
13 position. Any new rules will articulate that
14 position. At our ANC, we have
15 increasingly needed to address three issues
16 raised by the proposed rewrite: The
17 requirement for on-site parking for new
18 residences, parking at parks, and parking
19 minimums in commercial corridors. *We
20 addressed those issues and the related issue
21 of mitigation when parking significantly
22 exceeds minimums, in our testimony.

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1 We applaud the move to eliminate
2 on-site parking requirements for certain
3 homes. We often confront curb-cut
4 applications for new construction that are
5 completely driven by zoning requirements
6 rather than the need for on-site parking.
7 Creating those on-site spaces leads to the
8 proliferation of impervious surfaces and
9 loss of on-street parking. Everyone will
10 benefit if this requirement is eliminated.

11 We would also encourage creation
12 of a process to expedite approval for not
13 providing on-site parking, even where a
14 residential lot is accessible by an alley
15 with a showing of access to off sites,
16 including on-street parking.

17 We would urge consideration of a
18 requirement that new driveways begin using
19 pervious surfaces.

20 We would also urge that parking
21 minimums at parks be reconsidered. We
22 currently have a project at which a park is

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1 surrounded by on-street parking and does not
2 currently have on-site parking. In the
3 process of renovating the park, the city may
4 feel compelled to consume precious park
5 space for a few parking spaces. There
6 should be an easy way to avoid this outcome
7 that fully serves full community.

8 In certain commercial corridors
9 in proximity to a Metrorail station, a
10 streetcar line, or a WMATA-identified
11 priority corridor, the proposal calls for
12 additional reductions of the existing
13 parking minimums. We support allowing
14 projects to provide such reduced working in
15 appropriate circumstances, and have worked
16 to achieve that goal in consideration of a
17 recent development at 4600 Wisconsin Avenue
18 and expect to in future matters.

19 As with 4600 Wisconsin, we
20 believe there must be a mechanism to assure
21 such reductions do not adversely impact
22 nearby neighborhoods and do generally kind

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1 of pro-public transit and alternative
2 transit benefits necessary to make such
3 reductions viable.

4 We also believe there should be
5 flexibility to expand or contract areas in
6 which the reductions apply over time.
7 Therefore, we suggest the following:

8 Proposed subtitle C, Section
9 1900.2, requires preparation for a parking
10 plan for all projects. And proposed
11 subtitle C, Section 1900.3 authorizes the
12 Zoning Administrator to request that the
13 DDOT review and make recommendations related
14 to parking plans prior to approving a
15 building permit.

16 These sections could be revised
17 to require development of a transportation
18 and parking demand management plan for
19 projects covered by proposed subtitle C,
20 Section 1902.1, which could address parking
21 supply in the area, access to private, off-
22 site parking, any steps taken to avoid

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1 adverse effects flowing from the approach
2 taken to provide on-site parking, and plans
3 for support for public transit, car sharing,
4 and alternative transit modes. Notice of
5 the management plan should be provided to
6 the relevant ANC.

7 DDOT should be called upon to
8 create a menu of mitigation tools that an
9 applicant can draw from, in crafting a
10 management plan, including template
11 enforceable lease provisions to foreclose
12 access to residential parking permits for
13 residents of a new building, as well as the
14 kinds of measures listed, to address
15 mitigation when there is excess parking in
16 the proposed subtitle C, Section 1907 and
17 included in the voluntary agreement crafted
18 by our ANC for the 4600 Wisconsin Avenue
19 matter, which is (inaudible) way, if you
20 don't recall the address.

21 DDOT shall approve such a
22 management plan if it includes enforceable

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1 prohibitions on access to RPP for residents
2 of the buildings, as well as other
3 incentives, to encourage use of public
4 transit and/or alternative modes of transit.
5 If a management plan for such a project does
6 include enforceable restrictions on access
7 to RPP or otherwise does not secure DDOT
8 approval, special exceptions shall be
9 required.

10 Moreover, in all cases for
11 projects in these zones, under proposed
12 subtitle C, Section 1903.2, we would urge
13 that significant weight be given to whether
14 or not restrictions to access to RPP have
15 been included, including for reductions
16 below 50 percent of the otherwise governing
17 minimum.

18 DDOT should be empowered to
19 require modifications to the management plan
20 as a condition of approval of a building
21 permit. Proposed subtitle C, Section
22 1902.1, defines the places in which the 50-

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1 percent reduction applies. One of the
2 locations, within a quarter of a mile of a
3 streetcar line that is operating or under a
4 construction contract, relies on a snapshot
5 approach designating a place with the
6 knowledge that in the not-too-distant
7 future, there could be other places that
8 would qualify based on characteristics, but
9 do not, based on timing. Another location
10 within one quarter-mile of the WMATA-
11 identified priority corridor allows for
12 flexibility based on the action of others in
13 the future.

14 An additional provision should be
15 added allowing for changes and additions to
16 the proposed subtitle C, Section 1902.1,
17 list based on either amendments to the code
18 or direction of the comprehensive plan.

19 In the meantime, while we applaud
20 the mitigation requirements when a site
21 exceeds a minimum, we believe they should
22 apply when they exceed by 100 percent. The

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1 approach does not prohibit provision of
2 additional parking but appropriately
3 balances the goal of accommodating an owner,
4 and also requiring the owner to support
5 broader goals when the use of their property
6 could create burdens for others.

7 Why these changes? The
8 requirement of the management plan and
9 providing access to it, to the relevant ANC,
10 will allow monitoring and input as a check
11 on projects, externalizing parking to the
12 detriment of nearby neighbors, and creating
13 an incentive to take positive steps to
14 encourage public transit and other modes of
15 transport, while the new lower minimum would
16 recalibrate default requirements for
17 parking. These enhancements to the parking
18 plan requirement will allow for more
19 flexibility to address particular needs.

20 In the meantime, the increase to
21 the threshold at which mitigation under
22 proposed subtitle C, Section 1907, would

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1 take effect would create a reasonable
2 rubric. If a project in one of the relevant
3 zones went below the 50-percent reduced
4 minimum, under the current proposal, it
5 would require a special exception from the
6 BZA. If it were in the zone between a 50-
7 percent reduced minimum and the otherwise
8 standard minimum, such a reduction could be
9 justified through a reasonable management
10 plan.

11 If additional parking over the
12 standard minimum were provided, steps would
13 need to be taken to strengthen public
14 transit and alternative options under
15 proposed subtitle C, Section 1907. The goal
16 is to build in protections for the
17 neighborhood while also encouraging a move
18 to reliance on diversified modes of transit.
19 We believe an approach along the lines
20 suggested here would do just that.

21 One source of reluctance to
22 embrace lower parking minimums is the

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1 suggestion that, first, DDOT must fix
2 parking generally, including a reform of
3 RPP. Indeed, while access to on-street
4 parking in many areas is not a challenge,
5 near some of our commercial districts, it
6 can be. In an ideal world, we would revisit
7 the rules regarding RPP, and pricing for
8 parking generally, as part of addressing
9 these issues, and indeed, our ANC fully
10 supports such a review.

11 However, we cannot solve every
12 problem at once, and the issue before the
13 Commission is how to deal with parking
14 minimums. Leaving minimums in place as-is
15 sets a course for a generation. Lowering
16 minimums with no safety valve will leave us
17 at the mercy of fraud rules governing
18 parking generally. Lowering minimums with a
19 safety valve protects us if no changes are
20 made on parking generally, and uses this
21 round of changes to incentivize a fuller
22 reconsideration of parking generally and our

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1 continued goals. If the RPP policy is later
2 revisited, the terms of the changes to the
3 minimum can also be revisited.

4 I'll also quickly mention -- I
5 hope you'll read the rest of the testimony -
6 - we support accessory apartments, corner
7 stores, and we also appreciate the green
8 area ratios, pervious surfaces, and tree
9 protection proposals in the zoning rewrite.

10 Thank you.

11 CHAIRMAN HOOD: Okay, thank you.

12 TESTIMONY BY CHARLIE WILSON (8B04)

13 (speaking individually)

14 Next.

15 MR. WILSON: Thank you,
16 Commissioner Hood and the rest of the
17 commissioners.

18 My name is Charles Wilson. I am
19 an ANC commissioner for 8B04, and I'm not
20 here on behalf of RNC 8B, but just on my own
21 behalf. I didn't bring a prepared
22 statement. I wasn't prepared to testify.

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1 But I felt I had to be here.

2 Just from what I've heard and
3 talking to other commissioners, some of what
4 I read, I think the Office of Planning
5 really needs to come to the community, come
6 to the ANCs, the way it has done to some of
7 the other areas, and really let us take a
8 look at this. And I know it's been going on
9 for a while, these rewrites. And I heard it
10 mentioned a little earlier that they've come
11 to the neighborhood and not really stressed
12 that, you know, this is going to be the
13 result of the changes, something like the
14 document Commissioner Henderson has.

15 I haven't gone through that much
16 of it. I didn't realize -- and it's only a
17 portion of it.

18 MS. HENDERSON: Yes.

19 MR. WILSON: -- that I know my
20 community-- I'm the Commissioner in Fort
21 Stanton -- my community has no idea of the
22 voluminous nature of this, or the changes

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1 that's going to come or bring, and neither
2 do I, at this point.

3 But just from what I've heard, a
4 lot of these changes will totally change the
5 character of our neighborhoods. I mean Fort
6 Stanton is generally a quiet seniors
7 neighborhood. There are a few apartments.
8 And then 8B04 is pretty much the same thing
9 -- apartments; a few homes.

10 But if you're talking about, in
11 these changes, putting housing in garages
12 for living quarters, you know, stores or
13 businesses in some models neighborhoods,
14 especially like Fort Stanton, if a grocery
15 store or a beauty shop or something like was
16 to come in, it would totally change the
17 character of the neighborhood. And that's
18 why I myself, you know, believes is the
19 problem generally. I don't particularly
20 want the character of my neighborhood
21 changed.

22 And I would really urge you to

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1 just ask or encourage the Office of Planning
2 to come back to the neighborhoods. Give us
3 an opportunity to take a look at this at the
4 community level, the grassroots, the
5 neighborhood level is what I call it.

6 Thank you for your time.

7 CHAIRMAN HOOD: Okay, thank you.

8 We think this panel very much.

9 We appreciate your testimony.

10 Let's see if we have any
11 questions.

12 Commissioners, any questions?

13 (No response.)

14 CHAIRMAN HOOD: Vice Chair Cohen.

15 VICE CHAIR COHEN: Thank you.

16 Again, we've heard testimony from
17 a variety of ANCs, and I think the Office of
18 Planning went out to each community the same
19 amount of times. I think the reason why
20 they probably presented the same story is so
21 that people would not say you favored this
22 community more than ours.

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1 So I'm really grappling with --
2 and we are going to go out and meet with
3 communities, so please encourage your
4 constituents to come out and meet with us
5 because I think it's important that we hear
6 from them also, their opinions, and we're
7 anxious to get them.

8 But I don't want people to leave
9 thinking -- I looked into this myself. I
10 went back and reviewed things from the
11 Office of Planning, and it appeared to me to
12 be an equal process.

13 So I just need to encourage you
14 to get your constituents to come out.

15 Thank you.

16 MS. HENDERSON: If I may, it was
17 not an equal process.

18 I attended the Ward 5 meeting at
19 Gallaudet University; a number of other
20 citizens attended that meeting. And we
21 didn't get our, some of our questions
22 answered. And our neighbors in Georgetown

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1 have also provided information that they've
2 have one-on-one guidance from Ms.
3 Steingasser -- please correct me if I'm
4 wrong; this is what we were told -- in going
5 through the document and addressing their
6 concerns. We would like that opportunity.

7 We appreciate the work that
8 you're doing, and I hope you don't take our
9 concerns as a personal criticism. I'm
10 simply here to tell you that the process is
11 not as open and as transparent and as
12 inclusive as it should be. We have a lot of
13 seniors. We have families with small
14 children. And we need opportunities to be
15 able to schedule meetings to go through the
16 document in a very thoughtful way.

17 We're going to have to live with
18 the results of a rewrite for a very long
19 time, so I don't think that we should be
20 promoting the argument that, oh, this is
21 overdue; we need to get it done; let's do
22 it. No; we need to have thoughtful input

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1 from the citizens.

2 VICE CHAIR COHEN: I'm not
3 arguing with that.

4 MS. HENDERSON: I'm here to take
5 a position -- you know, people can disagree
6 -- but I'm here to stand up for my
7 community, and my community hasn't had an
8 opportunity to fully be heard. And we have
9 opinions on everything. And you want to
10 hear from them. Certainly, we have
11 people that work two and three jobs, who
12 have we have PhDs, we have stay-at-home
13 moms, we have community members that want to
14 participate, and ANC has an obligation, an
15 obligation to be the grassroots
16 representative of our electorate, and we
17 want to take the opportunity to have
18 thoughtful, small meetings.

19 Everyone couldn't go to that
20 meeting at Gallaudet. And unfortunately,
21 when I went to that meeting at Gallaudet, I
22 didn't come back with information, you know,

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1 that -- I didn't get all of the answers to
2 my questions. And I couldn't go back and
3 say, neighbors, this is the rationale, and
4 this is what we recommend. No. No.

5 We want to be able to go through
6 the documents. We want to take our time.
7 The Mayor has promised us that opportunity.
8 Again, we're not interested ad nauseam. But
9 we want an opportunity to be heard, and we
10 want to, I want to be in the come back and
11 say, like, you know, my neighbors in 6B, my
12 colleagues in 6B, that they've gone through
13 the process and they feel comfortable with
14 it. Well, we don't. We don't.

15 VICE CHAIR COHEN: I appreciate
16 that response.

17 MS. HENDERSON: And we ask you to
18 facilitate the process, so thank you.

19 VICE CHAIR COHEN: Thank you.

20 MR. KENNEDY: If I could type in
21 on that -- you know, and I obviously can't
22 speak for other communities, and I'm sure

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1 different communities have different needs -
2 - we did invite the Office of Planning to
3 one of our ANC meetings.

4 And maybe you're --

5 MS. HENDERSON: -- Oh, we'll be
6 inviting Mr. Tregoning and/or her designees
7 to determine who is coming, and we'll give
8 you a schedule. We want to hear from you.

9 So, yes, the invitations will be
10 forthcoming. As a matter of fact, as soon
11 as I leave here, I'm going back to my
12 office, and you can count on receiving an
13 email before midnight.

14 MR. KENNEDY: To conclude, we had
15 invited Ms. Steingasser to our meeting. I
16 thought she gave an excellent presentation.

17 I thought the enormity of this
18 rewrite is a little overwhelming to a lot of
19 people, myself included, and I didn't make
20 it to the Ward 2 meeting; I went to Ward 1.
21 And I'm sure the presentation was largely
22 standard. But you know, they were willing

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1 to answer questions about campus plans. A
2 lot of the regulations hadn't been finalized
3 at the time we had invited them because this
4 was February of last year, so almost a year
5 ago.

6 But my experience was they did
7 the best job that they could with our
8 community, and I obviously can't speak for
9 others.

10 CHAIRMAN HOOD: Okay, thank you.

11 One of the things, after hearing
12 the testimony tonight, I want to ask again -
13 - I don't know if there's a special place we
14 need to do it on our website in the Office
15 of Zoning -- I want to make sure that
16 everyone is informed of the next steps that
17 the Zoning Commission is going to take.

18 So we will find a place on the
19 Office of Zoning website where maybe you can
20 just click a button and everything will show
21 up, what the next steps are. And also, you
22 can call 727-6311, so we'll make sure

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1 Mercedes knows exactly what the update is
2 for the Zoning Commission.

3 So, if you have any questions,
4 there won't be any mistakes about it, which
5 way the Zoning Commission is moving and how
6 they're moving; what dates may have changed.
7 We're going to have something on the website
8 and a script for Mercedes, our receptionist.
9 Be sure you call 727-6311. Let your other
10 colleagues know the same.

11 That was something that just came
12 up. I know it's out there, but I want to
13 make sure that we do this, also, for the
14 viewing audience so you can keep abreast of
15 how we're moving along.

16 Are there any other comments up
17 here, Commissioners?

18 (No response.)

19 CHAIRMAN HOOD: A little informal
20 vote -- we're going to take about a three-
21 minute break.

22 I want to thank this panel first.

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1 I'm going to call the next panel,
2 and we'll be back in three minutes because I
3 think we have to be out of here at 10
4 o'clock. I don't know if it's like a
5 bowling alley, where they cut the lights
6 off. We want to make sure we try to get as
7 much accomplished as possible, and that we
8 finish. So we're going to three minute
9 break.

10 Before that, let me call the next
11 panel.

12 I want to thank you all for your
13 testimony. We appreciate it.

14 Commissioner Shirley Carson-Carr,
15 Chair of 7F;

16 Commissioner Judy Jones;

17 Commissioner Debbie Smith-
18 Steiner;

19 Commissioner Joyce Robinson-Paul,
20 5E05.

21 If I don't see you, I'm going to
22 keep calling.

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1 Again, Commissioner Nolan

2 Treadway;

3 Joel Wisniewski -- I think I
4 called that name previously. Oh, he's
5 already testified.

6 And the other, the only other
7 name I have is Commissioner Brian *Pete.

8 Is there anyone else in the
9 chamber that would like to testify?

10 (No response.)

11 CHAIRMAN HOOD: Okay, Mr.
12 Freeman, I had called your other partner,
13 your other commissioner, but if you want,
14 come up and testify also.

15 By a show of hands, is there
16 anyone else that we have not called that
17 would like to testify?

18 Okay, we're going to hear this
19 panel, and we'll have a panel after that.
20 We will hear from everyone who's here
21 tonight.

22 We're going to take a three-

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1 minute break.

2 (Whereupon, recess was taken at
3 8:52 p.m.)

4 (Whereupon, the hearing
5 reconvened at 8:58 p.m.)

6 CHAIRMAN HOOD: Okay, we are
7 reconvened.

8 I think I had called four
9 commissioners up.

10 This time we're going to start to
11 my left; you're right.

12 Commissioner, you may begin.

13 TESTIMONY OF JOYCE ROBINSON-PAUL (5E05)

14 MS. ROBINSON-PAUL: Good evening.
15 My name is Joyce Robinson-Paul. I am the
16 AMC Commissioner at 5E05. My testimony will
17 cover the comprehensive parking plan as it
18 relates to my single-member district.

19 My single-member district is one
20 half-mile from the Metro station and one
21 fourth-mile from the Ramada bus route. The
22 Big-Brother theory of reducing parking in

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1 these areas will cause the spillover of more
2 persons parking in our precious curbside
3 parking.

4 The community is also inundated
5 with commuters. Visitors to local offices
6 and our residents would be severely
7 handicapped by this measure. We choose to
8 live close to Downtown but should not
9 penalized by your proposed comprehensive
10 parking plan. Your plan speaks of new
11 parking should be underneath buildings.
12 However, it appears the developers are not
13 bound by this provision.

14 We are sick of DC being labeled
15 the Ticket City of the Nation, especially
16 since many of the tickets, my constituents
17 receive. Further surveys should be made
18 before assuming that the de-emphasis on
19 auto-orientated uses and surface parking
20 will be good for our neighborhood. No
21 reduction in parking should be considered,
22 and an attractive environment at the street

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1 level can still be envisioned with minimum
2 interference to traffic flow. More efforts
3 to work with ANC commissioners before these
4 harebrained schemes are put in the plan
5 would help.

6 The other thing I want to
7 emphasize is the exclusionary zone. I have
8 people in my neighborhood who have tried to
9 get into units in our neighborhood, and we
10 found out that they don't qualify. I mean I
11 had a resident who was the teacher. She
12 made \$4,000 a month. She could not qualify
13 for any of the new buildings that they built
14 in our neighborhood, and that's sad
15 scenario. So the inclusionary zoning should
16 not be the area median income. It should be
17 50 percent, or they should not even use
18 anything that includes Maryland and
19 Virginia. It should only be the District of
20 Columbia.

21 Last but not least, there has not
22 been a lot of activity in our neighborhood

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1 concerning the plans, and we would like to
2 make sure that -- even though the Office of
3 Planning is coming out, we're not getting a
4 lot of information on a lot of information
5 like that large report that's out.

6 Thank you for my considerations.
7 Thank you.

8 CHAIRMAN HOOD: Thank you.

9 Next.

10 TESTIMONY OF DEBBIE SMITH-STEINER (5E01)

11 MS. STEINER: That evening. I am
12 Commissioner Debbie Smith-Steiner
13 representing 5E01. This is my colleague,
14 Joyce Robinson-Paul, which -- I concur with
15 some of the things that she is stated.

16 Washington, DC is basically a 62-
17 mile radius and each ward should be
18 considered as a county like the other
19 states. We are not a state; however, we
20 have been included in the regional AMI,
21 which has unfairly tagged a lot of residents
22 that not even afford to live here.

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1 The main reason that I'm here --
2 I wanted to put that on the record.

3 The main reason I'm here is
4 because I did submit testimony over weeks
5 ago about the horror that my residents are
6 living through with a new development that
7 has been built in my community. It is an
8 atrocity that the residents were misled
9 through the process, that they believed that
10 their parking would not be impacted in their
11 immediate communities. However, because no
12 RPP restrictions were placed on this
13 particular development, it has caused a
14 situation where those individuals who are in
15 the new development who have RPP, when they
16 decide to have their parties or whatever the
17 situation is, they are coming and parking on
18 our immediate streets, taking up our
19 parking. And the residents are extremely
20 upset.

21 The seniors who are trying to
22 enjoy their comforts in life and being able

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1 to have parking in front of their homes,
2 they haven't that any longer. This new
3 development has been able to go to DDOT, and
4 they've successfully been able to claim that
5 since one of their roads an RPP-zoned
6 street, that their whole development now is
7 able to get RPP. But it's affecting the
8 community.

9 You go into this particular property.
10 You see the pristine courtyards and how
11 spacious. But then the residents have to
12 look at the back of the homes. To include,
13 these alleyways that we had are now becoming
14 a part of development, whereas you have no -
15 - the ambulance safety and everything is
16 being jeopardized because of development.

17 This is really got to be taken
18 into consideration as we move forward, and
19 there should not be any allowance for RPP
20 for these new developments. These
21 developers should make options for these new
22 residents coming in because we are really

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1 suffering, the community is.

2 Thank you.

3 CHAIRMAN HOOD: Okay, thank you.

4 Next.

5 TESTIMONY OF BRIAN PATE (6B06)

6 MR. PATE: Thank you,
7 Commissioners. I'm Commissioner Brian Pate,
8 representing ANC 6B05. ANC 6B has already
9 taken an official position on the ZRR.
10 You've received that.

11 For the record, I voted in favor
12 of ANC 6B's position and I fully endorse it,
13 but I am testifying today on my on behalf,
14 on items I felt were not reflected in our
15 position. None of the points reflect the
16 ANC 6B's official position. My views are my
17 own. First, I believe it's time to
18 move forward with the recommended changes.
19 They are the process work and public input.
20 They've been tailored to accommodate local
21 concerns and, I know firsthand, incorporate
22 a great deal of community feedback. A

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1 document of this size and complexity will
2 never achieve full consensus, but we should
3 have the courage to move forward coupled
4 with a strong commitment to revisit the code
5 at regular intervals to perfect it as we
6 find areas needing clarification and
7 improvement.

8 I fear we have reached the point
9 where people, my constituents, are delaying
10 projects in order to see what the outcome of
11 the rewrite will be. The delay also
12 incentivizes use of loopholes to skirt
13 anachronistic elements of the code. For
14 example, and ANC 6B, we've seen a number of
15 BZA cases featuring the use of a trellis to
16 connect a primary and accessory dwelling,
17 usually a carriage house, creating, in the
18 eyes of the Zoning Administrator, a single
19 dwelling in order to gain relief from
20 restrictions on additions to the accessory
21 dwelling.

22 I believe residents should not be

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1 forced to use loopholes to make renovations
2 to their property that have become de facto
3 by-right actions. Further, I believe we
4 have an obligation to reduce regulatory
5 uncertainty.

6 Should the Zoning Commission
7 decide to delay wholesale adoption of the
8 recommended changes, it may be prudent and
9 more effective to move less controversial
10 elements one piece at a time in the existing
11 Zoning Regulations.

12 With that said, I would like to
13 offer a few possible improvements, starting
14 locally and moving citywide. First, there
15 are unzoned areas of Capitol Hill;
16 specifically, squares 1080 south and 1067
17 south. This consists of waterfront property
18 along the Anacostia River. Almost four
19 years ago, the Office of Planning undertook
20 a land-use study of the area, yet the area
21 remains uncategorized. This is important
22 because it is adjacent to the proposed

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1 Southeast Boulevard.

2 We as a commission feel that that
3 Boulevard has been planned without any
4 contextual consideration of urban planning
5 land use, and zoning this area would help
6 with the process.

7 Fast food definitions and
8 exceptions -- fast food establishments are
9 allowed in C2A areas only with a special
10 exception. The existing regulations define
11 fast food establishments using standards
12 more suitable for fast food industry as it
13 was in 1970. Further, the Zoning
14 Administrator's interpretation of fast food
15 can at times appear to be subjective. These
16 two factors make it difficult for the ANC to
17 manage the inevitable tensions that arise
18 when restaurants in commercial corridors
19 abut residential corridors.

20 I ask that you make fast food
21 establishments a special exception
22 consideration in parcels M25, M26, and M27,

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1 and that you also look at the definition of
2 fast food establishments.

3 I have several other comments in
4 my testimony. I hope you'll read them,
5 especially the comments on inclusionary
6 zoning and ensuring that we have long-term
7 inclusionary zoning.

8 I appreciate your time, and I'm
9 here for questions.

10 CHAIRMAN HOOD: Okay, thank you.

11 Next.

12 TESTIMONY BY MATTHEW FRUMIN (3E)

13 MR. FRUMIN: Good evening. My
14 name is Matthew Frumin, and I thank you for
15 indulging me and letting me testify at this
16 late hour.

17 I want to do two things. One, I
18 want to, just in case you had questions
19 about our ideas in the ANC 3E testimony on
20 parking minimums, I wanted to open the
21 opportunity for that.

22 We have jurisdiction on the over

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1 the upper Wisconsin Avenue corridor and
2 grapple with these issues. And we came to a
3 unanimous suggestion about how it might be
4 dealt with. And I think we think that could
5 be of value to the process as a whole. The
6 second thing I wanted to do is touch on the
7 three issues that we weren't able to get to
8 in my colleague's testimony.

9 Accessory apartments, ADUs -- we
10 think this is an important advance. We have
11 one suggestion on ADUs. ADUs inside of a
12 house are a matter of right. If you're
13 doing an accessory unit outside of the house
14 and you're adding a building or changing and
15 adding to a building, you need to go to the
16 BZA. Both of those things strike us as
17 appropriate.

18 The question becomes, for an ADU
19 that is a garage that may be converted or an
20 existing building that may be converted to
21 another use, we agree, that can be a matter
22 of right. But we would like to see some

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1 kind of process where the neighbors have
2 some notice of the plans and can at least
3 give ideas because one of the things that
4 people talk about is privacy and things like
5 that. Maybe there are suggestions that
6 could be made. Building in a requirement of
7 courtesy in this kind of setting, we think,
8 could be helpful. On corner stores near
9 our area -- not in our ANC; it is the Broad
10 Branch Market -- is a huge boon to people in
11 the community. They love it. The value --
12 I live where near the Super Fresh, Fresh n
13 Greens that recently closed was. Again, you
14 have a real benefit to having retail
15 accessible in the neighborhood. We think
16 that can be a valuable thing in other
17 places.

18 We recognize that there's a
19 concern, and one of the concerns is that
20 these corner stores can turn into liquor
21 stores. That's a concern I heard at a Ward
22 4 meeting that the Office of Planning hosted

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1 as part of its community outreach. One way
2 you can get that is if, instead of a 15
3 percent square footage requirement
4 limitation on our alcohol sales, if it were
5 something like a 15-percent revenue
6 requirement -- that way, you wouldn't have a
7 beer he building with a beer cooler and a
8 potato chip stand and an empty floor, and
9 effectively, a liquor store. You would have
10 to have retail that depended on something
11 other than alcohol. We hope you'll think
12 about ideas like that.

13 The last thing is the provisions
14 in the proposed code -- or now, they may be
15 enacted -- on green area ratios, tree
16 canopy, and pervious surfaces, we think
17 those are extraordinarily valuable. We have
18 the goal of rehabilitating our tree canopy.
19 We have the goal of dealing with storm
20 water; we see news stories about \$2.6
21 billion in expense to deal with storm water.
22 We need to fix those problems. Building

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1 those kinds of things into the zoning code
2 makes a lot of sense.

3 We would encourage that you also
4 think about whether those kinds of
5 requirements could be applied in residential
6 settings, tailored for residential settings
7 because most of our land is residential.
8 And it's not that you can do things, but
9 it's that if you do things, you may need to
10 do remedial things that help to address
11 those critical issues for our city.

12 So thank you for your son time.
13 I'd be delighted to answer any questions you
14 have about those or the parking proposals.

15 CHAIRMAN HOOD: Okay, we want to
16 think this panel also. We appreciate your
17 testimony.

18 Commissioners, any questions for
19 this panel?

20 Commissioner Miller, comment?

21 COMMISSIONER MILLER: Yes, I just
22 wanted to comment.

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1 Three of you -- Ms. Robinson-
2 Paul, Ms. Smith-Steiner, Mr. Pate -- I think
3 you all commented on the inclusionary
4 zoning.

5 It's been stated at one of our
6 previous hearings that we are going to
7 review regulations not necessarily as part
8 of this process but as of the separate
9 process. And let me say that I personally
10 agree. I don't know if we have a majority
11 on the Commission, but I think I personally
12 agree that the AMI percentage has to be much
13 lower, closer to the level you were talking
14 about.

15 And congratulations, Commissioner
16 Frumin. Are you the new chair of your ANC?

17 MR. FRUMIN: Yes, are
18 congratulations an order?

19 (Laughter.)

20 MR. FRUMIN: Thank you..

21 COMMISSIONER MILLER: Any other
22 comments?

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1 VICE CHAIR COHEN: Yes. Thank
2 you, Mr. Chairman. I would just like to add
3 to what Commissioner Miller said.

4 Unfortunately, the federal
5 requirement is a metropolitan AMI. The city
6 has attempted to see if it could get a
7 reduction in the AMI just so that it
8 reflects Washington, DC.

9 The unintended consequences would
10 be that we could not use federal programs to
11 subsidize the projects. So I don't think
12 that that is going to be an opportunity for
13 us to pursue.

14 However, there may be other ways
15 of trying to get the subsidies further down
16 so that the schoolteacher that Ms. Robinson
17 mentioned can be served. It's just a matter
18 of making sure the subsidies exist in
19 relation to the incomes that are in greater
20 need.

21 So I don't want to think that
22 that has not been thought about since the

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1 times that it was brought up last November
2 when we had the hearings.

3 MS. SMITH-STEINER: Thank you so
4 much.

5 If I could just say just a couple
6 of comments to all of you, is I have the
7 Monroe Street Market project in my SMD, and
8 I have Chancellor's Row. Both are in my
9 single-member district, 5E01. And the key
10 situation here is that when you're talking
11 about having livable space for individuals
12 who want to come here, you have studio
13 apartments that are a market rate of \$1,500
14 -- no, the market rate is \$2,200; excuse me.
15 The reduced rate is \$1,500. Then I have H
16 Street CDC that's doing their project that's
17 down on Fourth Street, and they abut mine.
18 And they have apartments whereas they're
19 going to be \$1,100.

20 What I'm saying to everyone is
21 just look at what we're trying to do, and
22 have an opportunity to save some lives and

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1 allow them to be able to stay in the city
2 because you see, if you're going to do
3 Walmart and all these other jobs, you know,
4 it does not allow for you to be able to eat,
5 drink, and enjoy the livelihood of being
6 here in DC.

7 So thank you so much. I
8 appreciate your thoughtfulness.

9 Thanks.

10 CHAIRMAN HOOD: Thank you.

11 Any other comments or questions?

12 (No response.)

13 CHAIRMAN HOOD: Okay, we want to
14 thank this panel. We appreciate your taking
15 the time to come down and testify.

16 Does anyone else want to testify?

17 Commissioner Anthony Muhammad.

18 Anyone else who would like to
19 testify?

20 (No response.)

21 CHAIRMAN HOOD: Okay,

22 Commissioner Muhammad, you can close us out.

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1 TESTIMONY OF COMMISSIONER ANTHONY MUHAMMAD
2 (8E)

3 MR. MUHAMMAD: Commissioner
4 Anthony Muhammad, ANC 8E, Chair of 8E. As
5 our councilmember would say, thank you for
6 having this hearing for the whole city on
7 the rewrite of the Zoning Regulations. Our
8 councilmember just got out of the hospital.
9 He's going to doing better, hopefully. As
10 he calls our ward, we are, the least, lost,
11 the left out, and it seems like regulations,
12 rules get written where they will continue
13 to view Ward 8 the least, the lost, and the
14 left out, the way that it is zone, and with
15 the rewrite, it will even be worse.

16 But if the zoning orders that are
17 given to developers are not enforced because
18 each one of them that comes in to Ward 8,
19 and especially in 8E, will have a CBA. And
20 if your colleagues who used to work with you
21 don't want to follow the CBA that rewrite,
22 we will not approve any of their development

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1 as you give them special exceptions for a
2 PUD. Some of your colleagues that used to
3 work with you, who are now on the other side
4 as developers, do not want to follow what we
5 have submitted to them is a CBA.

6 With this thousand-page rewrite,
7 how long did it take each one of you to go
8 over this rewrite? Did it take a year? Did
9 it take less than a year? With all the
10 minds that worked together put it together,
11 we know Georgetown had more than a week or
12 two; we would like the same amount of time.
13 We would like the record to stay open not to
14 prolong it but so we can continue to make
15 comments, and for you to send us this in the
16 mail to say, if we testify tonight, you
17 won't be able to say one word when we come
18 in your community to elected officials to
19 tell us we cannot speak again. Are we
20 trying to be disenfranchised again? By
21 telling us we won't be able to speak when we
22 come to your community? It's not fair

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1 because the Least and the Lost need a little
2 bit more time to do what we need to do to
3 see how this regulation will affect us,
4 which it will since Ward 8 is the last
5 horizon for development to come, and all the
6 developers are now running to Ward 8 to
7 develop because they see it's the last land
8 left for them to develop.

9 We would like to have what you're
10 trying to take out of this rewrite: an
11 overlay, a tree-slope protection. From
12 Southern Avenue and South Capitol all the
13 way to Benning and East Capitol is trees.
14 They need protection. Developers want to
15 come and cut them all down. From the
16 overlook to our Lady of Perpetual -- from
17 the highest heights inside inside of
18 Southeast now, the developers are noticing
19 and that you can see the entire city. And
20 if we cut the trees down, they can even see
21 more. We would need an overlay to protect
22 the trees in that ward.

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1 Will the overlay be taken out of
2 the rewrite? Well, once we discover things
3 that we can do to protect where we live,
4 they are now being rewritten because now, we
5 see the Least, the Lost, they are beginning
6 to read so it won't look like the ghetto
7 that it's always looked like, where you can
8 go in any major city in America and you know
9 where Least, the Lost live because they
10 don't know anything about zoning, nor will
11 anyone come and help the Least, the Lost
12 like they were guided and directed in
13 Georgetown, where senators and congressmen
14 live. So they can have sit-downs over and
15 over again, and we have none of them.

16 We get the same right, and if we
17 invite people to come from the Board of
18 Zoning -- of course, since you're on this
19 commission, you can't come because you can't
20 come to discuss any cases. We might ask the
21 wrong question; it might affect your ruling.
22 So we could staff who can't answer it

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1 either. They can just to you what to do
2 when you come down to the Board of Zoning.

3 So we need a little more. We're
4 operating with a handicap just like golfer.
5 We're operating with a handicap with 85
6 percent of the people that live in Ward 8
7 rent, so they're not concerned about zoning.
8 I'm sure most of the people know that when
9 they sounded five: they can bring anybody
10 Lottie Duddy and anybody in Ward 8.

11 We don't need corner stores.
12 We've got everyone, all the corner stores
13 are there. But we still need the parking.
14 We're not going to give up the parking.
15 We're not going to give up our variance to
16 lessen the amount of parking spaces for
17 their new buildings to come up. We're not
18 going to shorten the ramp for them. All the
19 variances that they want, they want all of
20 these and don't want to give the community
21 anything. They want to inconvenience the
22 community, the developers, and not allow the

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1 community to have anything once we find out
2 what we should be receiving from a
3 developer. They want to drag this out,
4 write us out.

5 But I'll be submitting another
6 document with the Congress Heights
7 development coming saying we voted to oppose
8 this project because we voted as a
9 commission to oppose the project coming at
10 the Congress Heights subway. That's
11 all I have to say tonight. I will be
12 speaking at this next hearing in March.

13 Thank you.

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

16 (No response.)

17 CHAIRMAN HOOD: Let me ask you
18 this, which hearing is in March?

19 SPEAKER: February.

20 MR. MUHAMMAD: I'll be able to
21 write and submit something in March.

22 But in February: 'you will not

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1 be able to speak since you spoke tonight,
2 Mr. Muhammad.'

3 CHAIRMAN HOOD: Is that what it
4 says? Nobody wrote that out, Commissioner.
5 I know one thing, I know the staff, and they
6 didn't write that. I will say you, I'm not
7 sure what we said on that. We may
8 revisit that, and I tell to you why. This is
9 just my opinion, without deliberating, but I
10 would say you why. I think the
11 Commissioners represent a constituency. But
12 you've got to do your homework to help us
13 to. You've got to go back and talk to your
14 constituency and get their ideas and their
15 feedback, and let us know was going on. And
16 then, if they are not able to make it, then
17 you can come back down and do that.

18 MR. MUHAMMAD: I represent Mary
19 Cuthbert and her ANC, and maybe even --

20 CHAIRMAN HOOD: But let us talk
21 about it. Again, that update, that may be
22 tweaked, but I'm going to talk to my

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1 colleagues, and will discuss it. But thank
2 you for bringing that your attention.

3 Vice Chair.

4 VICE CHAIR COHEN: Thank you,
5 Chairman.

6 I think that there's been --
7 maybe I'm misunderstanding, but I would like
8 the Office of Planning to talk about what
9 happened Georgetown because I think that
10 there is misinformation, and it would be
11 helpful to get the record clear.

12 MS. STEINGASSER: Five years ago,
13 the Citizens Association of Georgetown and
14 the ANC asked the Office of Planning for an
15 overlay, an overlay like we have in Ward 5,
16 like we have in Ward 3. I think we have
17 some in Ward 4, Ward 1. And we said, no,
18 we're beginning to revise the Zoning
19 Regulations; we're not going to do new
20 overlays now. So they decided that they
21 themselves would track the zoning rewrite
22 process and they would do the work.

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1 So they went out and surveyed
2 their neighborhood. They measured the
3 buildings. They walked every one of their
4 blocks, they wrote their own zoning text,
5 and they gave it to us all, and we
6 incorporated it into it.

7 So the assistance that they got
8 from us was not hand-holding. It was not of
9 going out and doing selective work for them.
10 They did the work, provided it to us, and
11 then we incorporated it. So we obviously
12 worked with it to get the language to match
13 with the language we had. By they had been
14 very patient and waiting for an overlay, an
15 overlay which already existed in many other
16 wards, and
17 they themselves did not have.

18 The protections that they have
19 against inappropriate construction come from
20 them being an historic district. And
21 they've been an historic district of the 19
22 teens, maybe. They're both a local historic

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1 district, and national historic district,
2 and their whole boundary is considered a
3 national historic landmark. So they have
4 federal protections that -- they're one of
5 the most historically protected
6 neighborhoods in the city, even before Home
7 Rule, even before zoning.

8 So that what gives them the
9 oversight that other neighborhoods, historic
10 districts, don't share. The United States
11 Commission of Fine Arts reviews their
12 projects after going through the Old
13 Georgetown Board, which is also a federal
14 subcommittee of the Committee of Fine Arts.
15 And then there's the District Historic
16 Preservation Review Board. So that's what
17 gives them the protections.

18 The Office of Planning didn't
19 hold their hands and walk them through and
20 write this stuff for them. They took that
21 initiative, and they were a prototype. They
22 were willing to do it so that if this zoning

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1 commission decides that they think that type
2 of zoning construct, that ability for
3 neighborhoods to make their own zoning, is
4 appropriate, we've got a prototype and we've
5 got a process that other than model
6 themselves after.

7 VICE CHAIR COHEN: So then, it
8 seems to me we want to agree to, we can come
9 up with a recipe book that could be used by
10 other neighborhoods or ANCs or boards. The

11 MS. STEINGASSER: Yes, ma'am.
12 And there is a version of those regulations
13 in subtitle X talking about how to create
14 it. And at one of the November hearings,
15 the Commission asked us to work on expanding
16 that in making a little bit clearer so that
17 other neighborhoods would know how to
18 approach it.

19 MR. MUHAMMAD: So, when they were
20 devised there would not be any overlay, they
21 were given another avenue to do something.

22 MS. STEINGASSER: They themselves

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1 decided to follow the process and propose it
2 to us, yes.

3 But the protections that they
4 have against pop-ups come from their being a
5 historic district. So, much like Historic
6 Anacostia has an historic district that's
7 regulated by the historic guidelines, those
8 are a different set of protections from the
9 zoning regulations, so they also have that.

10 But the Commission is made very
11 clear to the OP through the other hearings
12 on the subject that they want a citywide
13 proposal for pop-ups. They want us to try
14 to look at how we can somehow grab a hold of
15 some kind of review process for that
16 inappropriate upper story addition or
17 bumpout, as well as looking at big-box
18 retail and how those might affect
19 communities.

20 So we are working on that.

21 CHAIRMAN HOOD: Commissioner
22 Muhammad, are you --

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1 MR. MUHAMMAD: So how long have
2 they --

3 CHAIRMAN HOOD: Let me just say
4 this, Commissioner Muhammad, a lot of
5 directions come from this commission to the
6 Office of Planning. We're still waiting on
7 some feedback from the Office of Planning.
8 We've given them some homework; I'd say more
9 homework than the homework they already had,
10 so additional homework. There are some
11 things that Ms. Steingasser has mentioned
12 that we are looking at, that's information
13 we're looking to receive back.

14 But anyway, I didn't mean to cut
15 you off. Go ahead.

16 MR. MUHAMMAD: I was asking, how
17 long have overlays stopped being used?

18 MS. STEINGASSER: They're still
19 in existence, those that exist, but we
20 haven't created a new overlay probably --
21 tree and slope was the last one -- that was
22 probably eat years ago.

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1 MR. MUHAMMAD: Southeast Federal
2 Center, where they did the stadium.

3 MS. STEINGASSER: Southeast
4 Federal Center was an overlay that
5 implemented a small area plan. Capital
6 Gateway was the overlay --

7 MR. MUHAMMAD: That was less than
8 six years.

9 MS. STEINGASSER: Okay, well, we
10 haven't done any new ones. The last one
11 that enabled a development like that is
12 probably the Capital Gateway overlay, which,
13 you're right, encompasses the stadium area
14 and that whole water front, and implements
15 the Anacostia Waterfront initiative.

16 MR. MUHAMMAD: Because I was
17 trying to get a commercial overlay for Good
18 Hope Road when they were bringing a shelter
19 on it, and this is what I was told: No,
20 we're not going to do this anymore.

21 But you have not actually stopped
22 yet; correct?

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1 CHAIRMAN HOOD: No.

2 MR. MUHAMMAD: Because it's not
3 in the rewrite. The rewrite is not in
4 effect yet; correct?

5 MS. STEINGASSER: Correct.

6 CHAIRMAN HOOD: No, we have not
7 approved the rewrite, no. We have not
8 approved what's proposed for us, no. So the
9 regulations that are before us are the ones
10 with amendments from 1958.

11 MR. MUHAMMAD: So the regulations
12 that are there right now, can you apply any
13 of them?

14 CHAIRMAN HOOD: That's just --

15 MR. MUHAMMAD: Because we're in
16 the process --

17 CHAIRMAN HOOD: That's what in
18 effect right now.

19 MR. MUHAMMAD: So why would
20 someone be told you can't do an overlay?

21 CHAIRMAN HOOD: I don't know who
22 told you that.

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1 MS. STEINGASSER: We're not
2 writing any -- I can say I did. The Office
3 of Planning has taken the position that
4 we're rewriting these new zoning regulations
5 to create zone base rather than overlays, so
6 that there aren't multiple tracts going on.

7 MR. MUHAMMAD: Okay. Thank you.

8 CHAIRMAN HOOD: Okay.

9 I see some other hands up. If
10 we've heard from you. You have to give it
11 to us in writing.

12 I see Commissioner Muhammad.
13 You've not spoken tonight. Did you want to
14 come up and say something?

15 MS. MUHAMMAD: I did.

16 CHAIRMAN HOOD: Any other -- you
17 can hold your seat because I got a few
18 things. Any other commissioners?

19 Any other commissioners? If you
20 want to say something, please come forward.

21 (No response.)

22 CHAIRMAN HOOD: Okay, last call.

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1 Any other ANC commissioners that --

2 Commissioner Muhammad, did you
3 want to sit at the table? I think we have,
4 we might have some questions for you.

5 Excuse me, Commissioner?
6 Commissioner Wilson -- you already spoke.
7 Let me just ask, did you have a point that
8 you wanted to make? Not from the audience,
9 but I'm just curious, if you could talk to
10 staff and address your point is -- here's
11 what this is about. This is about us, not
12 the Office of Planning. I don't hear about,
13 the Office of Planning came to your
14 neighborhood, and we heard this testimony.

15 This whole session is about ANC
16 commissioners talking to us. If you want to
17 deliberate and you disagree with the Office
18 of Planning --

19 What time you will open tomorrow?

20 MS. STEINGASSER: 8:30.

21 CHAIRMAN HOOD: 8:30 -- and you
22 can let us know what those discussions are

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1 when we come out to your the wards. You or
2 somebody from your commission will be able
3 to fill us in on whatever comments you all
4 talk about tomorrow.

5 I want to make sure I'm fair to
6 everyone here, but we came tonight to hear
7 from the commissioners.

8 Okay, Commissioner Muhammad.

9 TESTIMONY OF HOLLY MUHAMMAD (8A01)

10 MS. MUHAMMAD: Yes, sir. I'm
11 Ward 8; 8A01.

12 Now, I just wanted to say -- I
13 don't know my glasses on, but -- I don't
14 know her name, the one that just spoke, are
15 you saying that the Office of Planning did
16 not meet with Georgetown? Because they
17 spoke that at the last hearing?

18 MS. STEINGASSER: Oh, we
19 absolutely met with them.

20 MR. MUHAMMAD: Okay, well, we're
21 asking the same thing in Ward 8. That is
22 what we want so that we can have some one-

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1 on-one discussion, explanation, and get
2 understanding for our community.

3 MS. STEINGASSER: I would be
4 happy to do it. I agree with you. We have
5 been very desperate, almost, to have more
6 interaction with Ward 9. We went out to the
7 Ward 8 community meeting and had a very
8 small turnout. We filmed that particular
9 meeting and put it up on channel 16 --

10 MS. MUHAMMAD: Well, we did --

11 MS. STEINGASSER: But we would
12 definitely like to interact with you much
13 more on this issue.

14 MR. MUHAMMAD: Okay.

15 And then the other thing I want
16 to make a point on is that when you're
17 talking about overlays and -- I guess you're
18 saying they don't exist anymore, or your not
19 --

20 MS. STEINGASSER: They do exist.

21 We're not creating new ones
22 because the new formatting that we are

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1 proposing to the Zoning Commission for the
2 rewrite creates full zones so you don't have
3 to go --

4 MS. MUHAMMAD: But this is only a
5 proposal.

6 MS. STEINGASSER: This is only
7 the proposal; correct.

8 MR. MUHAMMAD: So I don't see how
9 you can say, we're not doing this anymore,
10 when that's what's in law right now. This
11 is a proposal.

12 MS. STEINGASSER: This is --

13 MS. MUHAMMAD: And this is not
14 been approved. So how can you say we're not
15 going to do this anymore? Because, I mean,
16 that's going on the assumption that --

17 CHAIRMAN HOOD: Ms. Muhammad --
18 Commissioner Muhammad --

19 (Simultaneous conversation.)

20 MS. MUHAMMAD: -- the assumption
21 that this will be approved.

22 CHAIRMAN HOOD: Office of

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1 Planning, Commissioner Muhammad -- let me
2 just stop you.

3 We don't want this to be a
4 dialogue between the Office of Planning --
5 we want you all to talk to us.

6 MR. MUHAMMAD: Okay, sorry.

7 CHAIRMAN HOOD: Okay, and I'm
8 sorry I got to the Office of Planning. We
9 want this to be about us.

10 MR. MUHAMMAD: Yes, sir.

11 CHAIRMAN HOOD: We've heard your
12 concerns, and you know you we heard your
13 concerns. That's why we're doing some of
14 the things we're doing.

15 Commissioner Anthony Muhammad, we
16 are going to revisit, we're going to
17 deliberate very shortly, so stick around on
18 that issue about not being able to speak
19 when we come to the wards. Stay tuned.

20 We have a commissioner that has
21 not spoken -- excuse me.

22 MS. MUHAMMAD: Oh, I'm not

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1 through, and my testimony is going on
2 February 12.

3 I'm one of the commissioners that
4 did receive these, and I did talk to
5 Director Bardin because some of the
6 commissioners that were here, I brought this
7 with me and I asked them, did they receive
8 these in the mail, and they hadn't.

9 Now these dates are coming up,
10 and for some who who have not already gotten
11 these, this is going to be a problem because
12 this is for the community. I mean I'm
13 constantly asking people, do they know about
14 this rewrite? And it's still just so much
15 unknown information about this whole thing.
16 So I intend on testifying when you all come
17 to Ward 8.

18 The only other thing I want to
19 say tonight is that this is on February 12,
20 which is less than two weeks from now. So I
21 will have to walk these to my community, and
22 we still have the take into concern the size

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1 of this rewrite. So, even getting these to
2 my community and letting them know, you can
3 come and testify, well, when they look at
4 the rewrite, they're going to have the same
5 kind of response that we had when we had
6 first started it. I'm not even completed
7 it. I haven't completed it.

8 But what I'm saying is, is, it's
9 just a short amount of time, and I just told
10 Mr. Gottlieb that I just wasn't going to
11 come here and argue tonight. I'm one to try
12 to do what I can with what you're giving us.
13 But I wholeheartedly and totally am in
14 agreement with and in alignment and
15 agreement with Commissioner Anthony Muhammad
16 on this. I think it's unfair toward us.

17 And that's all I have to say.

18 CHAIRMAN HOOD: Okay, thank you
19 for your comments.

20 I'm going to hear from you, but
21 -- let me retract what I said.

22 Commissioner Wilson, if your

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1 questions are for us and not for the Office
2 of Planning, you can come back to the table.
3 But if it's for the Office of Planning, then
4 I would encourage you to talk to them
5 tomorrow and let us know what the results
6 are. Okay? So these are questions for us.

7 Yes, ma'am.

8 TESTIMONY BY LINDA GREEN (7E02)

9 MS. GREEN: Yes, good evening,
10 and thank you for allowing me to have at
11 least just two minutes. My name is Linda
12 Green. I am the ANC commissioner vice chair
13 of Ward 7. A single-member district SMD
14 7E02. I'm also the President of the Fort
15 Davis the civic Association. So my total
16 tenure as being in ANC commissioner has been
17 at least 20 years, off and on. So I'm
18 pretty much, I have a lot of experience, and
19 I have the capability of being involved on
20 different organizations throughout the
21 District of Columbia, and I've been on a lot
22 of task forces, if you will, with certain

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1 federal agencies and DC government agencies
2 as well.

3 What I've heard tonight -- and I
4 do plan to present my testimony on February
5 12 -- from what I've been hearing, I had the
6 opportunity to take some short notes. But
7 what I would recommend to you tonight is to
8 do another revamping, if you will, and
9 another review of what is already in your
10 proposal a because it seems like it hasn't
11 been addressed equally across the board.
12 What I mean by that, I've heard people have
13 stressed about affordability, and I hear
14 fear in a lot of the testimonies that were
15 made in here this evening. People have a
16 fear of not being able to live in the city.
17 They have a fear of not being able to afford
18 sustainability, household, or even mortgages
19 or even rent.

20 So I think that what was said
21 tonight -- what wasn't said -- was disparity
22 treatment, and that the process on how the

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1 proposal was written up was not there. And
2 I think what you need to do is to look at
3 economic sustainability because, truly, in
4 the District of Columbia, you have different
5 households that have different incomes. And
6 a lot of people who have been living in
7 certain incomes cannot maintain the changes
8 that are being looked at for the future.
9 And I think that a lot of people feel that
10 they won't be included, but they'll be
11 excluded from the process.

12 And so, from what I've heard
13 tonight, a lot of people really are on edge
14 because they feel that they want to maintain
15 their communities, whether its historical
16 are not historical. And you have
17 generations, like in some communities, you
18 have the 10th generation. Some of these
19 people are been living in these households
20 in these communities as early as 1906, if
21 you will, or 1910. Truly, I work for the
22 agency where we mandate the national

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1 registry of historical places.

2 So, if you could consider
3 reviewing the process, I would be more than
4 happy to assist you all with that process,
5 and I just what to say thank you for
6 allowing me to have a short time, and I will
7 be presenting my testimony again on February
8 12.

9 Are there any questions for me?
10 And thank you.

11 CHAIRMAN HOOD: Okay, thank you.

12 Let's see if we have any
13 questions up here.

14 (No response.)

15 CHAIRMAN HOOD: Commissioner, I
16 do have one question.

17 Give me an example of how you can
18 assist us with the process?

19 MS. GREEN: One, I have a lot of
20 experience in working with different
21 communities regardless of race, religion,
22 gender, or disability status. I had the

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1 opportunity of listening to complaints where
2 people actually call me and they are
3 concerned, how are they going to maintain
4 the status, where they're currently residing
5 or where they have been residing at their
6 particular home for 50 to 60 years, and they
7 feel that they are being run out of the
8 city. They feel that some of
9 the elected officials are not listening to
10 them. They're worried about how they're
11 going to constantly keep up property taxes,
12 even though we have the Homestead rule in
13 place. But it's just that a lot of people's
14 incomes have not changed. Their incomes
15 have been what it is with them for the last
16 five years as cost-of-living goes up, they
17 cannot maintain their homes. You have a lot
18 of people who lost their homes, not because
19 of negligence but maybe because one spouse
20 has passed on, or the spouse has gotten
21 sick, or the livability standards have
22 changed it. So I just think that I could be

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1 an asset.

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

4 Commissioners, any other
5 questions or comments?

6 (No response.)

7 CHAIRMAN HOOD: Commissioner
8 Turnbull?

9 COMMISSIONER TURNBULL: No.

10 CHAIRMAN HOOD: All right.

11 We want to thank you all for your
12 testimony. We appreciate your coming down.
13 Stick around for a minute. We're going to
14 deliberate on the issue about speaking at
15 the meetings.

16 You all are more than welcome to
17 take a seat, or you all can stay at the
18 table. Thank you all for your testimony.

19 Commissioners, right quick, no
20 one else -- and I think, Commissioner
21 Wilson, you were fine with that process.
22 Thank you very much. It was about the

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1 Zoning Commission, not the Office of
2 Planning.

3 Commissioners, we've heard what
4 was sent out, and if we're going to do
5 something, we're going to have to make a
6 decision tonight, and that is speaking at
7 our meetings. I ANC commissioners are the
8 front-line commissioners, and a lot of
9 times, we may not be able to get the full
10 community out, but we'll be able to get them
11 out to express what their communities are
12 speaking about, in terms of this whole ZRR
13 process.

14 I would recommend that we have
15 some form of formality to make sure that the
16 ANC commissioners or their representatives
17 are able to speak when we go to the wards.
18 That's what we've all decided. That is what
19 this is all about is to get input. We don't
20 want to stifle input. Any suggestions?

21 Let me open it up for comments.

22 Commissioner Miller.

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1 COMMISSIONER MILLER: Well, the
2 reason we had originally limited it to who
3 hadn't spoken is because we wanted to hear
4 from the people who hadn't spoken.

5 But I think the suggestion that
6 in each of the 37 ANCs, that one designee
7 could also speak -- we're having four
8 hearings in the community; I think that's a
9 manageable number -- 37 divided by four; you
10 know, that's about nine. That would be a
11 maximum of nine additional witnesses per
12 community, so I think that would work and
13 would allow for more input.

14 So I have no problem with that.

15 CHAIRMAN HOOD: Okay,
16 Commissioners, any others?

17 VICE CHAIR COHEN: I would just
18 like to suggest that, again, we've heard
19 quite a bit of testimony, and if it could be
20 limited to areas that have not been covered,
21 or specificity related to a particular
22 neighborhood, it would be very, very

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1 helpful. But I concur that if
2 you could get it leaves, at least, one ANC
3 commissioner to speak for their ANC, that
4 would be very helpful.

5 MS. MUHAMMAD: I object.

6 CHAIRMAN HOOD: Okay, any other
7 questions or comments?

8 Commissioner May.

9 COMMISSIONER MAY: I would be
10 very happy to hear from pretty much anybody
11 who would come and testify at this other
12 hearing in the wards.

13 I think we do have a concern
14 about hearing redundant testimony, like
15 people who come back and say the same things
16 that they have said before. But generally
17 speaking, the more input, the better.

18 CHAIRMAN HOOD: Okay.

19 Commissioner Turnbull.

20 COMMISSIONER TURNBULL: Thanks,
21 Mr. Chair.

22 I would not object to having the

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1 chair, the vice chair, or anyone that they
2 so designate to say something. I don't want
3 to take away from the people in the
4 neighborhood coming out, but I think the
5 chair or the vice chair or whoever they want
6 to speak for them could also have some
7 input.

8 MS. MUHAMMAD: I am neither the
9 chair nor the vice chair, and I want to
10 speak.

11 CHAIRMAN HOOD: Ms. Muhammad.

12 Okay, I've heard two different
13 things, Commissioners. The proposal, I
14 think, was either to have the chair or a
15 designee --

16 COMMISSIONER TURNBULL: The
17 designee, right.

18 CHAIRMAN HOOD: -- or the
19 designee to speak. And the chair or the
20 designee can speak, and I think we will
21 accomplish that.

22 But I think I heard Commissioner

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1 May -- at the end of the day, for me, it's
2 about hearing the constituents and residents
3 of the city because those of us who live
4 here, we're going to be the ones impacted.
5 I don't have a problem with hearing from
6 everyone. Now, does that cause more work
7 for someone? Does it? But I think that's
8 what our goal is, to hear from everyone.

9 And I will say, I think the
10 Office of Planning, to their credit -- I
11 don't think anybody on this dais was around
12 in 1958 -- I may be wrong -- when they did
13 the old plan. I often think about this when
14 we go through this process. What did they
15 go through? What did they do? I don't want
16 to give the Office of Planning more work to
17 find out what they did, but I would be
18 interested in finding that out. Did it take
19 two weeks, or did it take three years? What
20 happened? How did we get there? I know we
21 probably have the history somewhere.

22 But I think the Office of

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1 Planning has gone out and they've done their
2 best they could possibly do, and now it's up
3 to us to do the same. So that's just kind
4 of where I am. I don't know whether we'll
5 hear from everyone, but our whole objective
6 was to get input. I don't want to get input
7 in the left-hand and then stifle it with my
8 right.

9 COMMISSIONER MAY: Mr. Chairman,
10 I would go back to, you don't want to have
11 redundant testimony. So, if we heard from
12 the chairpersons of the ANCs tonight and
13 they presented testimony that has been
14 vetted by their commission, we have that.
15 We don't need to hear that again.

16 But I don't see a reason why the
17 ANC commissioner of a single-member district
18 should be prevented from testifying. I
19 think that they should have some deference
20 to the citizens. I mean, if we wind up with
21 a hundred people in the room want to
22 testify, maybe the ANC commissioners would

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1 take a step back and let their constituents
2 testify, but that's their judgment and let
3 their constituents testify. But that's
4 their judgment. They can make that call.
5 But I mean, they are citizens to, and I
6 think we should let them speak.

7 CHAIRMAN HOOD: Okay.

8 Vice Chair.

9 VICE CHAIR COHEN: In this
10 discussion, I guess I really concur with
11 Commissioner May. I would like to see as
12 many residents of the District of Columbia
13 come out and talk about their concerns. And
14 again, we have heard a great deal of
15 testimony earlier, plus this hearing
16 tonight.

17 So, again, repetition is not
18 helpful, but be as specific as possible
19 would be helpful as to your concerns, as to
20 everybody's concerns in the city. The more
21 information, the more information, the more
22 helpful it is in making these decisions,

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1 which are going to be very difficult.

2 CHAIRMAN HOOD: Okay, can we
3 frame this issue like this because the
4 Office of Zoning has to have something to
5 send out. Can we say that we would prefer
6 to hear from either the chair of the
7 representative from the ANC commission? If
8 not, we would hear from the commissioners,
9 so they could allow the citizens, their
10 constituents, to hear from them first. I'm
11 not sure.

12 I would just rather, instead of
13 putting strings on it, or just open it up
14 and hear from everybody.

15 COMMISSIONER MAY: I think we
16 should just open it up here from everybody
17 and trust the ANC commissioners to use their
18 best judgment about how to handle it.

19 CHAIRMAN HOOD: Okay.

20 COMMISSIONER MAY: And again,
21 understanding that we want to hear new
22 information. We don't want to hear the same

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1 information, and I don't think we need more
2 testimony about people wanting more time.

3 So that's the way I would do.

4 CHAIRMAN HOOD: Okay, so that's
5 the way we're going to move.

6 Ms. Bardin, Ms. Schellin, you've
7 heard the way we want to operate. That is
8 the way we want to move.

9 Let me see, Commissioner May --

10 Let me call a vote and see what
11 my other colleagues say.

12 COMMISSIONER MILLER: So the
13 previous rule that only if you testified, is
14 what you're proposing that that rule be done
15 away with?

16 CHAIRMAN HOOD: No, no, no.

17 This is being telecast live on
18 Channel 13, I believe, or I think it's live.
19 And we'll put a notice out now.

20 Again, this is fluid. We make
21 changes like that. But if this office has
22 told you, no, you couldn't testify at the

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1 board hearings because you've previously
2 testified, you know what, I don't think we
3 can do that.

4 The only people we're talking
5 about our ANCs, though. We're talking about
6 clarifying. It's getting late, and I'm
7 getting confused. I got shook up from
8 Commissioner Muhammad, and I'm still
9 shaking. (Laughter.)

10 CHAIRMAN HOOD: Also I was
11 thinking about just ANC, but the ANCs are
12 allowed to come down and testify. Citizens
13 who have come down, in the many hearings
14 that we've had previously, we have heard
15 your testimony --

16 Thank you, Ms. Schellin.

17 I was thinking about just the ANC
18 tonight because tonight is ANC night. But
19 the ANC commissioners and the SMDs and
20 chairs -- any ANC commissioner -- will be
21 allowed to testify at the ward meetings.

22 MR. MUHAMMAD: Okay, thank you.

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1 CHAIRMAN HOOD: Can I leave, Mr.
2 Muhammad, safely?

3 MR. MUHAMMAD: Yes.

4 CHAIRMAN HOOD: Okay, thank you.
5 All right, do we have anything
6 else?

7 MS. SCHELLIN: No, sir.

8 CHAIRMAN HOOD: I really want to
9 thank the Office of Planning for joining us
10 tonight. And I want to thank the Office of
11 Zoning for setting everything up.

12 I especially want to thank
13 Chairman Mendelson for allowing us the
14 opportunity to do our hearings at his normal
15 ANC hearing. Thank Mr. (inaudible) who's
16 done an excellent job with the ANCs.
17 Continue doing the great work you're doing.

18 And I want to thank all the ANCs
19 who have come out to testify tonight. We
20 really appreciate your testimony.

21 Do everything else, Ms. Schellin?

22 MS. SCHELLIN: No, sir.

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1 CHAIRMAN HOOD: Thank you for
2 getting me back on track.

3 MS. SCHELLIN: We just made it.

4 CHAIRMAN HOOD: We can get out of
5 here. This special hearing is adjourned.

6 Thank you, and goodnight.

7 (Whereupon, the hearing
8 concluded at 9:54 p.m.)

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