

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE NO. 25-12

+ + + + +

THURSDAY

NOVEMBER 13, 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
GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
ELLA ACKERMAN, Acting Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE
BRIAN LAMPERT, ESQUIRE

ALSO PRESENT:

JOEL LAWSON, DC Office of Planning
LAWRENCE FERRIS, Goulston and Storrs
LAURA RICHARDS, Committee of 100
STEPHANIE BOTHWELL, Citizens Association of Georgetown

The transcript constitutes the minutes from the Regular Public Hearing held on November 13, 2025.

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(4:00 p.m.)

CHAIRMAN 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 -- and Commissioner Wright. Hopefully soon, we will be joined by our other colleagues, but we're so far in this case, I think they're going to wait and see if we can't -- if we don't agree on some things, they'll probably have to read into those particular issues where we may separate. We're also joined by the Office of Zoning staff, Ms. Ella Ackerman, and Mr. Paul Young, who will be handling all of our virtual operations; and, also, our Office of Zoning Legal Division, Mr. Ritting and Mr. Lampert. I will ask all others to introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised this proceeding is being recorded by a court reporter and is also webcast live via Webex or 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

1 of your most important points. When you are finished speaking,
2 please mute your audio, so that your microphone is no longer
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4 difficulty accessing Webex or with your telephone call-in, then
5 please call our OZ Hotline number at 202-727-0789 to receive
6 Webex log-in or call-in instructions or if you need assistance
7 to sign up to testify.

8 All persons planning -- all persons wishing to --
9 planning to testify either in favor, opposition, or undeclared
10 must sign up in advance and will be called by name. If you wish
11 to file written testimony or additional supporting documents
12 during the hearing, then please request that the submission be
13 entered into the record and be prepared to describe it at the
14 time of your testimony.

15 This evening's agenda consists of -- this case was
16 originally advertised for a single hearing. The Commission later
17 decided to break it up, which we have done. This is our sixth
18 and final night. This hearing -- day six, final day -- will
19 consist of the following topics: align zone descriptions with
20 Comp Plan classifications, Subtitle G-101, formally 19; penthouse
21 height limit on MU/CAP zones, Subtitle G-403, formally 20; window
22 separation criteria in MU and D zones, Subtitle G-2017.14, I-
23 205.5, formally 21; designated uses in Neighborhood Mixed-Use
24 zones, Subtitle H-6001, formally 22. Written testimony may be
25 submitted at any time prior to close of the record. Witnesses

1 of tonight's hearing must limit their testimony to the specific
2 text amendments under the consideration for this evening.

3 We will -- the hearing will be conducted in accordance
4 with the provisions of 11-Z DCMR, Chapter 5, as follows:
5 preliminary matters; presentation -- in this case the Office of
6 Planning -- report of other government agencies; report of the
7 ANC -- it's citywide -- testimony of organizations and
8 individuals -- organizations, five minutes; individuals, three
9 minutes, respectively -- and we'll hear in the order from those
10 in support, opposition, or undeclared. While the Commission
11 reserves the right to change the time limits for presentations,
12 if necessary, it intends to adhere to the time limits as strictly
13 as possible, and notes that no time shall be ceded.

14 At this time, I will deal with the preliminary matters
15 myself, before I got to staff. I don't need Ms. Ackerman. I
16 would ask -- I'm going to do two closed meetings. I'm going to
17 do an -- I'm going to do one for November the -- what's the
18 date -- November the 18th -- hold on. I'm going to do one for
19 November the 18th -- no, 25th, 25th; and I'm going to do a special
20 closed meeting for today. All right. Just hold tight. Everybody
21 just hold tight. Let me open up these files.

22 (Brief pause.)

23 CHAIRMAN HOOD: Okay. First, colleagues, I would like
24 to propose that we do a closed meeting. I'm just waiting for my
25 file to open up.

1 (Brief pause.)

2 CHAIRMAN HOOD: Okay. Here it is. All right. The
3 first agenda I would like to do this evening is to hold an
4 executive session on November the 25th. Do I have that date
5 correct, Ms. Ackerman, November the 25th?

6 MS. ACKERMAN: Yes.

7 CHAIRMAN HOOD: Okay. On November the 25th, the session
8 will be held in order for the Commission to receive legal advice
9 from its counsel regarding the cases noted on the agenda, and
10 that case is, specifically, 25-12. That closed meeting will
11 start at three p.m. between the Commission and its counsel,
12 pursuant to DC Official Code 2-575(b)(4) and (A), and to
13 deliberate, but not vote, on the contested cases, pursuant to DC
14 Official Code 2-575(b)(13). I make a motion to enter into --
15 that we go into closed session on that day at the time specified
16 previously, at three p.m. on November 25th. Is there a second?

17 COMMISSIONER WRIGHT: Second.

18 CHAIRMAN HOOD: It's been moved and properly seconded.
19 And, again, the only thing we will be discussing is Zoning
20 Commission Case 25-12, which has 24 amendments to it, which is
21 our omnibus bill. It's been moved and properly seconded. Any
22 further discussion?

23 (No response.)

24 CHAIRMAN HOOD: Not hearing any, Ms. Ackerman, would
25 you do a roll call vote?

1 MS. ACKERMAN: Yes. Chairman Hood.

2 CHAIRMAN HOOD: Yes.

3 MS. ACKERMAN: Commissioner Wright.

4 COMMISSIONER WRIGHT: Yes.

5 MS. ACKERMAN: The closed meeting has been approved,
6 Imamura and Stidham not present, not voting, three to zero to
7 two.

8 CHAIRMAN HOOD: Okay. Next, before we get started this
9 evening, and this was well announced at the last meeting, I'd
10 like to go to an executive session -- special closed meeting --
11 emergency closed meeting today at 11/13/2025 to discuss
12 procedural format for 25-12. Is there a second?

13 VICE CHAIR MILLER: Second.

14 CHAIRMAN HOOD: It's been moved and properly seconded.
15 Again, the statute which allows us to do it is pursuant to DC
16 Official Code 2-575(b)(4) and (A), and to deliberate, but not
17 vote on not contested cases, but a procedural matter in 25-12.
18 It's been moved and properly seconded. Any further discussion?

19 (No response.)

20 CHAIRMAN HOOD: And we will do that immediately. Ms.
21 Ackerman, could you do a roll call vote please?

22 MS. ACKERMAN: Commissioner Hood.

23 CHAIRMAN HOOD: Yes.

24 MS. ACKERMAN: Commissioner Miller.

25 VICE CHAIR MILLER: Yes.

1 MS. ACKERMAN: The emergency closed meeting has been
2 approved, three to zero to two, Imamura and Stidham not present,
3 not voting.

4 CHAIRMAN HOOD: Did you ask Commissioner Wright?

5 MS. ACKERMAN: Oh, Commissioner Wright. I thought you
6 just needed two votes. Sorry. Commissioner Wright.

7 COMMISSIONER WRIGHT: I vote yes.

8 VICE CHAIR MILLER: And I voted yes on the previous
9 motion.

10 MS. ACKERMAN: Sorry about that. I thought it was a
11 two-vote case to vote.

12 CHAIRMAN HOOD: That's all right. Yeah, all of us have
13 to say "aye". Okay. All right. I think we will enter into a
14 closed -- emergency closed session at this point to talk about
15 procedural issues for 25-12, which is noted. And, with that, Mr.
16 Young will be sending us the link. And I think with this new --
17 at least me, I have to log all the way out of this and then come
18 back later. So, with that, let's now go into closed session.
19 Thank you.

20 (Brief recess, from 4:09 to 4:40, for Commission to
21 hold emergency closed session.)

22 CHAIRMAN HOOD: Okay. All right. Ms. Ackerman, we're
23 back on the record. Again, the Commission voted for a special
24 public meeting. We went into our special public meeting. And
25 this is a notice to the public that we have now come out of our

1 special public meeting, and we are ready to begin our case for
2 tonight. And, basically, what we discussed was procedure on how
3 we're going to proceed within this particular case for tonight,
4 25-12. All right. So let's bring up the Office of Planning,
5 and we can get started.

6 How you doing, Mr. Lawson? Let me just say this. There
7 was an addition that was submitted tonight. We will not be
8 dealing with that or taking that up. We would ask that the Office
9 of Planning submit that separately, and that's something that we
10 can put on our -- move pretty fast forward. I just -- we just
11 want to make sure proper notice is given, and we don't want any
12 secrets or any -- not secrets, but anything that's not -- that
13 was not advertised. And we can deal with that -- we'll go through
14 another process with that. Let's separate that out. We don't
15 need to talk about that this evening.

16 MR. LAWSON: That sounds great. Thank you for the
17 direction, Mr. Chair, and we'll -- we're happy to skip over that.
18 I do have a slide, but we'll skip over -- skip right over it.

19 So good afternoon, or almost evening. Thank you again.
20 Joel Lawson with the DC Office of Planning. As you mentioned,
21 Mr. Chair, we're here for final of six hearings on the omnibus
22 text amendment case. This final one deals with a broad range of
23 issues generally related to mixed-use and downtown zoning. The
24 intro section to the presentation is being provided at the
25 beginning of each hearing, as it forms the basis for this

1 initiative and there may be different members of the public
2 attending each of the hearings. However, I'll only provide a
3 brief summary of these slides as part of the verbal presentation.

4 Next slide please. This slide provides the process to
5 date; the public portion beginning in June of this year with ANC
6 open house sessions and has continued through to the hearing
7 tonight. Of course, there was a great deal of internal work
8 completed before the first step on this slide; research,
9 discussion with other OP staff and staff of other agencies, review
10 of BZA and Zoning Commission cases and discussions at hearings,
11 and resolution of which of the many, many more potential
12 amendments that were suggested to actually bring forward as part
13 of this case.

14 There will also, of course, be other steps after this
15 hearing closes, additional opportunities to provide comments,
16 potentially instructions from Zoning Commission members on
17 additional work or modifications to the proposed text needed,
18 and, ultimately, proposed and final action votes. We look forward
19 to continuing refinement of the proposal and eventual adoption
20 of amendments that you are comfortable with.

21 Next slide. The proposed text amendments generally
22 address one or more of the following main objectives. First and
23 foremost, of course, is to address Comprehensive Plan policy and
24 objectives, including housing policy and the equity issues; to
25 remove unnecessary barriers to housing, including the provision

1 and processes for providing IZ units in all parts of the city;
2 adding clarity to the zoning regulations; removing redundancies;
3 and adding consistency of language to make them easier for
4 residents and designers to use and for staff to interpret and
5 administer, consistent with their intent; to ease administrative
6 burdens for homeowners and property owners, as well as the BZA,
7 ANCs, and staff through removing unnecessary hurdles, which is
8 intended to decrease the time and expense in obtaining approvals
9 and permits; and, finally, to update the 2016 zoning regulations
10 to current standards and practices throughout the city.

11 We tried to balance neighborhood-level goals and
12 objectives with the needs and aspirations of property owners to
13 allow their businesses to remain and hopefully prosper, and for
14 homeowners to modernize their houses to current standards or
15 update them to reflect changing family needs, whether that be a
16 growing family, aging in place, or intergenerational family
17 living, so that our residents can remain within their community.
18 The Office of Planning also considers potential future residents;
19 are we providing an inviting and accessible opportunity in all
20 parts of the city for them as well?

21 Next slide. So various proposals were raised by
22 different sources. Some of them were raised by multiple sources,
23 and they included the Zoning Commission and BZA members,
24 themselves, including through comments and instructions to OP as
25 part of various Zoning Commission and BZA hearings and

1 deliberations; DC agencies, including my agency, the Office of
2 Planning, as well as Department of Buildings, Department of
3 Transportation, Departments of Parks and Recreation, and
4 Department of Energy and Environment; and many came from
5 architects, designers, and builders; some came from ANC members;
6 and others came from homeowners and members of the community,
7 often, again, through BZA review.

8 Next slide. As with any Zoning Commission case, the
9 proposals in this text amendment case are not inconsistent with
10 the Comprehensive Plan, including when viewed through a racial
11 equity lens. The OP setdown report and the hearing report provide
12 an analysis of this in detail. The review process for a proposal
13 to amend the zoning is not an opportunity to override that policy,
14 but, rather, to insure that the proposed changes adequately
15 address the policy.

16 The proposals in this case do not include any rezonings
17 of property or substantial changes to permitted use, height, or
18 density beyond what's anticipated by the existing zoning. They
19 would address barriers to the provision of housing, including to
20 the provision of affordable housing units, consistent with the
21 IZ program. They would also reduce some impediments to creative
22 building design, the provision of outdoor space valued by
23 residents of all neighborhoods, and the provision of services
24 throughout the city. They provide additional clarity to aspects
25 of the regulations and remove unnecessary procedural hurdles that

1 | impede residents and property owners in all parts of DC. Now,
2 | any one amendment could impact a particular proposal for an
3 | individual property, either in terms of regulation or in terms
4 | of process, but they're not considered major zoning moves and
5 | are -- and would not result in major -- and are not the result
6 | of major policy shifts.

7 | Next slide. Collectively and individually, the
8 | proposed amendments would address policy statements from multiple
9 | citywide elements of the Comprehensive Plan, as discussed in our
10 | reports. The proposals, however, do not generally target any
11 | specific geographical area of the city or specific Comp Plan Area
12 | Element policy objectives or specific guidance from approved
13 | Small Area Plans for individual neighborhoods.

14 | Next slide please. With respect to a review of
15 | Comprehensive Plan policy through a racial equity lens, it can
16 | be difficult to determine the potential impact of a series of
17 | discrete text amendments which do not significantly impact use
18 | or building type or form. In general, they should not result in
19 | direct or indirect displacement of residents or businesses, and,
20 | in some cases, may make it easier for existing residents and
21 | property owners to use and update their property in a way that
22 | is both consistent with policy and consistent with the intent of
23 | the zoning itself. They would add clarity and certainty to
24 | certain regulations that would also be of benefit to all residents
25 | in the city. In summary, we don't anticipate the proposals would

1 have a huge impact on the overall demographics in the city or of
2 any particular neighborhood or neighborhood type. Overall, they
3 could have some positive impact on equity and remove some minor
4 inequities in the regulations themselves.

5 Next slide. As noted earlier, these proposals include
6 ones that respond to suggestions and comments made by various
7 sources, including ANCs, community and business groups, and
8 individuals, often made through past BZA and Zoning Commission
9 cases. On June 24th and 26th of this year, we held virtual open
10 house meetings for ANC members. They were intended to provide
11 advanced awareness of the text amendments, solicit early
12 feedback, and answer any questions. As a result of these
13 discussions, OP did amend the proposals as they were filed in our
14 setdown report.

15 OP held two additional ANC virtual open house meetings
16 on October 7th of 2025. Again, a video of the meeting was posted
17 on the OP website, along with the OP presentation to the ANCs.
18 Since then, there have been additional discussions with members
19 of the public and with individual ANCs. At the time the OP report
20 was drafted, some public comments had been -- already been added
21 to the record, and OP tried to address those comments in the
22 hearing report, and, in a few case, has recommended adjustments
23 and additional amendments based on those comments.

24 Subsequent to the hearing report being filed, there,
25 of course, have been many additional filings, as well as

1 additional discussions right up to today. The record contains
2 comments of support from DDOT and OAG. Many public comments have
3 been filed in support, particularly of housing-related proposed
4 changes, but of other ones as well. Other filings offer support,
5 opposition, or suggestions for changes to specific proposals.
6 We've continued to monitor those comments and will note a response
7 in our verbal testimony tonight.

8 Next slide. Okay. As with the other hearing dates,
9 I'll provide a quick overview of the four proposed text amendments
10 on the agenda tonight. The OP hearing report provides additional
11 analysis for each of these proposals, including more information
12 on their origin, intent, and potential or intended impact, as
13 well as illustrations and analysis of past BZA cases, where
14 appropriate. The OP report also notes other proposed technical
15 or corrective changes to regulations otherwise being amended,
16 such as reordering or correcting references, which I typically
17 will not address in this verbal presentation.

18 Next slide. So the first proposal for this evening of
19 hearings deals with the descriptions of certain mixed-use zones
20 and insuring that they are consistent with the policy plan
21 direction. The Framework Element of the Comp Plan provides a
22 description of each of the Future Land Use Map or FLUM
23 designations, including a typical Floor Area Ratio and examples
24 of specific zones for which the FLUM designation is
25 characteristic.

1 In most zones in the zoning regulations, the
2 regulations also include a description, and that description is
3 consistent with that of the Comprehensive Plan; but we found a
4 few zones where this is not the case, and the zone includes a
5 description that is not consistent with the Comp Plan direction.
6 Because the Comp Plan is the policy document which guides the
7 zoning regulations, this has created some confusion regarding
8 when a zone is consistent with the FLUM designation or not,
9 particularly in the case of a proposed planned use development
10 or zoning map amendment application.

11 For example, the Comprehensive Plan currently describes
12 a mixed-use moderate-density zone as consistent with a Floor Area
13 Ratio of 2.5 to 4.0, plus IZ, and it lists MU-4 as an example
14 of a moderate-density zone. The zoning regulations, however,
15 describe MU-5, which does actually allow an FAR of 3.5, so within
16 that range noted in the -- in the FLUM, but it describes it as a
17 medium-density zone.

18 Next slide. So OP is simply proposing to clarify this
19 by amending the term used in the MU-4, MU-5, and MU-7 zones to
20 be more consistent with Comp Plan guidance and direction. As
21 shown in the chart on this slide, OP's proposing to change the
22 zoning descriptions from moderate to low-to-moderate density for
23 the MU-4 zone; from medium to moderate density for the MU-5 zone;
24 and from medium to moderate -- sorry -- from medium to moderate-
25 to-medium density for the MU-7 zone. In each instance, the

1 proposed zone description is more consistent with the Comp Plan
2 language, including the Comp Plan anticipated FAR range.

3 So the current -- the record currently contains only a
4 few comments on this one. Most of them are in support from ANCs
5 5E and 5F and from the land use firms. The Committee of 100 is
6 in opposition to this change, asking why this change would be
7 made when the city is starting work on a new Comp Plan. The
8 response to that question is pretty simple. The zoning follows
9 the Comp Plan direction, not the other way around, and any change
10 to the zoning regulations will be based on the current
11 Comprehensive Plan, and zoning should be consistent with the
12 current Comprehensive Plan.

13 The Committee of 100 also seems to suggest that the
14 zoning should provide guidance for applying these zones in each
15 particular neighborhood. That's a bit beyond what our zones
16 normally do. However, the zones do provide guidance through
17 regulations for how they're to be applied, including how they're
18 to be applied to individual neighborhoods through, for example,
19 our neighborhood commercial zoning.

20 Next slide. So with regards to penthouse height in the
21 MU-4/CAP zones, the capital interest in Capitol Hill commercial
22 mixed-use zones exist over a portion of Capitol Hill, generally
23 within the area of the federal Capitol compound. These zones
24 include the MU-3/CAP, MU-4/CAP, and MU-2/CAP, as well as the
25 MU-4/CAP/CHC zones, which are all low to medium-density mixed-

1 use zones. All of the CAP zones limit building height to 40
2 feet, which OP is not proposing to change. They also limit a
3 penthouse to a limit -- to a height limit of 10 feet maximum, so
4 the penthouse height is restricted to less than what is typically
5 allowed for even low-density mixed-use zones.

6 Typically, zones like these would allow a penthouse
7 height of 12 feet for habitable space and 15 feet for mechanical
8 space, and in many of the zones, of course, allow a taller
9 penthouse than that. OP has been advised by designers and
10 property owners that this can be less than what is needed for a
11 typical elevator override, so the regulations are overly
12 restrictive. This could also limit the ability to provide
13 mechanical equipment or even habitable residential or non-
14 residential space in a penthouse.

15 Next slide. The OP proposal is to make the penthouse
16 height provisions match that of other zones allowing a building
17 height of 40 feet. That would be 12 feet maximum for habitable
18 space and 15 feet maximum for mechanical space. The one-to-one
19 setback for any penthouse space would continue to be required,
20 so any taller penthouse would be required to be set back further
21 from the edge of the building roof below.

22 Referral to the Architect of the Capitol of any request
23 for BZA relief would also continue to be required. OP did raise
24 this proposal with the Architect of the Capitol prior to the
25 shutdown. Again, the record currently contains only a few

1 | comments and they are in support from 5F and from two of the land
2 | use law firms.

3 | Next slide. The zoning regulations establish rear-
4 | yard requirements in both the MU and Downtown zones. Both also
5 | establish a special exception process to obtain relief from those
6 | rear-yard provisions. These special exception review criteria
7 | include ones that essentially establish specific minimum distance
8 | requirements between a residential building window and other
9 | buildings or between an office building and windows of another
10 | office building or a blank wall.

11 | They also provide language dealing with sight lines
12 | when the buildings are not parallel to the other. At least that's
13 | what I think they say. They're a little bit convoluted, so it's
14 | sometimes difficult to exactly interpret them and it's even
15 | tougher to provide a measurement for them, as required by the
16 | current regulations.

17 | These provisions were generally carried from the --
18 | forward from the 1958 regulations, when standards and
19 | requirements for office and multifamily buildings were very
20 | different from what they are today. These overly complicated and
21 | overly specific review criteria, therefore, result in the need
22 | for, you know, extensive review and documentation; they can be
23 | difficult to interpret and measure; and they're not consistent
24 | with the requirements of other zones. And, of course, the normal
25 | special exception criteria, Subtitle X, also apply to any BZA

1 case, and that includes an assessment of potential impacts on
2 privacy and access to light and air.

3 Next slide. So OP is proposing to delete these
4 outdated, complex, and redundant criteria. The issues that may
5 be raised and addressed are addressed through the normal special
6 exception review, so any proposal requiring special exception
7 review would continue to require that review, but the review
8 criteria, themselves, would be streamlined.

9 We also have to note that in the body of the OP hearing
10 report, the recommended change was described, but the proposed
11 draft text amendment for the Downtown zone was not included. It
12 was included for the MU zones, but not for the Downtown zones.
13 That was an oversight on my part, but the draft text for the
14 Downtown zones is included in the consolidated version of the
15 text that was attached to the end of the report as part of
16 attachment one.

17 Again, the record contains mostly comments in support
18 from ANCs 5F and 5E and from two of the land use firms. The
19 Committee of 100 is in opposition, noting that the existing rules
20 impose a mandatory minimum distance before undue burden is even
21 considered and explicitly states that the minimum distance cannot
22 be reduced by special exception. Yes, that is what they appear
23 to do, which is, we feel, not appropriate within a relief section
24 such as this. It is also not needed, as I said, since the
25 standard review criteria and the review standards -- and because

1 of the current standards and methods of construction in areas
2 like the Downtown.

3 Paul, you can skip forward a slide here. Great. Thank
4 you. So the last issue before us tonight is with regards to our
5 neighborhood mixed-use zones. They exist in many parts of the
6 city, such as Cleveland Park, Eighth Street Northeast, Tacoma,
7 and Georgia Avenue, and most recently applied by the Zoning
8 Commission on portions of Pennsylvania Avenue Southeast --
9 Pennsylvania Avenue Southeast in Ward 7 and Connecticut Avenue
10 in Chevy Chase in Ward 3. The NMU zones are based on underlying
11 mixed-use zones, but each one has some unique provisions. There
12 are also some in NMU provisions that apply to all NMU zones,
13 including ones related to designated uses that are required to
14 be provided along specific street frontages, and that frontage
15 is usually the main commercial corridor through the NMU-zoned
16 area. This is to encourage an activated retail mixed-use
17 streetscape to serve the surrounding neighborhood.

18 The current list of designated uses is a lengthy one.
19 It includes animal care, arts uses, design and creation, eating
20 and drinking, entertainment, assembly, performing arts,
21 financial, general services, and retail uses, so that's, you
22 know, already a pretty extensive list. Each building within the
23 designated use area must devote at least 50 percent of its Ground
24 Floor Area of the building to one or more of these designated
25 uses. Daytime care is already listed as a permitted use in the

1 NMU zones, but OP received a suggestion from an ANC member to
2 add daytime care as a designated use, allowing this use to also
3 be included as meeting the designated use requirement.

4 Next slide. So we're proposing to do just that, add
5 daytime care to the list of designated uses in all NMU zones.
6 This would address intent statements to provide a variety of
7 streetscape-activating uses and would provide additional
8 opportunity for a valued service that the local neighborhood
9 wishes, while also attracting residents to the neighborhood
10 commercial area, itself, to support other businesses there. This
11 pretty much does feel like a win-win.

12 So far, there are indications of support from ANC 5E
13 and 5F, the land use firms, DC YIMBY, Greater Greater Washington,
14 and many residents. I should note that, in addition, many of
15 the filings, including from some of the groups noted above, also
16 recommend more permissive broader language to allow essentially
17 any street-activating use desired by the ANC and/or community.
18 We discussed this proposal with DoB staff to see if such language
19 might be possible. We agree with the intent of it, but that it
20 would not be possible to craft or adequately administer such a
21 broad provision, so OP would not recommend such language. Again,
22 I'd also note that the current list is pretty expansive and
23 includes virtually all forms of retail and service uses.

24 And next slide please. So that's it for this final
25 hearing night. Just a final reminder of the four topics before

1 the Zoning Commission tonight. In summary, OP recommends these
2 amendments as being consistent with and furthering District
3 policies outlined above and in more detail in our reports.

4 As I wrap up, I would like to take this opportunity to
5 really, once again, thank everybody who helped with this case and
6 will continue to do so through the rest of the process. Thanks
7 to the ANC members for attending the open houses, inviting us to
8 your meetings, asking questions, and providing comments. Thanks
9 to all of the community groups and individuals who participated,
10 and to Zoning Commission members and BZA members, who sowed the
11 seeds for many of these amendments through your thoughtful review
12 of past cases. We know that these proposed changes won't make
13 fundamental differences, but sometimes smaller steps are better
14 than no step at all and can sometimes have a pretty big impact
15 on a small scale. And, with that, I'm available for questions
16 or comments from the Zoning Commission. And thank you.

17 CHAIRMAN HOOD: Thank you again, as always, Mr. Lawson.
18 This has been six nights. You've been very straight to the point
19 in helping us get through these 24 amendments, but we appreciate
20 everything that you have done, as well as the Office of Planning
21 as a team, in getting us there. But the piece that we asked to
22 leave out tonight, hopefully we can send that on a separate cover
23 and we can get that done as expeditiously -- I don't think that
24 should -- I shouldn't say -- let me knock on wood. I don't think
25 that's controversial. I really think that's pretty

1 straightforward. All right. So let's hear what -- my colleagues
2 have any questions or comments? We'll start tonight with
3 Commissioner Wright.

4 COMMISSIONER WRIGHT: Thank you. I don't have a lot
5 of comments. I think this last group is pretty straightforward.
6 The only one that I might appreciate, again, a little more
7 understanding on is this whole window separation criteria. I do
8 understand the report that you gave that some of the language is
9 antiquated and it's hard to figure out how to actually apply it.
10 Is there -- what I'm trying to make sure I understand is, if this
11 language goes away, is the alternative to essentially just let
12 the BZA use their judgment. Are there -- again -- and maybe I
13 need to read the staff report again. Are you offering criteria
14 that may not be as specific and confusing, but that are general
15 criteria that should be used in making decisions on cases like
16 this?

17 MR. LAWSON: Thank you for the question. We're not
18 proposing any specific criteria, other than the one criteria that
19 would remain in the provision, which has to do with loading. So
20 we're not proposing specific criteria other than the criteria
21 that exists for every other special exception cases in the city,
22 which is, you know -- you know, potential impacts on light and
23 air and privacy in the general special exception criteria. I
24 think it's important to note that these specific criteria,
25 they're very unusual for special exception review criteria,

1 | because they also essentially create standards that need to be
2 | met. We don't agree with those standards. We don't think that
3 | they're -- they may have made sense in the 1950s, but we think
4 | that, you know, the world and, you know, building construction
5 | and building codes and all those things have progressed.
6 | Environmental standards have progressed, you know, since then,
7 | so we don't think that they're necessary anyway.

8 | But those specific requirements, such as, you know, an
9 | actual set distance between a window -- you know, if we wanted
10 | that to be a requirement, then that should be a requirement, you
11 | know; it shouldn't be kind of hidden, you know, in a review
12 | criteria. So we're simply proposing, like I said, to delete
13 | those from the regulations. We don't think they're needed. We
14 | don't they serve a function. They do serve as a pretty
15 | significant hurdle for property owners to even try to address.
16 | Some of the measurements even can be very difficult to do. And,
17 | as I said, the regulations, themselves -- I hope I gave you an
18 | accurate interpretation of what they're -- what they mean and
19 | supposed to mean, but they can be read probably in many different
20 | ways as well, so, yeah, so --

21 | COMMISSIONER WRIGHT: So thank you. I got what I -- I
22 | just want to give a little more thought, and, actually, it might
23 | help to actually see an example of a case where this came up as
24 | an issue, you know, but my only concern about sort of just leaving
25 | it up to the general BZA requirements is -- and, you know, again,

1 correct me if I'm wrong, but these are in fairly urban areas like
2 the Downtown zones where building face to building face issues
3 are tricky, and especially if you have, you know, a -- two
4 residential buildings or now, you know, fingers crossed, an
5 office building maybe that's being converted to residential.

6 And, you know, I think that the separation and the
7 relationship between buildings in a very dense zone like the
8 Downtown zone, you know -- and I'm not talking about
9 specific -- like, I guess these are very specific numerical
10 criteria, but something that, you know, essentially goes a little
11 bit beyond, you know, respect light, air, and privacy, you know,
12 in a -- in a Downtown zone. You know, if you have, you know,
13 buildings adjacent to each other, you really need to look at
14 window placement to, you know, try to avoid -- again, what this
15 gets to is the privacy issues.

16 So I'm not quite sure, again, what the language is or
17 what's appropriate for a -- in the actual code, but, you know,
18 I'm just wondering if there's at least, you know, maybe one
19 criteria to give the BZA a little more guidance or a little more
20 to hang their hat on when they get a difficult case that they
21 have to review. So I just sort of lay that out there, but that
22 was the only one that I really had any questions or comments on.

23 MR. LAWSON: Great. Thank you. I would note that
24 you're correct, that it certainly applies in the higher-density
25 Downtown zones. It also applies to the MU zones, which may be

1 kind of higher-density area or may not be. I think I would also
2 just point out, you know, the BZA is actually pretty experienced
3 with dealing with issues like privacy with window placement, with
4 viewsheds. They do that through the existing special exception,
5 you know, review process. And we'll provide that analysis; we'll
6 require applicants to provide that analysis where we think there
7 may be an issue. So I think that -- you know, again, I -- you
8 know, I do think that the existing regulations do address that
9 issue, and I think, like I said, the BZA actually has experience
10 doing the kind of review that -- as does OP, in doing that kind
11 of review that you're -- that you are talking about using those
12 existing regulations.

13 COMMISSIONER WRIGHT: Thank you. That was -- that was
14 it for me. I didn't really have questions about any of the
15 others.

16 CHAIRMAN HOOD: Okay. All right. Thank you,
17 Commissioner Wright. Vice Chair Miller.

18 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
19 you again, Joel Lawson, for a very comprehensive, concise
20 description and analysis of the text amendments which, as the
21 Chairman has noted throughout these hearings, have evolved from
22 all the cases that we've -- not all, but many of the cases that
23 we've heard through the years and the experience we've had with
24 BZA cases and just -- and now -- and with consistency with the
25 Comprehensive Plan. So on that point -- so I support each of

1 the -- I generally support each of the recommendations in this
2 four-part -- in this -- of the four items that are being
3 considered this evening. I mean, I'll listen to whatever public
4 testimony we get, but I've read the -- I've read the written
5 testimony in support, support with conditions, opposition; I've
6 read that, so -- but I generally support and I'm -- but I'm open
7 to always listening to further commentary.

8 But on the first one, aligning the zone descriptions
9 with the Comp Plan classifications, I mean, that's very
10 important. That's been a problem we've had consistently since
11 the Comp Plan was amended now four years ago. There was
12 confusion, because our zoning regulations had not been amended
13 to align with what the Framework Element described for those
14 density designations. And maybe some people opposed the Mayor
15 and Council's change to those designations and description of
16 them, but they are adopted, and our -- the law -- the Home Rule
17 Charter requires zoning to be not inconsistent with the
18 Comprehensive Plan.

19 We only have one Comprehensive Plan right now, and,
20 yes, it will be amended, as the zoning regulations will be amended
21 going forward, but right now and for the last four years, the
22 zoning regulations are supposed to be not inconsistent with the
23 Comprehensive Plan that was adopted four years ago. And there's
24 been confusion in that MU-4/5/7 area because the Framework
25 Element provided -- you can describe it as more specificity or

1 more flexibility, whatever, but our zoning regulations are less
2 consistent with -- than what you're proposing here, and this is
3 more consistent with the Comprehensive Plan. I think it would
4 help everybody going forward, so I definitely support the
5 descriptions of the Comp Plan -- aligning our zoning regulations
6 with what the Comp Plan designations have been for the last four
7 years. So that's that one.

8 On the penthouse height limit in the Capitol -- mixed-
9 use Capitol Hill zone, I think that makes sense to align the
10 penthouse limit there with other equivalent 40-height zones at
11 15 feet rather than 10 feet, because the 10 feet just doesn't
12 allow for the elevator or the penthouse to even exist. You said
13 you reached out to the Architect of the Capitol -- and the
14 Architect of the Capitol will still have review in that -- in our
15 zoning regulation over any of these cases, case by case, but you
16 said you reached out about this proposed change.

17 And, of course, if we weren't -- hadn't been zoning --
18 federal government shutdown hiatus, there would have been an
19 Architect of the Capitol representative here this evening, but
20 did you get any feedback from them on -- when you reached out,
21 or they just were figuring at that point that their representative
22 would be here -- would represent them, and so they didn't have
23 to do it at this point, but they also will be able to do it in
24 every case, as they currently do, where the penthouse is involved.

25 MR. LAWSON: Thank you, Commissioner. I did reach out

1 by e-mail. I did receive a response, and I don't have it in
2 front of me, so I'll just kind of -- kind of paraphrase that the
3 response was something along the lines of that this seemed
4 reasonable. It was not a negative response at all. It also
5 wasn't a definitive response. It was not a case of the Architect
6 of the Capitol saying, yes, we definitively recommend approval
7 of this. I think they were probably thinking the same thing that
8 we were thinking at the time, that the member would be here to
9 speak to us. So we did receive a positive response, but I would
10 not call it a definitive one. We can certainly try again, now
11 that everybody's going back, and see if they wanted to provide a
12 more definitive comment.

13 VICE CHAIR MILLER: Well, I'm not personally concerned
14 about it, but if you want to provide whatever e-mail response you
15 got, which was not definitive but no outstanding objection, and
16 put it -- make it part of the record, that might be helpful or
17 if there's any further comment on that, it might -- it just might
18 be useful. But, of course, they'll -- they can participate when
19 we have our special public meeting, if they want to show up, if
20 we need them to, and say whatever they want to say, so, okay, I
21 don't have a concern with it. I think it makes sense, the
22 proposed change, to align the mechanical penthouse limit in the
23 Capitol Hill mixed-use zone with other equivalent 40 height
24 zones, so -- because the 10 foot doesn't even work for -- it
25 doesn't really work for a penthouse of any kind, so you don't

1 get -- as you -- as your report stated, solar panels or the --
2 maybe some habitable space or whatever, so -- that would
3 trigger -- that would trigger affordable housing, so --

4 On the window separation criteria in the mixed-use and
5 development zones, I generally agree with all of the arguments
6 that have been made by your -- by the proposal, that the special
7 exception -- existing special exception criteria takes care of
8 that issue, even though these are denser zones that are much
9 closer to each other. But in all of the BZA cases that I've sat
10 on where -- which I think are actually lower-density, I guess,
11 residential cases, the BZA always took into consideration the
12 windows, where they were in relation to -- if relief was being
13 requested, where they were in relation to the -- to the -- to the
14 adjacent property, and sometimes asked the applicant to remove
15 them or screen them or put some kind of -- what do they call it,
16 the fog thing; what is it called?

17 MR. LAWSON: I'm blanking too right now.

18 COMMISSIONER WRIGHT: Like frosted glass?

19 VICE CHAIR MILLER: Yeah, frosted glass. Thank you,
20 Commissioner Wright. Yes, we've -- and the applicants have done
21 that every -- almost, I mean, every time without a problem that
22 I recall. I mean, and there have been multiple -- those were
23 lower-density zones. So I think we -- the BZA would be sensitive
24 where it's much closer, and that's still a special exception
25 criteria of light, air, and privacy, even though there's an

1 expectation of less -- obviously, of less light, air, and
2 privacy, when you're in those higher-density zones, which we have
3 to acknowledge that. If you're moving into a downtown
4 neighborhood or even a -- or a rowhouse neighborhood, you're not
5 even going to have a -- you're not going to even have a window,
6 so -- on the side. So, anyway -- so I have no -- I have no
7 problem with that, although I recognize why we may have -- why,
8 originally in the fifties, someone -- we may have tried to --
9 somebody may have tried to define criteria, specifically, but I
10 think it -- I can see why that might create interpretation
11 problems and delays and burdensome processes.

12 And the designation in mixed-use zones, the last --
13 fourth -- the fourth category, with adding the daytime care, that
14 certainly makes sense. And I know some people have suggested
15 adding the catch-all "any street-activating use", but that's
16 all -- you know, that's, like, in the eye of the beholder. If
17 people want to name specific uses -- we named all the specific
18 uses for that -- for what's allowed in these neighborhood mixed-
19 use zones. If they want to come up with -- if there's another
20 mixed -- neighbor -- street-activating neighborhood mixed use
21 that we haven't thought of or that's been created recently through
22 new creative entrepreneur uses, propose it and we'll put it into
23 that list, but I agree that just the catch-all of "neighborhood
24 street-activating" is kind of subject to a lot of -- it creates
25 more problems than I think it would solve, although that's the

1 whole goal -- that's the whole goal of those neighborhood mixed-
2 use zones, to have street-activating neighborhood mixed-use uses.

3 Can you -- and that just triggers one question in my
4 mind, which I hadn't thought of until now, and I hadn't -- I
5 should have looked this up. I hope -- well, is a bank -- I hope
6 a bank is not a street-activating neighborhood retail use. I
7 realize the ATM might be, but is a bank considered, in our
8 regulations, a -- one of those street-activating -- I mean,
9 people do come and go, but it often occupies a lot -- of course,
10 they're eliminating a lot of that space and creating just the
11 ATMs, but, where they exist, it kind of is a dead zone, except
12 for where the ATM is. Is that part of -- is that -- is that one
13 of the listed neighborhood street-activating uses?

14 MR. LAWSON: It is actually. Financial and general
15 services is one of the listed uses. I think we have to remember
16 where the neighborhood commercial zones are. They tend to be in
17 kind of lower-intensity neighborhoods, where, actually, the
18 addition of, you know, a bank or a financial service can actually
19 be of benefit to the neighborhood. We're not talking downtown
20 areas where, you know, banks are on every street corner. So I
21 think at the time that the regulations were established, that's
22 why, you know, a financial center was included. And I -- my
23 feeling is that it's still appropriate to do so in those
24 neighborhood commercial zones.

25 VICE CHAIR MILLER: Yeah, I -- and now that you're

1 saying that, it's reminding me of the reason that we put it in
2 there, if we put it in there -- I don't know if we put it in
3 there or some former Zoning Commission put it in there -- because
4 they often weren't in other neighborhoods that wanted to have
5 access to banking services. Some neighborhoods have too
6 much -- too many of them, and then are others that don't have
7 enough of them near them. So, yeah, that reminded me that -- of
8 that particular issue, so thank you for bringing it forward. I
9 generally support everything you brought forward tonight, so
10 thank you. Thank you, Mr. Chairman.

11 CHAIRMAN HOOD: All right. Thank you. I don't have
12 any questions, Mr. Lawson. I think I'm fine with everything and
13 we'll see what you come back with from Commissioner Wright and
14 others, but -- and Commissioner -- Vice Chair Miller, but I am
15 fine with what you have. Any other follow-up questions or
16 comments?

17 (No response.)

18 CHAIRMAN HOOD: All right. Thank you very much, Mr.
19 Lawson. Ms. Ackerman, do we have anyone from OAG?

20 MS. ACKERMAN: No, no one is here from OAG.

21 CHAIRMAN HOOD: Okay. Do we have any ANC Commissioners?

22 MS. ACKERMAN: No, we do not.

23 CHAIRMAN HOOD: Okay. Do we have anyone who's here in
24 support, opposition, or undeclared?

25 MS. ACKERMAN: We have one person for support and two

1 for opposition.

2 CHAIRMAN HOOD: Okay. Let's bring everybody up. Okay.
3 We'll hear from those in support first. I believe, Mr. Ferris,
4 you can begin.

5 MR. FERRIS: Good evening, Chairman Hood and members
6 of the Commission. Thank you for the opportunity to speak
7 tonight. For the record, my name is Lawrence Ferris. I'm with
8 the law firm of Goulston and Storrs, and I'm here speaking on
9 behalf of our practice group.

10 We support the Office of Planning's proposed omnibus
11 text amendment and are excited to see the amendments move forward,
12 and we believe that the revisions will help clarify certain
13 provisions, simplify administration of the regulations more
14 generally, and we hope help reduce impediments to investment and
15 development in the District, including enabling the creation of
16 more housing, among other things. We also recognize and
17 appreciate the significant time and resources that OP has
18 invested into studying, preparing, and bringing forward these
19 amendments, and we would like to take this opportunity just to
20 thank OP for all of their hard work.

21 As note, we are generally supportive of the amendments
22 and submitted detailed comments on the full package of amendments
23 at Exhibit 13 of the record. For my testimony tonight, we wanted
24 to focus really on one specific item before the Commission at
25 today's hearing. Specifically, we would like to reiterate our

1 support for the amendments to the special exception criteria for
2 rear yards in the MU and D zones to remove the requirement for a
3 minimum separation between windows on adjacent buildings, as you
4 all were discussing a moment ago. Separation between windows and
5 other openings on adjacent buildings is something that's already
6 regulated by DC construction code requirements, and so we believe
7 it's duplicative to also have a separate set of requirements in
8 the zoning regulations that specifically applies to projects that
9 need rear-yard relief.

10 To the extent there are any concerns about adjacent
11 windows in a particular case, we agree with OP that the BZ special
12 exception review provides a fully adequate forum for those issues
13 to be raised and addressed in a more kind of particularized
14 calibrated fashion, and the current regime that imposes kind of
15 a blanket requirement for a project to meet the variance standard
16 we just believe is a very blunt instrument and is also unnecessary
17 and overly restrictive, given that the special review that exists
18 anyways and that this issue is already regulated in the
19 construction codes. So, in short, we support removing the minimum
20 window separation requirement, as OP proposes,

21 In addition, we were also going to speak in support of
22 the amendment to permit relief from minimum court requirements
23 as a special exception in the D Zones, given that court relief
24 is a special exception for mixed-use and neighborhood mixed-use
25 zones, among others, and that D-zoned property should not be

1 uniquely subjected to a more onerous regime requiring an
2 applicant to meet the variance test. We understand this proposal
3 is not being incorporated into the amendments at this time, but
4 we would support this being brought forward again in the future.
5 So that concludes my remarks, but I would like to say thank you
6 to the Commission for taking up these amendments brought forth
7 by the Office of Planning, and thank you for the opportunity to
8 testify before you all tonight.

9 CHAIRMAN HOOD: Okay. Thank you, Mr. Ferris. Hold
10 tight. We may have some questions for you. Ms. Ackerman, I
11 think the only other person we have -- you said two, but I only
12 see one other person here, and that's Ms. Laura Richards, so I'm
13 going to go to Laura Richards.

14 MS. ACKERMAN: Okay.

15 MS. RICHARDS: Hi. Am I going to come up visually?
16 Oh, there I am. Okay.

17 CHAIRMAN HOOD: There you are.

18 MS. RICHARDS: Wait a minute. It's great to see you
19 all. Good evening, Chairman Hood and members of the Commission.
20 I'm testifying for the Committee of 100. Thank you for the
21 opportunity, and we also thank you all again for breaking this
22 up into six separate sessions. I believe the discussion has been
23 much more robust than it would have been if it had been done all
24 together. I'm going to address 21 and 23. OP proposes to amend
25 the descriptions of MU-4, MU-5, and MU-7, and we question why

1 | this is felt to be necessary at a time when there's a new Comp
2 | Plan already underway, which is going to be radically different
3 | and which may render obsolete the Section 227, which is the source
4 | of all these problems.

5 | The new zone designations are going to create three
6 | overlapping zones; low-moderate 4, moderate density 5, and
7 | moderate-medium MU-7. However, you're not going to change the
8 | zone development standards. Therefore, a development on a parcel
9 | of land that's on the -- labeled on the FLUM as moderate density
10 | could be anywhere from 50 to 75 feet tall and anywhere from 2.5
11 | to 4.8 FAR. That's a mighty big range for one zoning label.
12 | It's going to create, we think, more confusion and more
13 | uncertainty. People are then going to argue, "Well, if it's
14 | moderate, then which moderate are we talking about?". It's not
15 | necessary.

16 | The amendment will -- the amendments will incentivize
17 | additional height and bulk, regardless of what the community
18 | might want or what common sense design standards might dictate.
19 | The existing regulations provide a degree of predictability by
20 | designating MU-3 as low, MU-4 as moderate, and MU-5 and 7 as
21 | medium. They may not be perfectly aligned with the Comp Plan,
22 | and we think that's very important, but we, from the outset, have
23 | said that Section 227 of the plan was deeply flawed. So we think
24 | that the existing regulation should be kept in place and all of
25 | this should be hashed out under the new plan.

1 Now, amendment 23, the window separation criteria, OP
2 wants to repeal the existing mandatory minimum separations. The
3 Commission (sic) thinks -- the Committee thinks they should
4 remain in place. And in the past, obviously, the Zoning
5 Commission thought that the mandatory separations were
6 sufficiently important that they, you know, let them go --
7 survive during the transition from the '58 rules to the 2016
8 rules. OP suggests it was an oversight. I suggest it's equally
9 likely that it was decided these were too important to be just
10 left to ad hoc, I guess, adverse impact standards. So we think
11 that if you simply say, "We'll address this in a special exception
12 case under the adverse impacts standard," that's -- you have
13 nothing -- you have no concrete standard. If you have a rear-
14 yard requirement that's so many feet, then you say, "Well, we're
15 back -- you know, we're -- we want relief from it from yay much,"
16 and BZA could decide, is that a lot, a little, is it reasonable?
17 Here, it's really anything goes. It's just -- it's entirely
18 flexible.

19 Also, in the case of apartment buildings, the tenants
20 who are going to be affected are the least likely to get notice
21 of or hear about a zoning action that might be affecting them
22 and this especially is going to affect tenants in low income
23 areas, who are the most likely to be kind of cramped in and to
24 have the least amount of information. I don't think we should
25 let the building construction requirements be the substitute,

1 | because they are more or less about life and safety and not
2 | especially geared to quality of life. Strong protections for
3 | light, air, and privacy are increasingly important, as the
4 | executive branch has continued its push to build anywhere,
5 | everywhere, all at once, and has left more and more things subject
6 | to discretion of the Zoning Administrator. So OP is increasingly
7 | oblivious to quality-of-life issues and the overall appearance
8 | of the city. Residents, therefore, look to the Commission to
9 | protect our homes and the integrity of our neighborhoods. So
10 | thank you again for your attention and for going through this
11 | long, but very enlightening process overall.

12 | CHAIRMAN HOOD: Okay. Thank you, Ms. Richards, and
13 | thank you to Mr. Ferris. Let's see if we have any follow-up
14 | questions for you. Commissioner Wright.

15 | COMMISSIONER WRIGHT: Nope, no additional questions.
16 | Thank you both for your testimony.

17 | CHAIRMAN HOOD: Vice Chair Miller.

18 | MS. RICHARDS: Based on everyone's statements prior to
19 | the -- taking witness testimony, it seems as if my opinions have
20 | pretty much gelled on this last batch.

21 | CHAIRMAN HOOD: Vice Chair, you have any questions?

22 | VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
23 | you, Mr. Ferris and Ms. Richards. It's good to see you both,
24 | and I thank you for your thoughtful testimony, and I thank the
25 | Committee of 100 for that -- with Empower DC, originally

1 suggesting that we break this up. I agree that -- we all agree
2 that it has worked out much better and allowed much more focus
3 and understanding by us and by the public and discussion to have
4 broken it up into multiple hearings, rather than a single hearing
5 that might have gone over multiple days, so I appreciate that
6 original suggestion a while ago, and which we -- which we
7 followed.

8 And, Mr. Ferris, yeah, on the court relief, we did
9 indicate at the -- at the beginning that we would take up that
10 issue separately. I think that's merit to that -- substantial
11 merit to that provision to make it -- the court relief a special
12 exception, rather than a variance, in those cases. And we -- I
13 think we've asked the Office of Planning to bring that forward
14 in a separate case expeditiously, so I hope that will happen.

15 And, Ms. Richards, I was going to comment on something,
16 but I can't remember what it was, so I just thank you for your --
17 I thank you for -- oh, on the Comp Plan, I mean, I understand
18 you all oppose what the Council did in the Framework Element on
19 the density designations, but they did it four years ago -- or
20 more than four years ago, maybe four-and-a-half at this point.
21 So -- and you know more than almost anyone that zoning has to be
22 not inconsistent with the Comp Plan and the designations that are
23 being proposed, I feel -- you may disagree and that's fine --
24 that they're more consistent with the Comp Plan greater density
25 that was allowed in each of those overlapping -- as you said,

1 overlapping densities for each of those categories. But our
2 zoning regulations didn't catch up with what the Council and
3 Mayor did four years -- four-and-a-half years ago, it's -- it
4 has -- it's create -- that has created confusion in cases that
5 have come forward. So, I mean, that's my comment. I know you
6 probably disagree with that and you think we should wait until
7 the new Comp Plan, but we have an existing Comp Plan and we have
8 an existing mandate to make our zoning not inconsistent or, at
9 least, more consistent with the Comp Plan, but you can -- please
10 feel free to say whatever you want to say.

11 MS. RICHARDS: Thank you. I'll just add one final
12 thing, that you do have -- you still have a fair amount of
13 flexibility yourself and -- for instance, the -- on the high-
14 density designations, which can go up to, I guess, MU-10, but
15 don't necessarily have to. And, unfortunately, OP usually says
16 that what should be -- you know, we're going to assume in nine
17 cases out of ten, the higher zoning designations, but because you
18 do have that flexibility in selecting zones in -- when a case is
19 before you, I would say that you probably have a certain amount
20 of flexibility in the way your regulations are drafted. And they
21 couldn't be wildly inconsistent, but -- you know, but this is a
22 case of reasonable minds may differ and we'll see what comes out
23 of this change, if you adopt it.

24 VICE CHAIR MILLER: You're right, I would agree that
25 reasonable minds may differ, and I would never deny our Commission

1 the flexibility or discretion to interpret whatever we think is
2 in the best interest of the public and the larger District of
3 Columbia, so I thank you for your views, and I respect them.

4 CHAIRMAN HOOD: I, too, want to thank both of you again
5 for coming down to give us your views and, the Committee and Mr.
6 Ferris, what your organizations have done. Ms. Richards, you all
7 have responded to something, and we appreciate it. But what
8 stuck out with me was you really made sure that we knew that one
9 of the things that was proposed or mentioned was not noticed, and
10 I appreciate that, because one thing we want to do, even though
11 we think it's simple -- we want to make sure we do our due
12 diligence -- is making sure we give proper notice. But I will
13 ask this though, Ms. Richards. Now, as you know -- you probably
14 know better than I do, because I know you sat on the BZA some
15 years ago -- and some of these things -- as you know, we've been
16 working on some of these things, trying to come up with some of
17 these amendments for years and, now that we got here, to make it
18 simple. It seems as though -- let me ask you this. And I'm
19 going to ask you, because I know you probably know all the
20 amendments. How many amendments has the Committee supported? Is
21 it two?

22 MS. RICHARDS: You mean, out of this batch here?

23 CHAIRMAN HOOD: Oh, no, I'm talking about the
24 whole -- well, I know you know about all 25.

25 MS. RICHARDS: I mean -- oh, you mean of the

1 entire -- of the entire package here?

2 CHAIRMAN HOOD: Right.

3 MS. RICHARDS: Oh, gosh, I think we've supported about
4 a third of them.

5 CHAIRMAN HOOD: Oh, okay, okay.

6 MS. RICHARDS: You know, we have -- I would -- don't
7 hold me to it. I'd go back and check. We have simply focused
8 on the ones to which, you know, we've had some objections, but,
9 like, for instance, the -- we didn't even object to the courts,
10 even though, you know, it wasn't -- hadn't gone out, because it
11 seemed almost technical, but the elevator -- you know, if the
12 Architect of the Capitol has any problems, he'll let you know.
13 And the other one, 22 I think, it's fine.

14 CHAIRMAN HOOD: Okay.

15 MS. RICHARDS: So it's -- this is just a case of --
16 because we only speak to the things we don't like, you get this
17 idea that we are always complaining, but we're really just saving
18 your time.

19 CHAIRMAN HOOD: No, actually -- actually, I didn't get
20 the idea that you always complaining. I'll tell you, Ms.
21 Richards, you and I have known each other for years, but I --
22 but I always pay strict attention, because I know you all do your
23 due diligence.

24 MS. RICHARDS: Uh-huh.

25 CHAIRMAN HOOD: And whether we agree, like you all

1 sound reasonable -- whether we agree or disagree, I know you all
2 have put the work in, and others have done it as well, but
3 particularly the Committee, and I make sure I read to see where
4 you all are, because you all have a lot of experience and you've
5 been doing this for a while and it's respected. It might not
6 feel like it sometimes, but it's respected.

7 MS. RICHARDS: We -- on behalf of the Committee, we all
8 thank you for that, and we will try to be even more persuasive
9 in the future.

10 CHAIRMAN HOOD: No, you -- I was sitting here thinking
11 about you, and there was something that you said in another
12 case -- and I'm really digressing -- a while back, and when I --
13 every time I see you, I think about that, and you were right,
14 and I will say the Commission was wrong. I'm not trying to
15 appease you; I'm just telling you that the situation that you
16 brought was right. But let me say this too. Even if we make
17 some of these changes, one of the things the Commission has never
18 been afraid to do, if we go down the wrong road, then to make
19 the change back or change it. That's one thing that we don't --
20 we're not afraid to do. All right. So thank you, Ms. Richards.

21 MS. RICHARDS: I have to say one more thing to you
22 guys, and I'll keep quiet. I don't know if you've been seeing
23 the public feedback to 25-11. Everyone is very, very pleased.
24 I mean, there's a lot of internet traffic on your decisions, and
25 also the quality of the record that was developed in that case.

1 Just had to throw that in, so kudos.

2 CHAIRMAN HOOD: Well, thank you for letting us know
3 that, because we don't -- I don't usually hear about the kudos;
4 I usually hear the other side of it. So, anyway, thank you for
5 letting us know that. Again, Mr. Ferris and Ms. Richards, thank
6 you all for all the work that you all put in. All right. Ms.
7 Ackerman, that's it, right?

8 MS. ACKERMAN: Well, we did have a third person here.

9 CHAIRMAN HOOD: I didn't see --

10 MS. ACKERMAN: She was on for the Citizens Association
11 of Georgetown, Stephanie Bothwell, but I don't know if we lost
12 connection with her or if she logged off. I see her back on now.
13 She's in opposition.

14 CHAIRMAN HOOD: Okay. Let's bring her up. Ms.
15 Bothwell, are you testifying?

16 (No response.)

17 CHAIRMAN HOOD: Ms. Bothwell.

18 MS. BOTHWELL: Good evening. I just want to thank you.
19 I -- this has been highly instructive, all six or so meetings,
20 and we will be responding as best we can, particularly in support
21 of the measures that -- or the submittals that ANC 2E will be
22 sending. So thank you for all that you've done and all this work
23 and it's been a huge learning curve for us. Thank you so much.

24 CHAIRMAN HOOD: Okay. Thank you, Ms. Bothwell. We
25 appreciate your comments. And let me also just go back to

1 something the Vice Chair mentioned about how DC Empower --
2 Empower DC and Committee of 100 were pushing us. A lot of people
3 were pushing us to do that and to break it up, and I think it
4 turned out -- once we got started, we would've done it to a point,
5 because this is a lot of stuff to consume, except for one, two,
6 or three nights, and I think the way we broke it up -- and we
7 appreciate all the staff for helping us break all this up the
8 way they did, and I think we got a better conversation --
9 interaction with the community on different topics and we got
10 different perspectives. So enough of my soapbox. Colleagues,
11 you have anything else?

12 VICE CHAIR MILLER: (Shakes head negatively.)

13 COMMISSIONER WRIGHT: (Shakes head negatively.)

14 CHAIRMAN HOOD: All right. Ms. Ackerman, do we have
15 anything else this evening?

16 MS. ACKERMAN: No.

17 CHAIRMAN HOOD: Okay. You can follow us again. We
18 will be back to deliberate on these on the 25th at -- what time --
19 Ms. Ackerman, what time is the 25th? Is it five o'clock?

20 MS. ACKERMAN: The 25 -- let me see here -- three p.m.,
21 so Tuesday.

22 VICE CHAIR MILLER: I think that's our closed meeting.

23 CHAIRMAN HOOD: It's not three p.m.

24 MS. ACKERMAN: Oh, sorry.

25 CHAIRMAN HOOD: And I think that closed -- Mr. Ritting,

1 | could you help me out, because I don't want to leave any wrong
2 | information. I think it's two hours, so it should be five
3 | o'clock. You know what?

4 | MS. ACKERMAN: Oh, yes, five o'clock.

5 | CHAIRMAN HOOD: This one we start at five o'clock. If
6 | it wasn't when we start at five o'clock, it will be now.

7 | MS. ACKERMAN: Sorry.

8 | MR. RITTING: I think giving more time would be better,
9 | because then the public will know what time, and we can start
10 | with more certainty.

11 | CHAIRMAN HOOD: Okay. So it will be five o'clock. I
12 | don't know what is advertised, but this is the announcement that
13 | we will start at five o'clock, because I don't see -- hold on --
14 | hold on one second. The closed meeting's at three, so we need
15 | two hours. Yeah, we will start at five o'clock deliberating.
16 | The Zoning Commission will meet again on November the 17th --
17 | November the 17th, and that case will be Wharf Phase 3
18 | Leaseholder, LLC, and we'll meet on these same platforms. The
19 | case is 11-03N. I want to thank everyone for their participation
20 | tonight, and this hearing is -- set of hearings is now adjourned.
21 | Thank you.

22 | (Whereupon, the above-entitled matter was adjourned at
23 | 5:49 p.m.)

24 |

25 |

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing - Case No. 25-12

Before: DC Zoning Commission

Date: 11-13-25

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