

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: :

Text and Map Amendments :

To Change Certain Zone Names : Case No.

Mapping Phase : 18-16
-----:

Monday,
December 3rd, 2018

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

The Public Hearing of Case No. 18-16 by the
District of Columbia Zoning Commission convened at 6:30
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001, Anthony J.
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
ELISA VITALE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

The transcript constitutes the minutes from
the Public Hearing held on December 3rd, 2018.

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

(7:15 p.m.)

CHAIRMAN HOOD: Okay. Thank you. Let's go right into our next case, which I've already read the opening statement. It's Zoning Commission Case Number 18-16. Ms. Schellin, do we have anything preliminary on this case?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. Let's go to the Office of Planning, Ms. Steingasser.

MS. STEINGASSER: Chairman Hood, Commissioners, the Office of Planning continues to recommend the adoption of new zone names that reflect both this underlying base zone and then the geographic identifier that tie them to particular special conditions.

There's been one change since the case was set down and that has to do with the second hyphen. It was pointed out that some of the zone names, such as the R-1-A, currently have two hyphens, and in the new nomenclature, it would just be R-1A, and that was coordinated with the Office of Zoning and DCRA, so we're comfortable moving forward with that.

We've attached the new zone names to the report. We've also tried to address in our report how these would translate into the new -- a new zoning -- a new structure of the code itself, and we've given an example with the R-3, R-

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1 17 zones, and who they would now -- the R-17 would now be
2 called the R-3/FB, for Foggy Bottom.

3 All the duplicate standards would no longer be
4 repeated, only those particular criteria that are unique to
5 that Foggy Bottom designation would be in that particular
6 case -- in that particular chapter, so it significantly
7 condenses the volume.

8 We've also then tried to address some of the
9 issues raised in the ANC 3D report, which urged the
10 Commission to return to the use of overlays, and we don't
11 support that returning to the use of the overlays, or the
12 term overlays, because of the way they're structured now,
13 it's redundant and unnecessary.

14 The name is there, it's in both the chapter, and
15 it'll be on the map, and then the defining purpose and intent
16 statements are in each chapter, so they continue to be --
17 they'll be brought forward. They'll stay the same.

18 There was also issues about the links to the
19 appropriate actual description and delineation of those
20 particular zones. Those are all in Subtitle W and there is
21 both a reference in Chapter 1 of the residential land use
22 subtitles, D, E, and F, that, again, draws that link to the
23 user, that the description is in Subtitle W for that
24 particular zone, and it's also in Subtitle A.

25 There's an overriding statement about what

1 Subtitle W is and that it contains the specific zone
2 locations.

3 If the Commission, however, felt it was
4 advantageous, we could also include a paragraph reflecting
5 the same in the MU zones and the NC neighborhood commercial
6 zones.

7 So with that, I would request that the Commission
8 take proposed action this evening to adopt these new names.

9 CHAIRMAN HOOD: Okay. Thank you, Ms. Steingasser.
10 Colleagues, you've heard the requests. Any questions or
11 comments? Mr. Turnbull.

12 COMMISSIONER TURNBULL: Mr. Chair, I would -- I
13 think it's a minor point, but I would like to thank the
14 Office of Planning. I'm sure the people up on Capitol Hill
15 appreciate the return of CAP on the map to clarify.

16 And I think, especially up on Capitol Hill, MU-23,
17 MU-24 being changed to MU-2 and MU-4. I think it simplifies
18 just looking at the map and understanding what it is, so I
19 appreciate the simplification and I'm pretty sure the people
20 up on Capitol Hill will appreciate it too, so thank you.

21 MS. STEINGASSER: Well, thank you for the
22 compliment, but it was also through your conversations with
23 you, Commissioner Turnbull, where you pointed out that that
24 geographic identifier was missing from a map, so you couldn't
25 look at the map and understand that these areas shared

1 something in common.

2 COMMISSIONER TURNBULL: And again, to compliment
3 again, I mean, I love that interactive map on the website,
4 where you can go between 58 regs, 16, and you see the -- I
5 mean, the way -- it works beautifully.

6 MS. STEINGASSER: It really does. I wish I could
7 take credit for that, but that is all on the Office of
8 Zoning. They did a fabulous job with that.

9 COMMISSIONER TURNBULL: I know, I'm just saying,
10 but that is just -- I'm just impressed by how we can do that
11 and it's just -- it makes it so clear what the old zone was
12 and what the new zone is, and I know you guys had a lot of
13 input in developing all of that too, so thank you.

14 CHAIRMAN HOOD: We're going to sign Commissioner
15 Turnbull up for the --

16 COMMISSIONER TURNBULL: Well, I want to thank Ms.
17 Schellin and the Office of Zoning.

18 CHAIRMAN HOOD: Well, we're going to sign you up
19 at our next oversight hearing in front of the council -- no,
20 I'm just playing. All right. Any other questions or
21 comments? Ms. Steingasser, let's go down this road again.
22 I think you, some years back, we've been down this road about
23 overlays. I know, particularly, I talked about, at length,
24 an overlay, but I'm looking at some letters here and we,
25 possibly, may hear some additional comments.

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1 The overlays, as I understood it when we did it
2 for ZR-16, let's take laying an overlay again, and I know
3 we've had this discussion, the way I understood the way it
4 was written then, just did not apply the part of -- the
5 regulatory process -- just did not apply to the Langdon
6 overlay, but it applied citywide.

7 MS. STEINGASSER: With the Langdon overlay, that
8 particular overlay, we did apply all of those standards
9 citywide.

10 CHAIRMAN HOOD: So we got a letter here -- well,
11 the letter's in support, like, Chain Bridge and some of the
12 different overlays in the city, but the way I understood it
13 is, parts of that were to be applied, like, the Tree and
14 Slope would be applied citywide. That's the way I understood
15 it when we were going through the determinations and
16 deliberations.

17 MS. STEINGASSER: The Tree and Slope applies to
18 several different areas, so there -- and in those areas that
19 were originally part of the Tree and Slope overlay, and then
20 I think there was the Chain Bridge Road, University Terrace,
21 that also had the Tree and Slope, in those areas where it was
22 part of the overlay, it still is part of the zone.

23 CHAIRMAN HOOD: Okay. So those protections are
24 still --

25 MS. STEINGASSER: But it's not citywide.

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1 CHAIRMAN HOOD: Those protections are still there.

2 MS. STEINGASSER: Absolutely. All of those
3 protections are still there.

4 CHAIRMAN HOOD: Okay. So we didn't take anybody's
5 protections in any overlays.

6 MS. STEINGASSER: No, sir.

7 CHAIRMAN HOOD: Okay.

8 MS. STEINGASSER: Nothing.

9 CHAIRMAN HOOD: Okay. That's kind of the way I
10 understood it, but I wanted to make sure. Okay. Anything
11 else up here? All right. Let's see where we are. Okay.
12 Do we have anybody from the ANC? Ms. Gates? We do have a
13 letter -- Ms. Gates -- authorizing Ms. Gates to represent ANC
14 3B. Do we have any others?

15 Do we have any person -- let me just call --
16 before we hear from Ms. Gates, do we have any organizations
17 or persons in support? Organizations and persons in
18 opposition? Organizations and persons undeclared? Okay.
19 Ms. Gates, you have the floor.

20 MS. GATES: Good evening, members of the Zoning
21 Commission. I am Alma Gates testifying on behalf of ANC 3D.
22 Overlays like historic districts or small area plans are
23 special zones within the larger geographic boundaries of the
24 city.

25 Each possesses recognized unique qualities which

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1 need to be protected and preserved. According to the Office
2 of Planning, overlays no longer exist.

3 The comprehensive plan doesn't agree, nor do
4 residents living within those special zone districts, which
5 look to departments within the D.C. government to ensure they
6 are protected and preserved.

7 Historic districts have HPO, small area plans have
8 the D.C. Council, but overlay districts have been let go.
9 They continue to have some standing in ZR-16, in that they
10 each have their own chapter, but they lack the word, overlay,
11 in their zone title, and appear to be just another zone
12 within a subtitle of ZR-16.

13 Two residential former overlay zones are found
14 within the boundaries of ANC 3D. A review of Case Number 97-
15 6, the Chain Bridge Road, University Terrace, Tree and Slope
16 overlay district is like reading the descriptive paragraphs
17 in a history book.

18 Phil Mendelson was an ANC 3C Commissioner at the
19 time and testified in support of the overlay. Ellen
20 McCarthy, working in conjunction with zoning attorney Richard
21 Nettler, wrote much of the supporting documentation, which
22 gives meaning to the justification for establishing the
23 overlay.

24 For example, small forest tracts in urban suburban
25 environments are especially valuable to migrating songbirds

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1 because they require stopover areas for feeding, refueling,
2 during northward and southward journeys of 1000 to 2000 miles
3 in distance.

4 Without adequate stopover sites along the way,
5 most migrants would perish on the journey. Some scientists
6 believe that it is the gradual loss of these stopover sites
7 that possess the greatest threat to migratory birds.

8 The proposed overlay will provide a buffer forest
9 for Battery Kemble Park, protect migratory birds, and improve
10 on the quality and quantity of water draining into Battery
11 Kemble Creek and the Potomac River.

12 These descriptive paragraphs can only pertain to
13 one special area of the city, which needs to be protected
14 through proper identification in the zoning regs and maps.
15 It is not just another R-1-A zone, it is an R-1-A overlay
16 zone.

17 The second overlay zone within the boundaries of
18 ANC 3D is found in Case 95-5, the Wesley Heights overlay
19 district. This overlay is meant to preserve and enhance the
20 low density character of Wesley Heights by regulating
21 construction and alteration of residential and other
22 buildings in the area.

23 When established, the petitioners proposed that
24 the overlay impose a limitation on the livable space in each
25 residence. This is the only residential zone in R-16 with

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1 a FAR allowance, and at the time of its approval, a front
2 yard setback requirement.

3 What ANC 3D is proposing, by adding overlay
4 district to the chapter title and a brief descriptive phrase
5 under the purpose of the district, will not add any bulk to
6 the zoning regulations. It will add clarity, definition, and
7 draw attention to the fact this zone has some special
8 features which need special zoning attention.

9 Before the Zoning Commission is an opportunity to
10 put the term, overlay, back in the titles of all former
11 overlay zones. Adding O.D. is not onerous and this needs to
12 be done before all that was once important about these
13 special zones is forgotten, and that happens very quickly.

14 Of the ten members of ANC 3D, only a few
15 Commissioners know these zones exist, and one of them is
16 making a final ANC presentation tonight.

17 It is futile to believe DCRA is watching these
18 zones carefully. Permits for properties in Wesley Heights
19 have been issued recently which have allowed overbuilding on
20 lots and exceedances of the overlay FAR requirements.

21 A required front back -- excuse me, a required
22 front yard setback went unenforced. Trees on University
23 Terrace in the Chain Bridge/University Terrace overlay were
24 moved rather than cut down but nevertheless violated the
25 spirit of the overlay zone.

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1 The Office of Planning, which guided the zoning
2 rewrite, has not explained why overlays no longer exist, and
3 the Zoning Commission has pushed no further for a
4 justification of the removal.

5 The cookie-cutter approach to the rewrite of the
6 residential zone districts, which will be further streamlined
7 by the passage of Case Number 18-16, will pretty much ensure
8 the justification for overlay districts is extinguished.
9 Please don't let that happen.

10 On November 10th, ANC 3D voted unanimously, 7-0-0,
11 and urges the Zoning Commission to restore the term, overlay,
12 to the title of each zone district previously so designated.

13 Recommends the purpose and intents section for
14 each overlay be added to the appropriate zone district by
15 including the actual text from the 1958 zoning regulations
16 for each of the overlay zone districts in ZR-16, and
17 recommends new text be added to ZR-16 for each overlay zone
18 which links or identifies individual properties within the
19 overlay to the appropriate section of Subtitle W.

20 ANC 3D's full submission is found at Exhibit
21 Number 5 in the case log for 18-16. On November 14, the
22 Chain Bridge Road/University Terrace Preservation Committee
23 submitted a letter in support of ANC 3D's position. This is
24 found at Exhibit Number 6.

25 ANC 3D encourages the Zoning Commission to use

1 this opportunity to ensure the explicit text that identifies
2 the purpose of each overlay district is transferred from the
3 1958 regulations and included in ZR-16, and that the zoning
4 maps identify these areas as overlay zone districts to ensure
5 the protections which were hard-fought for by residents of
6 these very special areas are properly identified in
7 perpetuity.

8 The Office of Planning report dated November 26th
9 fell outside ANC 3D's regularly scheduled meeting. Speaking
10 as an individual Commissioner and member of the ZRR task
11 force, I would like to briefly address OP's responses to ANC
12 3D.

13 Streamlining the zoning regulations is an
14 important step forward, but these changes need to reinforce,
15 not erase, the relationship of the zone to a specific zone
16 district or geographic area, and identify the zone as an
17 overlay district.

18 In its response to 3D, OP makes assumptions based
19 on its intimate familiarity with ZR-16, which do not reflect
20 the level of familiarity or use the public, or even most
21 ANCs, have with the zoning regulations.

22 The need to flip through numerous chapters and
23 sections of the code to perhaps stumble on some direction is
24 not helpful. The kinds of improvement, changes, or additions
25 suggested by ANC 3D should be considered and implemented as

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1 streamlining moves forward.

2 Using the example OP provides under background on
3 Page 4 of its November 26 report, ANC 3D suggests that OD be
4 added as an identifier for the CB-UT residential house zone,
5 and that an additional line be added in the development
6 standards text box to reference the appropriate section in
7 Subtitle W where the squares and individual lots in the
8 overlay are found.

9 And I've given you a chart. This chart would have
10 several other lines under it that are included in the OP
11 suggested report. I didn't put them in here just for
12 brevity, however, I do want to point one thing out.

13 In the 1958 regulations, the name is Chain Bridge
14 Road-University Terrace Overlay District. It is not CB-UT.
15 Also, there could be a line that says, zone boundaries, and
16 they are found, as you see on this chart, at W103.1.

17 Thank you and I am happy to work with OP moving
18 forward to ensure that the streamlining of ZR-16 is uniform
19 and complete, and includes overlay districts, OD, in the zone
20 identification purpose and on the zoning maps.

21 And I've also attached the letter from Chain
22 Bridge Road and some photographs from an old article, but
23 this is the same flyway that goes through Battery Kemble
24 Park, where these bird watchers are down on the canal. Thank
25 you.

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1 CHAIRMAN HOOD: Thank you, Ms. Gates. And let me
2 start off with saying the same thing I said to Ms. Cuthbert,
3 then we'll get to the issues that you testified for. I want
4 to thank you for your years of being an ANC Commissioner and
5 the other things that you do.

6 It's the same thing I said to Ms. Cuthbert, even
7 though we're not in these different positions, I'm sure that
8 we will still stay engaged as we continue to try to move the
9 city in the path forward.

10 MS. GATES: I think once an activist, always an
11 activist.

12 CHAIRMAN HOOD: So I'll leave it at that. So
13 let's get to the part where we may -- so we can have this
14 discussion. So you heard me a moment ago, but you mention
15 in your statement that -- about the overlays. The overlays,
16 when we did ZR-16, was very well discussed.

17 I know, particularly, myself, and I'm sure others,
18 I just always remember what I do, I can't keep up with what
19 everybody else does, and that's why my opening statements to
20 Ms. Steingasser, well let's talk about Langdon overlay,
21 because that was exhaustive, from my standpoint, when we were
22 talking about doing this change and removing the overlays,
23 not necessarily removing them, but taking the name, overlay,
24 out.

25 And it seems like, for me, to some degree, and

1 that's why I asked, are those protections still there, seems
2 to me that those protections there, like, in Langdon, it just
3 now applies citywide, and obviously, you may disagree with
4 that.

5 You're not necessarily talking about Langdon, but
6 are we just dealing with semantics here, we took the word,
7 overlay, but the protections are still there.

8 MS. GATES: The protections are there, in that,
9 what is in the code reflects, in a different way, what was
10 in the 58 -- I actually have a copy right here if you'd like
11 to see it, of what was in the 58 regs, and the way the
12 overlays were all contained in one chapter.

13 CHAIRMAN HOOD: So let me ask you this, would I
14 be mischaracterizing you if I said that, from your
15 standpoint, it looks like when we did this change, we took
16 some of the sting out, is that a fair characterization?

17 MS. GATES: I'm not sure what you mean by sting.

18 CHAIRMAN HOOD: It seems like the word, overlay,
19 from your perspective and some of the others, seemed like we
20 had a little more -- it gave it a little more attention.

21 MS. GATES: Exactly, prominence.

22 CHAIRMAN HOOD: Right. So now the word, overlay,
23 is not there, it sizzles, what I'm hearing to my right.

24 MS. GATES: Thank you. Yes.

25 CHAIRMAN HOOD: So now you feel like the sizzle

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1 is not there --

2 MS. GATES: Right.

3 CHAIRMAN HOOD: -- because the word, overlay, is
4 not there, but let me ask you this, and I'm just trying to
5 go down this road, because I'm trying to figure out, I don't
6 know where everybody else is, whether I even want to ask, or
7 I even want to do that, because I actually was sold --
8 because there was a conversation that I had with Office of
9 Planning going back and forth about this whole overlay issue
10 to begin with.

11 MS. GATES: Yes, and I think I was here for most
12 of those conversations.

13 CHAIRMAN HOOD: Okay. So you know where I was,
14 but I was sold on the answer that I got, and the way it now
15 applied to other areas as opposed to just my area, which I
16 think gave it more prominence, but I guess the way it's
17 written in the code, you have to look for it?

18 I'm just trying to understand, because it seems
19 like all we're getting into somewhat, maybe just saying,
20 semantics, overlays, the word, overlay, is not there, but the
21 protections are. So am I reading into that correctly?

22 MS. GATES: I think so. If we look at tonight's
23 hearing announcement, it would be so simple to just put OD
24 next to the overlays here, so that anyone --

25 COMMISSIONER MAY: I'm sorry, can I stop you for

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1 a second?

2 MS. GATES: Sure.

3 COMMISSIONER MAY: Where? Where are you saying
4 put OD?

5 MS. GATES: At the end in Column 3, proposed zone
6 name change, R-1A -- it would be R-1A/CB-UT/OD. So you would
7 know, this is an overlay district.

8 COMMISSIONER MAY: All right. So it was -- it
9 used to be R-1A/CB-UT, in 1958, it became R-21, and now
10 they're proposing R-1A/CB-UT, and you're suggesting they add
11 a /OD.

12 MS. GATES: Actually, in 1958, the whole thing was
13 spelled out, Chain Bridge Road-University Terrace Overlay
14 District. They didn't show it properly in what they --

15 COMMISSIONER MAY: So what's in the chart was not
16 what was in 1958.

17 MS. GATES: Right.

18 COMMISSIONER MAY: On the map?

19 MS. GATES: It actually spelled the whole thing
20 out.

21 COMMISSIONER MAY: On the map.

22 MS. GATES: Not on the map, in the zone -- in the
23 regs themselves.

24 COMMISSIONER MAY: In the zone regs. And we don't
25 spell it out anywhere in the zone regs under the new

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1 proposal?

2 MS. GATES: No. Under the title, the chapter
3 title, it does say Chain Bridge Road-University Terrace
4 Residential --

5 COMMISSIONER MAY: I thought so.

6 MS. GATES: Yeah. But I'm sorry, we're talking
7 about two different things.

8 COMMISSIONER MAY: That's why I'm confused.

9 MS. GATES: I was talking about the chart.

10 COMMISSIONER MAY: Right.

11 MS. GATES: You're talking about, I think, the
12 text.

13 COMMISSIONER MAY: Okay. But you were pointing
14 back to the text because of the reference to 1958.

15 MS. GATES: Well, that was -- I went back there
16 because when OP responded to ANC 3D, on the chart, it said
17 in 1958, it simply said, CB/UT. It didn't. It's spelled
18 out.

19 COMMISSIONER MAY: In the text.

20 MS. GATES: In the text, yes.

21 COMMISSIONER MAY: Right. And it's still -- or
22 it will again.

23 MS. GATES: And we didn't have charts like this
24 in 1958.

25 COMMISSIONER MAY: Well, that's true. There are

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1 lots of innovations we've made since the 1958, including
2 charts to make it easier to understand.

3 MS. GATES: And I think, honestly, this is
4 terrific. I'm really pleased to see this.

5 COMMISSIONER MAY: Okay.

6 MS. GATES: I just think a small tweak could make
7 it so much better.

8 COMMISSIONER MAY: Okay. All right. Well, at
9 least I know -- understand what you were suggesting. Thank
10 you.

11 CHAIRMAN HOOD: Commissioner Shapiro.

12 COMMISSIONER SHAPIRO: Thank you. Commissioner,
13 I also had some clarification similar to Commissioner May,
14 because my understanding of what you're saying was, in
15 addition to the nomenclature, you want to add that OD to all
16 overlay zones, is that what you're saying?

17 MS. GATES: Yes.

18 COMMISSIONER SHAPIRO: In addition to that,
19 there's something about the flavor of the original text that
20 described it that you're saying is also going away?

21 MS. GATES: It has gone away.

22 COMMISSIONER SHAPIRO: Okay.

23 MS. GATES: Bear with me for one second.

24 COMMISSIONER SHAPIRO: So at some level,
25 Commissioner Gates, that's a way of preserving the history

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1 of it as a way to help educate people around the original
2 purpose and intent. That's what you want preserved.

3 MS. GATES: Well, I want people picking up the
4 zoning regs and looking at it when they get to Chapter 21,
5 or other overlay districts, to understand what the purpose
6 of this -- why this particular zone was pulled out of the R-
7 1A zone, why it stands alone.

8 COMMISSIONER SHAPIRO: I'm with you. That's all
9 I was looking for.

10 MS. GATES: In 58, it just very briefly says, the
11 Chain Bridge Road-University Terrace District is established
12 to preserve and enhance the park-like setting of the Chain
13 Bridge Road-University Terrace area by regulating alteration
14 or disturbance of terrain.

15 That doesn't need to be in there, but the purpose
16 of the district could say some of what was in there. It
17 doesn't have to be lengthy, it just needs to clarify what is
18 special about this.

19 COMMISSIONER SHAPIRO: Okay. Thank you. Thank
20 you for that clarification. Thank you, Mr. Chair.

21 CHAIRMAN HOOD: Okay. Any other comments up here?
22 I am really -- I'm not sure where others are with this, I
23 really don't see a major issue with what's being asked for,
24 and I would encourage us to think about it, I'm not sure what
25 others feel, because what tends to happen, and I think I'm

1 going to ask -- I think what tends to happen in this city,
2 we forget the underlying cause of why we do certain things,
3 and it gets lost over the years.

4 I'm not sure if that would be a legal issue or I
5 mean, I'm not sure, but I think this is a reasonable ask.
6 I'm not sure what the other consequences are. I'm not sure
7 if anyone even supports that.

8 I don't necessarily want to ask OP. What I think
9 is, because the decision lies with us, right?

10 COMMISSIONER MAY: But are you moving to
11 deliberations, because we're not --

12 CHAIRMAN HOOD: Oh, okay. I thought we was going
13 to deliberate and try to deal with it tonight.

14 COMMISSIONER MAY: This is just a hearing.

15 CHAIRMAN HOOD: Oh, okay. I was ready to move --

16 COMMISSIONER MAY: We can think about this.

17 CHAIRMAN HOOD: Okay. Let's do that. Let's do
18 that. So we will --

19 COMMISSIONER MAY: I mean, I don't see a reason
20 to rush it, right?

21 CHAIRMAN HOOD: Oh, okay. I thought we were
22 trying to dispose of this tonight, but okay.

23 COMMISSIONER MAY: No, I want to dispose of the
24 other one tonight, but, you know.

25 CHAIRMAN HOOD: Okay. I'll take that one. Okay.

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1 So that's one of the things I want to think about. And if,
2 Mr. Shapiro, if you want to ask OP, you can. Go right ahead.

3 MS. STEINGASSER: I just want to address a few
4 things, and I want to start with being very respectful to Ms.
5 Gates and all of the work she's put in and her expertise in
6 zoning, but the issue of the songbirds and the history,
7 that's in the order of the case that wrote the overlay.
8 That's not in the zoning text.

9 That's the history of the order, and when we move
10 forward with new zone protection, those same reasonings will
11 be in those orders, but it's not in the zoning regs. The
12 issues of preserve and enhance the park-like setting, that's
13 in the zoning regs right now. It's Chapter 13 in Subtitle
14 D.

15 The purpose of the Chain Bridge Road-University
16 Terrace, which is all spelled out, are to provide for areas
17 predominantly developed with detached houses, preserve and
18 enhance the park-like setting of the areas, preserve the
19 natural topography, prevent significant adverse impact, so
20 all of those exact purpose statements have been transposed
21 from the 58 regs into these regs, so they're there.

22 The reason why I feel very strongly not to include
23 the word overlay, because these are not overlays. These
24 zones have the full weight of their -- of being their own
25 zone. In the 58 regs, the reason there was so much

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1 difficulty with getting them enforced and making sure that
2 all the nuances were together, was because it was an overlay,
3 and you had to go look at development standards in the base
4 zone, then you had to go several -- go down more chapters and
5 find the overlay reasonings, then you had to go look at any
6 other modifications.

7 And in some cases, you were looking in four or
8 five different places. We put a lot of effort and a lot of
9 purpose into bringing those into one place so that it's not
10 an overlay, and the romance behind this word, overlay, it
11 doesn't exist.

12 Now these zones have the full weight of being
13 their own zone. In their title, there's the reference to the
14 full boundaries, are still in there in Subtitle W, all the
15 purpose statements are still there, all the development
16 standards are still there.

17 So to add the word, OD, at the end, when we're not
18 adding the word -- the letter D behind all the other
19 districts that aren't overlays, it's not accurate. it
20 undermines the weight of what these zones are supposed to do.

21 So I appreciate the opportunity to address that,
22 but we do feel very strongly that adding the word overlay
23 would be contrary to all the work that the zoning regs have
24 moved forward with.

25 COMMISSIONER SHAPIRO: Thank you, Ms. Steingasser,

1 for the information. If there were a way to capture -- is
2 there a way to capture some of that in some kind of text?
3 In other words, what would be the impact of somewhere, the
4 description related to a specific zone name, when you said,
5 this was in the former overlay zone. Is there a downside to
6 that?

7 MS. STEINGASSER: Well, there is, and I'm going
8 to be very respectful with this answer, but these are zoning
9 regulations, right, these guide development. These are not
10 -- this is not a history document. There is history that's
11 relative to how things develop, but trying to make this a
12 social history or an environmental history of a neighborhood,
13 is not what these regulations are about.

14 The name is there, the purpose is there. I'm not
15 sure why saying what it used to be helps that -- helps
16 somebody understand what is important about this zone.
17 What's important about it is stated in the purpose and intent
18 statement, and then how to use it is talked about in the
19 development standards.

20 I don't think trying to make it a historical link
21 to what it used to be would be reasonable versus any other
22 zone. So the MU-4, we wouldn't say used to be the C-2A, you
23 know, so, you know, all the protections are there, all the
24 weight is there.

25 COMMISSIONER SHAPIRO: Yes, I'm not disagreeing.

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1 I hear you loud and clear. I'm not disagreeing with any of
2 that, but there is something about the preserving aspects of
3 the -- well, it's a conversation for us, but there's
4 something about preserving aspects of the history, as long
5 as they're not getting in the way of the precision of the
6 zoning.

7 MS. GATES: Perhaps I confused things tonight, and
8 I apologize, by quoting from these orders. These overlays
9 exist. There are orders. Zoning orders. So to just say,
10 boom, they're gone, the people living up on Chain Bridge Road
11 are not happy about this.

12 MS. STEINGASSER: And I would like to continue
13 addressing it.

14 COMMISSIONER SHAPIRO: Please.

15 MS. STEINGASSER: They're not gone. They're here.
16 They've got the same name. They've got the same boundaries.
17 They've got the same purpose. The text is exactly the same.
18 They're not gone, and the Commission was very clear about
19 that when we went through the ZR-16 public hearings that
20 they're not gone.

21 We provided maps, we provided more documentation,
22 so just because it's being said, doesn't make it so.

23 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

24 CHAIRMAN HOOD: Okay. I -- oh, I'm sorry. Mr.
25 Turnbull?

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1 COMMISSIONER TURNBULL: Don't we have one overlay
2 left intact? Isn't Georgetown -- wasn't that singled out?

3 MS. STEINGASSER: That was a customized zone.

4 COMMISSIONER TURNBULL: It's a customized zone.

5 MS. STEINGASSER: Right.

6 COMMISSIONER TURNBULL: Because I remember I
7 thought at the time you said that there could be others that
8 could be developed going forward?

9 MS. STEINGASSER: There could be, and that's
10 basically the same weight that these have. So instead of
11 being amorphous, they're defined and where they overlap
12 different zones, each of those carries that same weight.

13 COMMISSIONER TURNBULL: Okay.

14 MS. STEINGASSER: And -- repeated.

15 COMMISSIONER TURNBULL: Okay. Thank you.

16 CHAIRMAN HOOD: Okay. That was the kind of
17 discussion, and I'll just say this, that was a discussion we
18 had, and I want to make sure the record is clear, Ms. Gates,
19 we had a lot of exhaustive discussion on this overlay issue,
20 because that was a concern of mine as well, but I think,
21 hearing from my colleagues, we're going to hold tight, we're
22 going to take the testimony we heard, and we're going to, I
23 guess, deliberate.

24 I thought we was -- oh, we're going to wait for
25 the vice chair as well. I thought I was going to deliberate

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1 tonight, but I find out that we need some time to think about
2 it and digest some of what we've heard from you as well on
3 something to go back through this overlay.

4 We've also heard from Office of Planning, as we
5 kind of heard, I think it's the same thing that I heard when
6 we were doing the whole ZR-16, because as well as what you
7 said was similar to my concern, even though we were in
8 different neighborhoods, it was similar concern, but my
9 overlay is still -- that's why I was asking, that's why my
10 preemption was, are these protections still there?

11 And I think Ms. Steingasser read from some that
12 were still there, but anyway, let us -- I'm not going to get
13 into deliberation this evening. Let us digest what you said,
14 and we'll come back and deliberate at some point in time.
15 Do you have any closing, since you're the only one that even
16 testified on it, do you have any closing remarks?

17 MS. GATES: I think I've said enough. Thank you.

18 CHAIRMAN HOOD: Okay. Well, thank you very much,
19 Ms. Gates, and again, what I said was sincere, I truly meant.
20 Anything else, colleagues, we're looking for in this? Okay.
21 Ms. Schellin, do we have any dates?

22 MS. SCHELLIN: You're not asking for anything
23 else, right?

24 CHAIRMAN HOOD: No.

25 MS. SCHELLIN: Do you want to put it on for the

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1 17th for proposed?

2 CHAIRMAN HOOD: 17th? How does our schedule --

3 COMMISSIONER SHAPIRO: Yeah, how does the schedule
4 look on the 17th?

5 MS. SCHELLIN: I'll look very quickly. We have
6 one deliberation on a modification of consequence, one, two,
7 three, four final actions, so far, possibly one hearing
8 action, one correspondence, so not horrible, unless there's
9 a bunch of hearing actions.

10 CHAIRMAN HOOD: Okay. Let me ask, Ms.
11 Steingasser, are we expecting a lot of hearing actions for
12 the 17th? I know we have one now.

13 MS. STEINGASSER: There may be one other, but that
14 would be it.

15 CHAIRMAN HOOD: So I think we can do that, unless
16 somebody disagrees. Okay. All right. So we have the date.
17 We will deliberate on this on the 17th of December. All
18 right. So do we have anything else?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Anything else, anybody? I want
21 to thank everyone for their participation tonight, and this
22 hearing is adjourned.

23 (Whereupon, the above-entitled matter went off the
24 record at 7:54 p.m.)

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing 18-16

Before: DCZC

Date: 12-03-18

Place: Washington, DC

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