GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING CASE NO. 24-20

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MONDAY

MARCH 31, 2025

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The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson ROBERT E. MILLER, Vice Chair JOSEPH IMAMURA, Commissioner GWEN WRIGHT, Commissioner TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE

OFFICE OF PLANNING STAFF PRESENT:

PHILIP BRADFORD
JENNIFER STEINGASSER
JOEL LAWSON

The transcript constitutes the minutes from the Regular Public Hearing held on March 31, 2025.

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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Motion and Vote

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

2 (4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood. Joining me this evening are Vice Chair Miller, Commissioner Wright, Commissioner Stidham, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, and Mr. Paul Young, who will be handling all of our virtual operations; also, our Office of Zoning Legal Division, Ms. Hillary Lovick.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time. Please state your name before providing oral testimony on your presentation. Oral presentations should be limited to a summary of your most important points. When you are finished speaking, please mute your audio, so that your microphone is no longer picking up sound or background noise.

If you experience difficulty accessing Webex or with your telephone call-in, then please call our OZ Hotline number

at 202-727-0789 to receive Webex log-in or call-in instructions or if you need assistance to sign up to testify. Also, persons planning to testify either in favor, opposition or undeclared must sign up in advance and will be called by name. If you wish to file written testimony or additional supporting documents during the hearing, then please request that the submission be entered into the record and be prepared to describe it at the time of your testimony. Oh, it must be nice, modern technology. I see you, Rob. I get distracted easily.

2.

Anyway, the subject of this evening's hearing is the Office of Zoning Commission Case Number 24-20, Office of Planning text amendment to Subtitles B, D through F, and I; clarifications to rear-yard measurements in the R, RF, and RA zones. Again, today's date is March the 31st, 2025.

The hearing will be conducted in accordance with the provisions of 11-Z DCMR, Chapter 5, as follows: preliminary matters; presentation by the petitioner -- in this case, the Office of Planning -- they have up to 60 minutes. I don't believe it will take that much time. And I would also ask that they respond to the letter or any concerns that we have in the record. I think that would help us move more efficiently -- report of other government agencies; report of the ANC; testimony of organizations and individuals, each having five and three minutes -- organizations, five minutes; individuals, three minutes, respectively. And we'll hear in the order from those

in support, opposition, or undeclared. While the Commission 2 reserves the right to change the time limits for presentations, if necessary, it intends to adhere to the time limits as strictly 3 as possibly, and notes that no time shall be ceded. 4 5 time, the Commission will consider any preliminary matters. Does 6 the staff have any preliminary matters? 7 MS. SCHELLIN: I don't think staff really needs to tee 8 this one much -- up much. As you stated, it's a rulemaking case 9 with the Office of Planning as the petitioner. Mr. Bradford, Ms. 10 Steingasser, and Mr. Lawson will be the three presenters. is a text amendment to Subtitle B, D, E, F, and I, with regard 11 to clarifying the rear-yard measurements. So I will turn this 12 13 over, and, at this point, we only have one person signed up to 14 testify. We'll see how it is, once we get to that point of the 15 hearing. Thank you. 16 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Okay. 17 Let's bring Mr. Bradford and Ms. Steingasser and Mr. Lawson up. 18 And whoever's going to proceed for the Office of Planning, you 19 may begin. 20

MR. BRADFORD: Mr. Young, could you pull up my PowerPoint presentation please?

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(PowerPoint presentation shared on screen.)

MR. BRADFORD: Thank you. Good evening, Chairman Hood, members of the Commission. For the record, this is Philip Bradford, Development Review Specialist with the Office of

Planning here to present Zoning Commission Case 24-20. OP has been working closely with DOB and the Office of the Zoning Administrator on this text amendment, as staff from both agencies have noted difficulties in administering the rear-yard standards for residential zones, with many projects now requiring special exception relief. These changes seek to bring consistency between the Zoning Code and the current Zoning Administration interpretations regarding rear yards and accessory buildings and will likely result in a reduced administrative burden on building accessory structures within the District.

2.

Since the setdown meeting on December 19th, 2025, the proposed text amendment is now before you in the public hearing without any additional changes. The Office of Planning is recommending the Commission approve the proposed text amendment to Subtitles B, D, F, and I, which would add clarifications to the rules of measurement and change the rear-yard development standards for accessory buildings in residential zones.

Next slide please. In approving the proposed text amendment, it's important to visualize some of the proposed changes to the rules of measurement in accessory buildings. The lot shown on the left illustrates several of the clarifications within the proposed text amendment. First, new language is —new language clearly states the measurement for the rear yard begins at the rearmost point of the principal building and extends from the rear lot line, and this is in B318.1.

Next, the proposed text clarifies that within the rear yard, the required depth is measured between the rear line of a building and a rear lot line, and this is in Section B318.2. This change codifies the difference between rear yards and required rear yards, because often lots have additional distance between the rear lot line and the rear building beyond what is required in the zoning regulations.

The lot -- excuse me -- the lot on the left also clarifies -- or illustrates B318.4, which measures rear yard from the rear of the building towards the rear lot line. This new language is consistent with staff interpretations and the Office of the Zoning Administrator. On the right side of the slide are two irregular lots where the measurement begins at the furthestmost point of the lot line from the street for B318.5. No change is proposed to these sections -- to this section, and it remains as is. These lots are just included to illustrate the difference. The definitions in rules of measurement contain numerous other sections on how to measure rear yards on irregular lots, and, as part of this text amendment, they all remain unchanged.

Next slide please. With the rules of measurement clarified, the next slide illustrates how the return to the ZR-58 standard of allowing accessory buildings to occupy the 30 -- to occupy 30 percent of the required rear yard and removing the ZR-16 prohibition will work in practice. These two lots show

typical lots in the R-1B and RF zone. With this text amendment, the accessory structure has additional flexibility on placement within the required rear yard. Anything occupying beyond 30 percent of the required rear-yard area will require special exception relief following the existing special exception criteria.

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Next slide please. This map shows all the R, RF, and RA zones within the District and illustrates how many properties were likely made nonconforming when the accessory structures were prohibited in the rear yard in ZR-16. Given how widespread these zones are also shows how many properties can be impacted by the current regulations when building a garage or accessory dwelling unit, which would potentially require special exception relief, adding time, cost, and additional administrative processes on development. The proposed text amendment has a citywide impact; therefore, it does not impact a specific planning area more than any other, and, thus, has a neutral impact on racial equity. The text amendment furthers several Comprehensive Plan policy goals within the land use, housing, and implementation elements, as the Comprehensive Plan generally encourages monitoring, updating, and improving regulations and permitting processes.

Next slide please. The project record includes public comments from Committee of 100 and the Washington, D.C. Chapter of the American Institute of Architects. The D.C. AIA Chapter is supportive of the proposed text amendments. The Committee of

100's comment letter includes several questions that OP would like to address to highlight that a text amendment such as this can be confusing and quite technical. There are three questions contained in their comment letter, so to address these questions, the first of which is, "Will the proposed text amendment shrink or expand minimum rear-yard depth?" No, the required rear yard does not change in any of the residential zones as part of this text amendment.

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The next question, "Will the changes impact maximum allowable lot occupancy?" No, the maximum lot occupancy by right and by special exception does not change, as part of this text amendment.

And the last question, "Will the proposed changes facilitate or hinder approval of ADUs?" The impact is neutral. This text amendment includes clarifications that codify standard practice to rules of measurement and provide flexibility on the placement of accessory structures in the rear yard. amendment does not facilitate or hinder ADU approval. The proposed text amendment will likely reduce the need for special exception relief for that are located in accessory ADUs buildings, rather than ones that are located internal to the primary structure. And, with that, that concludes mУ presentation, and I'm available for any questions.

CHAIRPERSON HOOD: Thank you, Mr. Bradford, and thank you for addressing the Committee of 100's letter from Mr. Repp,

because that was one of my questions, and I appreciate you all providing that information for the record. Let me go to Commissioner Wright, and then Commissioner Imamura; and then, Vice Chair Miller, I'm going to go to you third, and then Commissioner Stidham, and myself last. I don't think I have any questions though. Commissioner Wright.

COMMISSIONER WRIGHT: Thank you. And thank you for the PowerPoint about the text amendment. I have a couple of questions. In the current situation, with the example that you gave of the accessory building on the lot that was about 5,000 square feet in size, are you saying that one of the things that's unclear today is whether that accessory building can extend into the required rear-yard area?

MR. BRADFORD: Currently that is relatively clear in the Code, in that it's not prohibited -- it's not permitted at all in the required rear-yard area. So the return to the ZR-58 allowance of letting it occupy up to 30 percent just gives that structure some slight wiggle room in the rear -- required rear-yard area to give some more flexibility to where it can be placed.

COMMISSIONER WRIGHT: I see. So, today, the problem that is being solved, in essence, is that there is -- in that illustration that you showed us, that accessory building could not have been placed at all within the hatched area --

MR. BRADFORD: Correct, yes.

COMMISSIONER WRIGHT: -- because that is the required

rear yard. This gives additional flexibility, in that at least 30 percent of that hatched area can include a portion of the accessory building. It isn't required that it all be in the hatched area, but it gives flexibility that some portion of it, as long as it doesn't exceed 30 percent, can extend into the hatched area.

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MR. BRADFORD: That is exactly right, Commissioner Wright.

COMMISSIONER WRIGHT: Okay. Well, that helps clarify that for me. I mean, I would say, to that end, I think this actually is not just neutral, but actually helpful in providing additional flexibility for accessory dwelling units. understand that some accessory dwelling units are internal to the main structure, but some are separate, detached accessory buildings, and, you know, this definitely I think gives some additional flexibility on placement, which I think is a good thing. And it sounds like the letter from the American Institute of Architects also sort of saw this as a positive in providing additional flexibility for accessory dwelling units. So I think that -- that was just sort of my clarification. I wanted to make sure I understood sort of the full purpose of this text amendment, and I think that is it, in terms of my questions.

Thank you. Commissioner Imamura. CHAIRPERSON HOOD:

24 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. 25

Appreciate Commissioner Wright's questions seeking further

clarification. Mr. Bradford, thank you for 1 And, the 2. illustrations. That certainly does help, because this is kind of a technical exercise here. I don't really have any questions. 3 I think -- I appreciate the succinctness of your presentation, 4 and I do agree that this adds, you know, more clarity and 5 consistency with the R, the RF, and the RA zones for rules of 6 measurement here, so happy to see the additional flexibility 7 8 here, and hopefully this does reduce some of the special exception 9 relief cases that the BZA is inundated. So, all right, thank 10 you, Mr. Bradford. Appreciate it.

CHAIRPERSON HOOD: Let me go to Vice Chair Acela -- I mean -- I'm sorry -- Vice Chair Miller.

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VICE CHAIR MILLER: We're on the Northeast Corridor, not the Acela, but -- and we're stuck in Aberdeen because of the power outage, apparently, in Baltimore. Hopefully, I'll be home tonight. So, actually, it makes it easier to have this technology, because it would be very shaky I think otherwise, because the infrastructure law probably will never get implemented that was going to fix this -- these tracks, at least in the next four years. So that's my commentary.

On this case, thank you, Mr. Chairman, Thank you, my fellow Commissioners. I agree with the comments of -- I share the comments of Commissioners Wright and Imamura. Thank you, Mr. Bradford, for your presentation and the Office of Planning for bringing these clarifications forward. I had one question, which

I think is not related to what you're trying to do here, which -because it was -- but it's in my mind, because it was a recent
BZA case that I sat on that I can't remember if you were on, Mr.
Bradford, but I see Mr. Lawson is here, and he -- I know he
monitors all of them -- all the BZA Cases.

2.

This isn't dealing with any issue regarding the side yard of an accessory dwelling unit. There was an issue, at least from the neighboring owner, about whether the side yard -- whether there needed to be a side yard -- it wasn't in -- it wasn't in the rear -- they met the rear-yard requirements of the current -- probably in the old regulations, but because it was in the back against the alley, it met the -- whatever the setback was, what it needed to be from the alley, but it was right up against the property line I think of the side of the property owner. Was that your case, Commissioner Wright, or was it mine? I don't know why -- I think you -- maybe I -- we're all -- we're all on those cases -- we're all there together --

COMMISSIONER WRIGHT: Yes, that is a BZA appeal case, but -- again, it may not be the same case that you're describing, but it was a similar issue about a concern about an accessory building which was an ADU being right on the property line. And, in fact, you know, again, at some point in the future, I think there may be another little zoning text amendment that's needed for clarification, that although an accessory dwelling unit is a detached building, it doesn't have to meet all of the requirements

about side-yard setbacks of detached buildings. Right now, the Code is sort of silent on that, and the interpretation has been that the accessory dwelling units can essentially go to a zero lot line, except with alleys, for setbacks -- side-yard setbacks and so forth, but I think there's a little clarification that is needed, because they are detached structures, and there are other rules for detached structures, which are interpreted to not apply to accessory dwelling units. I just -- I just think that is another little point -- not part of this text amendment, but another little point that might need clarification in the future.

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VICE CHAIR MILLER: Well, I'm glad I called on you, Commissioner Wright, because that completed what I was trying to get at, that I don't think that it's part of this text case, but I would be interested, if the Office of Planning is looking at that issue, because I don't know if it's come up in more than one BZA case, but I would encourage you to look at it and see if there needs to be a little tweaking to have a side-yard setback, even if the ADU is meeting -- we want the flexibility to have these ADUs as much permitted, to get the housing that we need in the city, without going through a process before the zoning, so we want it to be as matter of right as possible, but we want the protections to be there. And I think the Office of Planning maybe should look at the side-yard situation and those situations that Commissioner Wright was describing. Thank you, Chairman. I am finished. I don't know if Mr. Bradford or Mr.

Lawson or anybody had a comment on the other issue, if they're
looking at it, but I would encourage them to look at it.

CHAIRPERSON HOOD: Okay. I'll take silence -- oh, Mr. Lawson.

MR. LAWSON: Hi, Mr. Chair and Commissioner Miller. It looked like you were looking for a response. I guess I would say that right now it was not part of our work plan, but we're happy to add that to the issues that we're looking at. Thank you.

VICE CHAIR MILLER: Yeah. I don't want to -- I mean, I know your work plan is very overloaded, and I -- we heard a great presentation at the Zoning Commission's last meeting about that, but at least a look at it -- not an actual report to us about it, but at least a look at it and see if there needs to be something done, I would appreciate that, so thank you.

CHAIRPERSON HOOD: Okay. Thank you both. Commissioner Stidham, any comments or questions?

COMMISSIONER STIDHAM: Just to thank you for the PowerPoint presentation. That was helpful in understanding the measurements of these. And, no, no questions.

CHAIRPERSON HOOD: I, too, have no questions, but anytime we try to clarify and make things easier, I'm all for that, so, Mr. Bradford and the Office of Planning, thank you very much for all your work and, again, all the work that you -- and, also, thank you for responding to the Committee of 100's issues,

1	so thank you. All right. Ms. Schellin hold on one second.
2	Let me I don't do these often, so I don't have this off the
3	top of my head. Okay. Do we have I didn't see, Ms. Schellin,
4	any other ANCs, but I need to call for it. Any other any
5	other government reports first? We do have a letter from the
6	Architect I guess the AIA. Let me open that back up. Do we
7	have any other ANC comments?
8	MS. SCHELLIN: Oops. I'm sorry. I didn't unmute. I
9	did not see any either.
10	CHAIRPERSON HOOD: Okay. And we did as already
11	mentioned, we have a letter from Mr. Forehand Brian Forehand
12	from AIA, and we did have the Committee of 100's letter, which
13	was responded to. So, Ms. Schellin, do we have anyone here who's
14	testifying in support, opposition, or undeclared?
15	MS. SCHELLIN: Okay. Let me go to that list. Let me
16	refresh it. Right now I only have one person, and that's Paula
17	Edwards from ANC she's an SMD, undeclared, 4A01, so she has
18	three minutes as an individual.
19	CHAIRPERSON HOOD: Okay. Let's bring up Commissioner
20	Edwards. And when you're ready, Commissioner Edwards, you may
21	begin.
22	MR. YOUNG: I don't see her on.
23	MS. SCHELLIN: Oh, you don't?
24	MR. YOUNG: No.
25	MS. SCHELLIN: Okay. She's the only name I have.

1	CHAIRPERSON HOOD: Okay. So we I didn't see anything
2	in the record for Commissioner Edwards. Did she send submit
3	something?
4	MS. SCHELLIN: No. She was just registered to testify
5	as an SMD.
6	CHAIRPERSON HOOD: All right. So hopefully that got
7	maybe her issues have gotten resolved, so that's the way I'll
8	take it. Silence well, I better not say that, because I don't
9	know. All right. So, colleagues, you have anything else you
10	want to add to this?
11	(No response.)
12	CHAIRPERSON HOOD: All right. I think this is right
13	for us to move forward. And would somebody like to make a motion?
14	Commissioner Wright?
15	COMMISSIONER IMAMURA: I'll make a motion.
16	CHAIRPERSON HOOD: Thank you, Commissioner Imamura.
17	COMMISSIONER IMAMURA: Sure. Thank you, Mr. Chairman.
18	I move that the Zoning Commission approve Case Number 24-20,
19	Office of Planning text amendment to Subtitles B, D through F,
20	and I, clarifications to rear-yard measurements in the R, the RF,
21	and RA zones, and ask for a second.
22	COMMISSIONER WRIGHT: Second.
23	CHAIRPERSON HOOD: It's been moved and properly
24	seconded. Any further discussion?
	seconded. Any further discussion:

1	CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
2	you do roll call vote please?
3	MS. SCHELLIN: Yes, sir. Commissioner Imamura.
4	COMMISSIONER IMAMURA: Yes.
5	MS. SCHELLIN: Commissioner Wright.
6	COMMISSIONER WRIGHT: Yes.
7	MS. SCHELLIN: Commissioner Hood.
8	CHAIRPERSON HOOD: Yes.
9	MS. SCHELLIN: Commissioner Miller.
10	VICE CHAIR MILLER: Yes.
11	MS. SCHELLIN: Commissioner Stidham.
12	COMMISSIONER STIDHAM: Yes.
13	MS. SCHELLIN: The vote is five to zero to
14	approve proposed action in Zoning Commission Case Number 24-20.
15	And we will get the proposed rulemaking published, and once that's
16	done, it'll have a 30-day comment period and also referred to
17	NCPC, and then we'll bring it back to the Commission's next
18	meeting for final action consideration. Thank you.
19	CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. Do
20	we have anything else before us today?
21	MS. SCHELLIN: No, sir.
22	CHAIRPERSON HOOD: Okay. The Zoning Commission will
23	meet again April the 10th I believe, and I think it's Zoning
24	Commission Case Number 23-20 23-20
25	MS. SCHELLIN: April 10 is our public meeting, right?

April 10 is the public meeting. CHAIRPERSON HOOD: Okay. The Zoning Commission will have a public meeting on April the 10th, our regular -- oh, you know what, I'm sorry. But, anyway, we will have a number of items on the docket that night. And, with that, I want to thank everyone for their participation, and we'll see you on April 10th on these same -- at four p.m. on these same mutual lines. With that, Vice Chair, have a safe trip home, and everybody have a great evening. Thank you. (Whereupon, the above-entitled public hearing was adjourned at 4:30 p.m.)

CERTIFICATION

This is to certify that the foregoing transcript

In the matter of: Public Hearing - Case No. 24-20

Before: D.C. Zoning Commission

Date: 03-31-25

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Deborah B. Gauthier

Deborah B. Southier