

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING  
CASE NO. 25-08

+ + + + +

MONDAY

JANUARY 5, 2026

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- 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

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
SHEPARD BEAMON  
MICHAEL JURKOVIC

ALSO PRESENT:

WILL TEASS, AIA DC  
MARTY SULLIVAN, ESQUIRE, Sullivan and Barros  
SHANE DETTMAN, ESQUIRE, Goulston and Storrs  
LAURA RICHARDS, Committee of 100

The transcript constitutes the minutes from the  
Regular Public Hearing held on January 5, 2026

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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 Wright, Commissioner Stidham, and Commissioner Imamura. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, and our Office of Zoning Legal Division, Ms. Hillary Lovick. 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 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 presentations. Oral presentations should be limited to a summary of your most important points. When you have finished speaking, please mute your audio so that your microphone is no longer picking up sound or background noise.

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1 at 202-727-0789 to receive Webex log-in or call-in instructions  
2 or if you need assistance to sign up to testify. All persons  
3 planning to testify either in favor, opposition, or undeclared  
4 must sign up in advance and will be called by name. If you wish  
5 to file written testimony or additional supporting documents  
6 during the hearing, then please request that the submission be  
7 entered into the record and be prepared to describe it at the  
8 time of your testimony. The subject of this evening's hearing  
9 is Zoning Commission Case Number 25-08, Office of Planning text  
10 amendment update for residential apartment RA-1 zones. Again,  
11 today's date is January the 5th, 2026.

12 The hearing will be conducted in accordance with the  
13 provisions of 11-Z DCMR, Chapter 5, as follows: preliminary  
14 matters; presentation -- in this case, it's by the Office of  
15 Planning -- report of other government agencies; report of the  
16 ANC -- this is citywide -- testimony -- and citywide as well for  
17 the, yeah, ANC, citywide -- testimony of organizations and  
18 individuals, each having five and three minutes,  
19 respectively -- organizations, five minutes; individuals,  
20 three minutes -- and we'll hear in the order from those who are  
21 in support, opposition, and undeclared.

22 While the Commission reserves the right to change the  
23 time limits for presentations, if necessary, it intends to adhere  
24 to the time limits as strictly as possible and notes that no time  
25 shall be ceded. At this time, the Commission will consider any

1 preliminary matters. Does the staff have any preliminary  
2 matters?

3 MS. SCHELLIN: Just very briefly. So the OP hearing  
4 report is at Exhibit 14. I believe that they made any changes  
5 since the setdown in red at pages 7 through 16. There are some  
6 ANC reports in the record in support at Exhibits 3, 5, 6, and 7  
7 from ANC's 5F, 4D, 5B, and 3C, respectively. Then there's also  
8 an OAG report in support at Exhibit 13. So, other than that, I  
9 have nothing further. I will turn it over to you. We'll have  
10 Mr. Lawson, Mr. Beamon, and Mr. Jurkovic -- I believe that's how  
11 you pronounce it -- from the Office of Planning presenting this  
12 evening, or they'll all be here. I don't know who's presenting,  
13 but they'll all be here.

14 CHAIRMAN HOOD: Okay. Before we -- before we go there,  
15 again, let me wish everyone a Happy New Year. I want to bring  
16 Mr. Lawson up. I think my time is running out. I missed it --  
17 saying something great about Mr. Lawson during the meeting. I  
18 usually do this during the meetings. I know this was unexpected,  
19 but, I don't know, time seems to be getting short. So what I'd  
20 first just like to say, and I'll ask my colleagues to join in  
21 with me, Mr. Lawson has been around awhile. And we know that  
22 Ms. Steingasser left I think in the end of October, and Mr. Lawson  
23 is leaving soon. I don't know when it is, but we need him, so  
24 maybe that might encourage him to extend. A lot of that's going  
25 on too now, extending, so I'm just throwing that out there. I'm

1 not saying this -- and I know once you get ready to get into that  
2 other chapter, because I'm not far behind you -- when you get in  
3 that chapter, you feel good about moving there, and it's well due  
4 and well deserved and well done.

5           Mr. Lawson has done a great job in this city and the  
6 Office of Planning. He's worked hard. I do know for a fact --  
7 and I'll admit this now, Mr. Lawson -- he's been to some meetings  
8 and some of my friends have not been very nice to him, but I want  
9 you to know that I have spoken to them about that. Meanwhile, I  
10 know -- but I appreciate your tenacity, your steadfastness, and  
11 also how you kept moving things forward. I know a lot of times  
12 people are not happy with us. I know that firsthand. But I do  
13 know that you gave them the real deal, gave them the truth, and  
14 a lot of -- a lot of benefits of things that you have basically  
15 enacted and been involved with have been very important to the  
16 city.

17           And I always say this about all the people who come  
18 along this way, this city is a better place because of people  
19 like Joel Lawson have served and done his due diligence for the  
20 District of Columbia. And I'm sure I can say this -- I can say  
21 this on behalf of Mayor Muriel Bowser, on behalf of the city,  
22 and I'm sure it's coming from your Director as well, but I can  
23 say this on behalf of Mayor Bowser and the residents; she always  
24 says -- and the residents of 700,000 -- I think that number's  
25 going up now, but whatever the number is, we appreciate all the

1 work you've done. It does not go unnoticed and you have been  
2 definitely an A-plus model for the District of Columbia when it  
3 comes to planning and just being a person involved in what we do  
4 here in the city. So I'm going to say that, and let me hear from  
5 others. Let me start off with Vice Chair Miller, if he wanted  
6 to say something.

7 VICE CHAIR MILLER: Yes. Thank you, Mr. Chairman. And  
8 hi, Joel Lawson. Good to see you, and we'll miss seeing you when  
9 we no longer see you, either with your face on the video or in  
10 the box, that we can call you up at any time, because you're  
11 always there, available to answer questions that we have from  
12 ourselves or on behalf of the public that's testified. Your  
13 expertise has been excellent, as the Chairman said. Your  
14 community engagement for many, many years is very laudable. Your  
15 patience with us and with the public is even more laudable. And  
16 you have contributed so much to -- in plain language -- just  
17 putting in plain language some of these arcane regulations, what  
18 they mean, to the public and to us has been a very difficult  
19 task, but you do it with a lot of ease, and we will definitely  
20 miss you. So thank you all for -- thank you, as the Chairman  
21 said, on behalf of the entire city for your work on our behalf.  
22 We do very much appreciate it, and we'll miss you. Thank you.

23 CHAIRMAN HOOD: Thank you. Let me ask -- I'm going to  
24 ask all my colleagues to say something. I know some of them may  
25 have served with you shorter, but I know others who have not been

1 with you a short time. They know you -- they probably knew you  
2 long before I did, because you all are in the same arena, but  
3 let me ask Commissioner Imamura if you have anything to say.

4 COMMISSIONER IMAMURA: Well, thank you, Mr. Chairman.  
5 And, Mr. Lawson, thank you for your service. Your imprint on  
6 this city is significant, and you have led a team -- an incredible  
7 team and built a team at OP that really speaks to your legacy  
8 here at the city. And I'm really happy and excited for you to  
9 start your next chapter. It is a significant loss though for  
10 both OP, OZ, the city, and the residents, and just your  
11 stewardship of DC here is tremendous, and so I will certainly  
12 miss you, Mr. Lawson. You have always delivered your reports and  
13 presentations with such calmness and clarity and just really  
14 enjoyed your delivery, and so really appreciate your work here  
15 in the city. But, most importantly, for those that are -- for  
16 the public tonight, Joel Lawson is just a decent human being, and  
17 I'm just really going to miss working alongside you, so thank  
18 you, Joel.

19 CHAIRMAN HOOD: And I'm going to Commissioner Stidham  
20 and I'm going to end with Commissioner Wright.

21 COMMISSIONER STIDHAM: Well, thank you. Joel, I know  
22 our paths crossed before I joined the Zoning Commission, but not  
23 all that much, but I have been thoroughly impressed with your  
24 knowledge of the regulations, and it's not just a working  
25 knowledge; it's an in-depth knowledge of how it all comes together

1 and are able to really provide us with a lot of guidance and  
2 advice, based on your experience, so thank you so much for that.  
3 It is a huge loss for the city. It's a huge loss for us, but,  
4 for you, I hope it is on to new adventures that include a wide  
5 variety of national parks, hopefully, and that you enjoy some  
6 well-deserved time off, so best wishes to you.

7 CHAIRMAN HOOD: Okay. And Commissioner Wright, and  
8 then, also, Ms. Schellin, you and Ms. Lovick get ready as well,  
9 and I think that -- I think we've gotten everybody. Commissioner  
10 Wright.

11 COMMISSIONER WRIGHT: Thank you. I haven't worked with  
12 Joel for very long, but in the time that I have worked with him,  
13 I have been really impressed. You are very, very patient, and  
14 you are always, always so able and willing to answer our questions  
15 and to make, as I think someone else said, these very complicated  
16 zoning issues clear and putting what their intent is in plain  
17 English, and I really appreciate that.

18 And, you know, again, I think that, you know, having  
19 sort of been in a situation of working for an agency for a long,  
20 long time, I know it's bittersweet to leave; you know, you feel  
21 like you've really built something very important, and you have.  
22 But the good news is that you've -- you know, you've trained  
23 people and you've created a system so that your good work can  
24 move forward in the future. And I wish you the best. Retirement  
25 is fun. I can tell you, it's definitely interesting. So I hope

1 | you have as much fun as you can and do a lot of cool things, and  
2 | it's been a pleasure.

3 |           CHAIRMAN HOOD: Ms. Schellin, and then Ms. Lovick.

4 |           MS. SCHELLIN: Oh, Joel, it's been so long since you  
5 | came, and I enjoy our personal friendship we have created over  
6 | the years. And I'm not sure who I'm going to live my dreams of  
7 | travel through now, so I've just decided, I've lost enough weight,  
8 | I'll fit in your large suitcase, so you can just take me with  
9 | you and I won't have to just hear about; I'll be there and enjoy  
10 | it with you, so -- but I do -- I wish you lots of luck. I am  
11 | truly going to miss you, just like I miss Jennifer already, and  
12 | it hasn't even been six months. So I wish you the best. I know  
13 | you're going to -- whatever you do, you're going to have fun or  
14 | succeed at, so I wish you the best.

15 |           CHAIRMAN HOOD: Okay. And Ms. Lovick.

16 |           MS. LOVICK: Joel, I'm -- I don't even know what to  
17 | say. I'm just so happy for you that you are embarking on this  
18 | new phase on your journey, but you will be so incredibly missed,  
19 | and your knowledge -- I mean, it's not even something that I can  
20 | put into words. I don't know what we'll do. Just thinking about,  
21 | like, makes my heart start to race, but I'm so grateful to you  
22 | and thankful to you. You've been such a joy to work with in my  
23 | time here. So you take care, and I hope that we will stay in  
24 | touch. Thank you so much for your service.

25 |           CHAIRMAN HOOD: So I want to thank everybody who brought

1 | comments to Mr. Lawson. Again, Mr. Lawson, I apologize for not  
2 | doing this at a meeting, but time kept on -- you know, I was  
3 | trying to figure things out and I just wasn't able to connect  
4 | the dots, but I'm going to say this, and I'm going to let you  
5 | say a word, and then we'll get started with the hearing. But I  
6 | will tell you, can't nobody say that Mr. Lawson and his team  
7 | don't go out and look at what they plan, because I remember riding  
8 | down on Riggs Road and South Dakota Avenue one cold day -- Joel,  
9 | you may remember this -- and there was a whole lot of Office of  
10 | Planning people. I don't know what y'all was doing up there,  
11 | but I almost had an accident from trying to look and see what  
12 | y'all was doing, but I can tell you this; it was cold, because I  
13 | saw everybody's hair blowing, so that commends you. And I've  
14 | always -- every time I go to that corner, I think about you, and  
15 | I know you all had some impacts on it, because it has changed,  
16 | but I always think about you and what you all have done up there  
17 | and what you all were doing. You and I have talked about that  
18 | before, and I forgot what you said you all were doing up there,  
19 | but whatever it is was for the best interest of the city.

20 |           So, with that, I'm going to turn it over to you, Joel.  
21 | Take a minute or two or how much time you want to say and say  
22 | something, and then you can go back and use this tape some nights  
23 | when you can't go to sleep, and just listen to it and go right  
24 | on and have a good night's sleep. So I'm going to turn it over  
25 | to you, Joel.

1 MR. LAWSON: Well, I just want to thank you so much for  
2 those kind words. I wasn't really prepared for this, so I'm a  
3 little bit -- a little bit gobsmacked, but I really appreciate  
4 the very kind words. It's been an absolute privilege working  
5 with the Zoning Commission. It's been a particular pleasure of  
6 mine in this job. I've worked with a lot of amazing Zoning  
7 Commission members over time, and, of course, Chairman Hood, I  
8 can't help but single out your service and your longevity on the  
9 Zoning Commission. You were there before me, you know, so you've  
10 been, like, the constant factor on the Zoning Commission and just  
11 been, like, an inspiration to the rest of us.

12 It has been such a pleasure working with the staff that  
13 I've worked with, the staff here at the Office of Planning, and  
14 I'm so going to miss the staff of the Office of Zoning. They  
15 are true professionals. I don't know how they do what they do.  
16 I couldn't do what they do, but they certainly do it and do it  
17 so well. And just everybody else. And like you said, Mr. Chair,  
18 one of the joys of this job has been getting out and seeing, you  
19 know, every corner of this city in winter and in summer and just  
20 kind of getting to know this beautiful, astonishing, wonderful  
21 city that we all call home. So, once again, thank you for your  
22 comments. Very much appreciated. I won't take 15 minutes. I'll  
23 call it quits at that, but thanks again.

24 CHAIRMAN HOOD: Again, congratulations as you continue  
25 to move to the next chapter for big things, big excitement. I

1 will say this publicly. I've asked Sara to reach out to you  
2 about an issue. I'm hoping it's in the (indiscernible) and I'll  
3 just leave it at that, and I say that publicly, so -- but we'll  
4 see. Let's go ahead and get started. Mr. Lawson, are you  
5 presenting tonight or who's -- oh, I'm sorry. Mr. Jurkovic and  
6 Mr. Beamon. Okay. Mr. Jurkovic -- I'll turn it over to Mr.  
7 Jurkovic and Mr. Beamon. You all may begin. Thank you.

8 MR. BEAMON: Thank you, Chair Hood. And I would also  
9 concur with all of the Commissioners and other staff members'  
10 comments. Joel will be deeply missed here at OP as well, so we,  
11 as well, wish him the best of luck with this next chapter, but  
12 I'll begin with why we're here tonight.

13 So good evening, Commissioners. I'm Shepard Beamon  
14 with the Office of Planning, and I'm joined by colleague and the  
15 co-case manager, Michael Jurkovic. And the Office of Planning  
16 is recommending that the Zoning Commission approve the proposed  
17 text amendment for 25-08 for a text amendment to the RA-1 zone  
18 for Subtitles C, F U, and Y. And, since setdown, there have been  
19 some minor changes and additions to the proposed amendments.  
20 However, none of those changes or additions would significantly  
21 change what was initially proposed by OP during setdown.

22 Next slide please. So some background about the RA-1  
23 zone. The RA-1 zone is intended to permit flexible low-to-  
24 moderate-density residential development ranging from detached  
25 houses to low-rise apartments. And when we look at the map here

1 on the right side of your screen, you will see that ANCs 7 and 8  
2 have the highest concentrations of RA-1. And the zoning  
3 regulations require a BZA review and approval for new development  
4 in the RA-1 zone, which stem from the 1970's, in response to  
5 neighborhoods east of the Anacostia River being heavily burdened  
6 and overcrowded with apartments and a lower percentage of home  
7 ownership, all an effort to insure quality development.  
8 Currently, single-family detached and semi-detached dwellings are  
9 permitted by right; whereas, new rowhomes, flats, multifamily  
10 buildings, and additions to existing multifamily buildings  
11 require special exception review and approval by the BZA.

12 Next slide. The general purpose of this text amendment  
13 is to allow more flexible new development that is compatible with  
14 existing neighborhoods; reduce the number of BZA applications for  
15 less intense projects; improve applicant requirements; provide  
16 clarity for the review process; expand uses allowed by right;  
17 remove the special exception review for mandatory and voluntary  
18 inclusionary zoning; and identify and respond to issues raised  
19 by both ANCs and the BZA. And, lastly, we will note that OP does  
20 not propose any map amendments with this petition.

21 Next slide please. So, when evaluated through a racial  
22 equity lens, the proposal would not be inconsistent with the  
23 Comprehensive Plan and would uphold several relevant policies,  
24 including those listed on the screen here. Since this would be  
25 a Districtwide amendment, OP did not analyze the proposal against

1 the Future Land Use Map or Generalized Policy Map. However,  
2 since there is a higher concentration of RA-1 in Wards 7 and 8,  
3 OP did check for consistency with those affiliated Plan Area  
4 Elements, of which the proposed amendment would not be  
5 inconsistent.

6 Next slide. The project advances policies related to  
7 racial equity, as it would advance opportunities for new quality  
8 and affordable housing, including IZ options, and would not  
9 result in the loss of housing or direct and indirect displacement  
10 of residents. The proposed amendment should foster better  
11 applications to facilitate well-designed and compatible  
12 development, and the amendment should not impede access to  
13 employment or retail.

14 Next slide. In total, OP held a total of five virtual  
15 ANC meetings in January and October of 2025. Comments from those  
16 meetings and Commissioners were generally positive. The  
17 presentations and recordings were uploaded to the project -- the  
18 project website on the screen here, along with any relevant  
19 information associated with this case. OP also created an RA-1  
20 e-mail address, and, again, we received general positive  
21 feedback.

22 Next slide. So, from the setdown and as requested by  
23 the Commission, OP reviewed previous BZA cases from the past five  
24 years that would not require BZA special exception review for new  
25 RA-1 development, and our research shows that roughly 30 percent

1 of those cases would not require BZA review and would be  
2 considered matter of right under the new regulations. These  
3 included adding new -- sorry. Next slide please. So, some of  
4 the examples we have, we have two examples on the screen here,  
5 but we have a full list of examples of other cases in our report,  
6 that would include cases or projects that would add new units in  
7 the cellar, reconfiguring the existing interior space to add a  
8 unit, conversion of a single-family dwelling into multiple units,  
9 or construction of a new principal dwelling, flat, or apartment  
10 building.

11           Again, so here we have an example of a project where  
12 the applicant would simply be adding two new units in the existing  
13 cellar of a four-unit building or -- yeah. And then next slide.  
14 And, again, a by-right development would include converting an  
15 existing single-family home into a flat, all of which were  
16 previously approved by the BZA.

17           And then, in response to other comments from the  
18 Commission, the following chart here shows the existing by-right  
19 Floor Area Ratio and lot dimension requirements for the RA-1  
20 zone, in comparison to other low-to-moderate-density zones -- or  
21 low-to-moderate residential zones. And, with that, I'm going to  
22 pass the presentation over to Michael.

23           MR. JURKOVIC: Thanks, Shepard. Again, this is Michael  
24 Jurkovic with the Office Planning. Next slide please. I will  
25 be presenting, specifically, the changes to the RA-1 zoning in

1 | this proposal. Of course, the full text amendment can be found  
2 | in our hearing report. I'll start first by mentioning the changes  
3 | since setdown. We have amended Subtitle F-202 to include  
4 | mandatory IZ developments, as recommended by OAG. Additionally,  
5 | we've made changes to reflect the concurrent omnibus proposal.  
6 | And, lastly, various technical edits, as requested by DoB, for  
7 | their most effective administration of the proposal.

8 |           Next slide please. As discussed previously, one of  
9 | the -- one of the changes we are making is for voluntary IZ  
10 | developments to be able to be pursued as a matter of right. These  
11 | changes would allow such developments to opt-in to the IZ  
12 | development permissions.

13 |           Next slide please. More on those lot dimensions.  
14 | Currently, the RA-1 zone, there's no minimum lot requirements,  
15 | outside of those for single-household row buildings, which is  
16 | 1,800 square feet, with some flexibility allowed through the  
17 | U-421 special exception review process. We're not proposing to  
18 | take away that flexibility that's allowed through the special  
19 | exception though, Instead, we're proposing to implement just a  
20 | flat 1,800 square feet for all developments, with a 1,500 square  
21 | foot minimum for all IZ developments, both voluntary and  
22 | mandatory. Next slide please. For side yards, F-208, the RA-1  
23 | currently requires a minimum of eight-foot side yards, with  
24 | additional side-yard requirements based on building height only  
25 | for developments with three or more units per floor. We're

1 proposing to keep the eight-foot minimum, but allow for row  
2 buildings and require that non-conforming side yards maintain at  
3 least five feet in the RA-1. Two yards will still be required  
4 for any building proposing five or more units.

5           Next slide please. Now for the use permissions, kind  
6 of the largest part about this proposal. As Shepard mentioned  
7 earlier, currently, the only matter-of-right developments  
8 permitted are detached and semi-detached single-family dwellings.  
9 We're proposing that all detached, semi-detached, or row  
10 buildings are allowed up to four units as matter of right. New  
11 apartment buildings containing more than four units would still  
12 require the BZA approval process.

13           Next slide please. In addition to a matter of right  
14 of four units, we -- OP acknowledges that there is long-existing  
15 apartment stock in the RA-1 zones, and we are proposing an  
16 alternate matter-of-right use, which would allow existing  
17 apartment houses, as of the enactment date of this proposal, to  
18 be repaired and renovated to expand structurally only so that  
19 they add or expand habitable rooms to the existing units or,  
20 alternatively, increase the number of units in existing spaces  
21 that are either underutilized or not used for habitable rooms.  
22 These include, you know, partial cellar spaces that are  
23 underutilized, for example.

24           Next slide please. And, last but not least, the U-421  
25 special exception, itself. We just decided to list everything

1 here, but I'll touch upon the most important factors. We are  
2 proposing to require certain submittal documents that are  
3 commonly asked for, such as shadow studies, as well as plans or  
4 illustrations which show the proposal in relation to adjacent  
5 properties, as part of the submittal process. Additionally, we  
6 are bifurcating the process a little bit, in that developments  
7 on properties 20,000 square feet or greater, those are -- will  
8 be the ones that are required to submit existing and final grading  
9 plans, as well as a statement of justification which more  
10 thoroughly examines the proposed development in relation to the  
11 surrounding neighborhood context.

12           Next slide. In conclusion, this proposal would reduce  
13 the number of RA-1 BZA applications for new development;  
14 alleviate additional fees and filings for said applications;  
15 would allow moderately-sized residential development by right;  
16 and provide clarity on development review standards for the  
17 RA-1. OP recommends that the Zoning Commission approve the  
18 proposed text amendment, and Shepard and I are here to answer any  
19 of your questions. Thank you.

20           CHAIRMAN HOOD: Okay. Thank you, Mr. Beamon, as well  
21 as Mr. Jurkovic. Again, Happy New Year to you two as well, but  
22 thank you for your report. I want to ask -- well, I think one --  
23 well, one of my questions you already answered when you said you  
24 accepted what OAG had mentioned, so I think I'm good with that,  
25 but let me hear -- and I like the support that I see in the

1 record, but let me start off with Commissioner Wright, and then  
2 go to Commissioner Imamura, in that order, and then I'll go to  
3 Commissioner Stidham, and then Vice Chair Miller. Commissioner  
4 Wright, if you don't mind starting us off.

5           COMMISSIONER WRIGHT: Thank you. I think, all in all,  
6 this is a very positive move and very good for producing more  
7 housing within the District. I have, I think in other meetings,  
8 told the story that my -- the first piece of property that I  
9 bought in the District of Columbia was a condo in a rowhouse that  
10 had been divided into four separate condos. Each floor became  
11 its own condo. And that was the way we were -- my husband and  
12 I, that's how we were able to enter the real estate market in  
13 Washington, DC, buy a building that had been historically a  
14 single-family house, but that was divided into four separate  
15 units, and we were able to buy that, build equity, and eventually,  
16 as our family grew, move into a detached single-family house. So  
17 I very much support the overall goal of this to allow more  
18 flexibility with small-scale revisions to either small apartment  
19 buildings or single family homes to allow more units by right and  
20 without additional review.

21           I'm curious about the -- what your thinking is about  
22 the proposal -- I think you're limiting it to four units, and  
23 there's a proposal to have that cap be ten units, and what --  
24 and I know, from what I've read in the staff report, you've said  
25 that's a pretty big change that would require additional study.

1 | Could one of you comment on that a little bit further?

2 |           MR. JURKOVIC: Yeah. Thank you, Commissioner Wright,  
3 | for the question. We -- OP, like -- as stated in our report, we  
4 | don't believe we have the evidence to go to ten units by right;  
5 | though I know that there were other comments in the record in  
6 | regards to increasing that unit count that we're aware of and are  
7 | happy to discuss.

8 |           COMMISSIONER WRIGHT: I mean, I have to say I think the  
9 | four units that you all have proposed is good. And, you know,  
10 | if we do see that there is a need to increase it, we can always  
11 | come back and take a look at increasing it in the future. I  
12 | mean, all of -- none of this is static, you know, that it's --  
13 | that it can never change. I sort of think the four-unit number  
14 | is a pretty good number. I also appreciate that there will still  
15 | be some side-yard setback requirements. You're making some  
16 | amendments to the side yards, but I do think it's important that  
17 | you continue to have those. I think that the -- again, the  
18 | general move to allow some additional units in these small scale  
19 | kinds of multifamily projects by right is a good move. I don't  
20 | think I really have any other questions at the moment. I'm still  
21 | absorbing all of the nuances of not only what you all have  
22 | proposed, but also the testimony that we've gotten from different  
23 | groups, and I'm still sort of going through all of that in my  
24 | mind, but I generally don't have any big issues with what is  
25 | currently being proposed. I think it's a good -- I think it's a

1 | good move. That's about it. Thank you.

2 | CHAIRMAN HOOD: Okay. Thank you. Commissioner Imamura.

3 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
4 | in general agreement with Commissioner Wright, and just have a  
5 | few questions to build off of her comment about the added units  
6 | by right. So, Mr. Jurkovic or Mr. Beamon, I'm kind of curious.  
7 | I know that -- you know, ten, I think, makes me kind of  
8 | uncomfortable. Four seems to be right, I mean, based off of your  
9 | analysis. But what is the impact if it were to increase, say,  
10 | by, you know, another two units or even, you know, eight; so just  
11 | sort of superficially, what would that be like -- what would that  
12 | look like?

13 | MR. JURKOVIC: You know, I think -- generally speaking,  
14 | I think we believe eight or six units would work, and we're not  
15 | opposed to that, but if that was the desire of the Commission,  
16 | we would also seek that that be allowed in a row form, so -- as  
17 | well.

18 | COMMISSIONER IMAMURA: Okay. I appreciate that  
19 | response. I'm curious about the side-yard requirements that --  
20 | I guess you've had conversations with DoB, and you're not  
21 | recommending the changes that are proposed by the ANC and others  
22 | that have recommended to simplify the side-yard requirements.  
23 | I'm curious, what was that conversation with DoB, or what led you  
24 | to that decision to kind of stand firm on the side-yard  
25 | requirements?

1 MR. JURKOVIC: Well, I believe that there were two  
2 separate recommendations on changes to side yards. One was from  
3 OAG, and one just came in today from AIA I believe. We were only  
4 able to discuss the suggestion from the Office of Attorney General  
5 with DoB, and their initial concern was just administration of  
6 said side-yard requirement. It would be the only zone that we  
7 would have that type of side-yard requirement, so that was just  
8 their initial response. As for the recommendation from AIA, to  
9 be honest, we haven't -- we haven't had the same discussion with  
10 DoB on that suggestion.

11 COMMISSIONER IMAMURA: Okay. I'm interested in -- I  
12 certainly understand sort of DoB's point of view or perspective  
13 there, I guess. -- I feel like maybe there might be some more  
14 room to research those side-yard requirements a bit more. I did  
15 see AIA's submission there and sort of curious -- and you may not  
16 be able to respond and may need more time to think about it --  
17 but what that consequence would be to reduce those five -- reduce  
18 the side-yard requirements to five feet, because I do think they  
19 bring up a good example for, you know, a standard or typical 30-  
20 foot-wide lot. You've got eight -- two eight-foot side yards,  
21 right? That's a pretty narrow width for a building in 14 feet,  
22 and you start looking at the width of the walls and it keeps  
23 getting smaller and smaller. So I'm kind of inclined to maybe  
24 ask OP, you know, what would that look like, and just sort of  
25 take a look at the analysis of that.

1 I guess I also have a question, if I can find my other  
2 notes here, just about -- there was a comment from Sullivan and  
3 Barros, too, in the record about the allowance of habitable  
4 penthouses and I guess why that wasn't included or considered,  
5 and wanted to hear what your response is regarding that.

6 MR. BEAMON: Well, one, that has not been a common  
7 issue amongst many of the cases that we've received, and so,  
8 therefore, it wasn't really a part of the scope of this specific  
9 text amendment. And, again, to Michael's point, we haven't had  
10 a lot of discussion about -- I know there might have been some  
11 prior to this, but we haven't had a lot of time to really dive  
12 deeper into that, but, again, it really wasn't a common issue or  
13 a part of this -- the scope of this project -- or this amendment.

14 COMMISSIONER IMAMURA: Okay. Thank you, Mr. Beamon,  
15 for your response. It seems that the AIA letter also touches on  
16 this issue a bit, and so I think those are two sort of open items  
17 for me anyway, just taking a closer look at the side-yard  
18 requirements, what those impacts would be. Maybe it is -- maybe  
19 we are right -- or you're right, in terms of sort of maintaining  
20 the eight-foot side-yard requirements. But I am kind of curious  
21 about -- if you've got two letters in the record that are probing  
22 at the same issue, I don't know, it seems to me that maybe we  
23 can chase that down a bit more, if that's -- if that's feasible.  
24 Outside of that, I don't think that I have any other comments,  
25 but let me take a look at my other notes. No, I think that sums

1 | it up, so, Mr. Beamon and Mr. Jurkovic, thank you both for  
2 | responding to my questions. Mr. Chairman, I don't have any  
3 | further questions and yield my time.

4 | CHAIRMAN HOOD: Thank you. Commissioner Stidham, any  
5 | questions or comments?

6 | COMMISSIONER STIDHAM: Thank you. So I'm in agreement  
7 | with all of the comments already added. I think -- I think the  
8 | one question I have remaining, and maybe I missed it in the write-  
9 | up, is how did you conclude that four units -- was that the sweet  
10 | spot? I agree that ten is too much, and it seems the majority --  
11 | I think, from reading, the majority of the existing buildings  
12 | are -- or cases were from five to eight, so I'm just curious  
13 | where you -- where the four came from.

14 | MR. JURKOVIC: So we settled on four, just looking at  
15 | the hierarchy of our zoning and looking at, you know, how many  
16 | units you're allowed in RF-4 and RF-5. So that's just kind of  
17 | looking at, like, kind of holistically in the zoning as a whole.  
18 | We felt that four was -- I don't want to say it's the easiest  
19 | recommendation, but we felt it was the most sound recommendation.

20 | COMMISSIONER STIDHAM: I tend to agree there. I do  
21 | think four is probably the sweet spot, just enough and not too  
22 | much to sort of get us started. And as Commissioner Wright  
23 | indicated, you know, if we find that more is appropriate, we can  
24 | revisit it. I do agree that more work on the side yard needs to  
25 | be done in order to better understand that. I would hate to see

1 expansion ending up with buildings that are really close together  
2 and not having a nice spatial organization around them,  
3 separating them from each other, that we just get too densely  
4 populated and you end up with this wall or spaces that are not  
5 good between buildings. Other than that, I think what is proposed  
6 is a good deal, so thank you.

7 CHAIRMAN HOOD: Thank you. Vice Chair Miller.

8 VICE CHAIR MILLER: I hit the wrong button. Thank you,  
9 Mr. Chairman, and thank you, Mr. Beamon and Mr. Jurkovic, for  
10 your presentation today and for the -- to the Office of Planning,  
11 everyone who worked on bringing this forward, I think largely at  
12 the request of the Zoning Commission a few years ago and due to  
13 the number of cases that -- similar to the omnibus -- similar to  
14 the number of cases that were coming before BZA that were being  
15 approved without opposition from neighbors or the ANCs. And I  
16 appreciate that you've garnered support from four ANCs in this  
17 case, two of which I believe -- 3C and 4B is it -- 4D -- asked  
18 for even more flexibility in the relaxation of the current  
19 restrictions or requiring special exception review of certain  
20 RA-1 cases, as long as they're meeting the development standards  
21 that exist or that we approve for RA-1 zones. So I agree -- I  
22 share the comments that all of -- each of my Commissioners --  
23 fellow Commissioners have made thus far.

24 And I actually -- I agree that we would like -- I would  
25 like -- I agree with them -- those who have asked for more study

1 of several of the issues that have been raised in the -- in those  
2 comments, whether it's the additional number of units that won't  
3 require special exception review, as long as they're meeting  
4 development standards. There was the two -- I think there were  
5 suggestions to go to ten from the two that are there now. I  
6 would -- I would like additional study and information back on  
7 that, but the ten is attractive to me, because that ten triggers  
8 inclusionary zoning, so that's -- triggers the mandatory  
9 inclusionary zoning, so that's what's what was attractive to me  
10 when I heard -- when I saw the ten, although we know that in a  
11 lot of cases we've seen nine-unit apartment buildings, because  
12 they don't want to -- they don't want to have to have the burden  
13 and cost of doing inclusionary zoning. But if we can remove a  
14 disincentive that might exist to having inclusionary zoning, I'm  
15 generally in favor of that.

16           So, yeah, I would like more information on the number  
17 of units -- I mean, a response to the requests for increasing the  
18 units, more information, as others have asked for, on flexibility  
19 on the side yards or simplifying the side yards. We want that  
20 spatial separation, but there did seem to be some good points  
21 made of how that could be more simplified, or I guess, from a  
22 DoB perspective, it was getting too complicated, but I would  
23 agree -- I would like a written response to those issues.

24           And like Commissioner Imamura raised on the habitable  
25 penthouse, you know, that came up in the ZR -- it came up

1 | somewhere, and we said we would deal with it -- we might deal  
2 | with it in the RA-1, and we're not dealing with it in the RA-1,  
3 | and I think a fellow Commissioner and I were ready to deal with  
4 | it right then, as long as, again, it was meeting the development  
5 | standards of the zone, so I would like a response. I agree with  
6 | those who have asked for a response to that habitable penthouse  
7 | issue, even though it may not have come up as much in recent  
8 | years, it obviously had been -- has been an issue in the past.

9 |           And then there was the technical correction that  
10 | Goulston and Storrs suggested. The PUD is apparently an oversight  
11 | in ZR-16 where the FAR for PUDs in RA-1 zones wasn't increased  
12 | beyond I think the matter-of-right FAR, and so you can have the --  
13 | and it's only a very limited FAR to begin with; it's 0.9, and  
14 | then it only would go to 1.08 under IZ, but under PUD, there  
15 | wasn't that similar increase. And I would -- if -- I would like  
16 | to see -- hear your response to that, and if we could take care  
17 | of it in -- while we're taking care of RA-1 issues, I would prefer  
18 | to take care of it here.

19 |           So I think those are some of my comments, but I see Mr.  
20 | Jurkovic, you probably have some initial response to some of  
21 | them, and I would welcome to hear those.

22 |           MR. JURKOVIC: In regards to I think your multipart  
23 | question, I think the only one we haven't responded to yet was  
24 | the technical correction request from Goulston and Storrs. I  
25 | believe we've had some preliminary discussions with OZLD on that

1 | needing to be its own separate technical correction, but we're  
2 | happy to take another look at that.

3 |           VICE CHAIR MILLER: Okay. Thank you. I think that is  
4 | it. I think we had got a couple of late submissions, and we  
5 | might hear from people who are here today in the -- as public  
6 | witnesses, so that we can consider putting their written  
7 | submissions that just came in with the last -- within the last  
8 | 24 hours into the record, although I think it's so limited, that  
9 | I would support any of the submissions that have come in within  
10 | the last 24 hours. We have a 24-hour rule for written submissions  
11 | prior to our hearing, but I would support the -- those that came  
12 | in being part of the public record, Mr. Chairman. So that's it  
13 | for me. Thank you. I turn it back to you, Mr. Chairman.

14 |           CHAIRMAN HOOD: Okay. Thank you. Thank you all. I  
15 | really appreciate what I've heard. I know we have asked --  
16 | particularly myself and others, over the years, have asked for a  
17 | re-evaluation of the RA-1, and we got it. But one of the things  
18 | that I want to be cautious of -- I know two ANCs asked. I'm not  
19 | going to get into the specifics of what they asked, but what I'm  
20 | starting to see now is, if we were to make an amendment to what  
21 | the two ANCs asked for, we may be doing something different in  
22 | another neighborhood. And that came out when we did the omnibus  
23 | bill, and I want to thank Commissioner Eckenwiler for bringing  
24 | that up, and I think that's clear. I think -- I think, for me,  
25 | what I -- what I've looked at here from the Office of Planning,

1 I think we got -- struck a good balance, and as my colleagues --  
2 two of my colleagues or three have already mentioned, if we find  
3 out we need to increase it or do something different, and I've  
4 always said this to the Office of Planning, bring it to us quick  
5 and we'll take care of it. So I think that's where we are.

6 I don't -- I don't want to exacerbate a problem -- to  
7 make a problem look good in two ANCs, and you got to remember,  
8 we got other neighborhoods, and then in the other two ANCs we  
9 have exacerbated the issue. So I think the Office of Planning  
10 has done their due diligence and study. This has been a while  
11 since we asked for this. We now have it. I am ready to move  
12 forward, other than the comments I've heard from my colleagues.  
13 If they have a little more time to look at it, then we will do  
14 that, but I don't mess with anything. Sometimes I like to put  
15 it in practice, so I can see what happens -- so we can see what  
16 happens, and then we make the adjustments, as we've always said.

17 The only other thing is, we have a procedure about when  
18 things come in late. It's not taking out public participation,  
19 because anyone who knows me and this Commission, we have never  
20 done that. It's in there for a reason, and we've talked about  
21 this for at least the 25 years I've been around. We put something  
22 in place, and it's done in place for a reason. It's very simple.  
23 All you have to do is request -- if you're putting something in  
24 within the last 24 hours, we're not taking out public  
25 participation; all you have to do is simply just request that it

1 | be entered into the record. Just one sentence, "Please enter  
2 | this into the record," and we will take care of it. I don't  
3 | think -- I don't think there's anything I've ever -- at least  
4 | since I've been around, that we have ever denied as a Commission.  
5 | So we will see how this goes. I do know we have a few people,  
6 | and I want to hear from the public. Anybody have any follow-  
7 | ups?

8 |           VICE CHAIR MILLER: Mr. Chairman, I don't know if I  
9 | asked or if others asked or Mr. Jurkovic or Mr. Beamon already  
10 | addressed, there were some specific OAG recommendations, and I  
11 | think we -- I think I'd like a response -- a written response to  
12 | those regarding -- I guess they were -- they were opposed to  
13 | amendments adding new restrictions regarding BZA review --  
14 | requiring BZA review of expansions of existing developments and  
15 | adding new minimum lot width and area requirements. If we can  
16 | just get a written response to the OAG opposition to those  
17 | specific additional restrictions that have been included as part  
18 | of OP's case here, I would appreciate that.

19 |           CHAIRMAN HOOD: And I do know that some -- I think Mr.  
20 | Jurkovic and Mr. Beamon have mentioned, some things were accepted  
21 | by OAG. Am I correct or did I mishear that?

22 |           VICE CHAIR MILLER: (Nods head affirmatively.)

23 |           CHAIRMAN HOOD: Some things were. Okay. So you're  
24 | talking about the ones that weren't accepted. Okay. Okay. All  
25 | right. If we can do that, I think that'll be great, as the Vice

1 Chair has asked for. Anything else anybody?

2 (No response.)

3 CHAIRMAN HOOD: I know we want to hear from the public.  
4 Ms. Schellin, who do we have here to testify? Do we have any  
5 ANCs -- let me do that first -- any ANC Commissioners?

6 MS. SCHELLIN: No, sir. We have three --

7 CHAIRMAN HOOD: Okay. Let's go to the public.

8 MS. SCHELLIN: We have three proponents and one  
9 undeclared.

10 CHAIRMAN HOOD: Okay. Let's bring them all up. Let's  
11 bring everybody up. That's all -- if that's all we have, let's  
12 bring everybody up.

13 MS. SCHELLIN: Sure. First, we have Will Teass with  
14 AIA/DC; we have Marty Sullivan with Sullivan and Barros; Shane  
15 Dettman with Goulston and Storrs; and then Laura Richards,  
16 undeclared, with the Committee of 100. That's the end.

17 CHAIRMAN HOOD: Did you say "undeclared"?

18 MS. SCHELLIN: Ms. Richards is listed as "undeclared",  
19 yes, sir.

20 CHAIRMAN HOOD: Okay. We had her marked as support,  
21 but anyway I'll wait to get there. Let me go back and read that.  
22 I was so excited I saw support, but let me go back and re-read  
23 that letter, but we'll wait for Ms. Richards to come up.

24 MS. SCHELLIN: Okay.

25 CHAIRMAN HOOD: Okay. Let's go to Mr. Teass. Mr.

1 Teass, you may begin.

2 MR. TEASS: Good evening. My name is Will Teass. I  
3 am here before you this evening on behalf of the Washington, DC  
4 Chapter of the American Institute of Architects. I want to say  
5 Happy New Year to Chairman Hood and the rest of the members of  
6 the Commission. I also wanted to -- well, I'm here primarily as  
7 a member of our advocacy group, which has been reviewing Zoning  
8 Commission cases and offering some feedback, but I'm also here  
9 because I volunteer with our small firm exchange, and many of my  
10 colleagues in the small firm exchange design the buildings that  
11 are directly impacted by these regulations.

12 In general, we're very much in support of the proposed  
13 changes. However, I think there are three areas that we wanted  
14 to highlight that -- and I think some of that has already been  
15 discussed by some of the Commissioners, but those three points  
16 are, one, considering a focus on the matter-of-right density  
17 being six units, as opposed to four. If you go back and you look  
18 at all of those cases in the OP report, about 15 of them pertain  
19 to cases where it was a four-unit building and they were adding  
20 two more units. And my understanding is that the regulations  
21 would permit that, but only in the basement. I think that's --  
22 you know, we shouldn't -- I think there's some spatial and  
23 lighting and air issues when you put units in basements, and we  
24 shouldn't necessarily encourage that at the expense of, you know,  
25 what are -- what are relatively modest additions that could be

1 | at the rear and partially on top of some of these four-unit  
2 | buildings. In our opinion, six is the magic number, not four,  
3 | and I think that the case history backs that up.

4 |           The second item that we wanted to call attention to was  
5 | the notion that on larger projects, there should be an opportunity  
6 | to utilize habitable penthouse space. I think this wouldn't  
7 | apply to smaller projects, but I think larger projects that would  
8 | already be going through the BZA process, I think allowing or  
9 | incentivizing folks to create opportunities to get residents on  
10 | the roof, have better access to mechanical equipment, getting  
11 | that off grade, it would be a benefit and something that should  
12 | be considered.

13 |           And then, finally, the -- we spent -- the Commissioners  
14 | have spent some time talking about the side-yard requirements,  
15 | and I think we offered up an example of a theoretical 30-foot  
16 | lot, which is -- you know, there certainly -- it's a fairly common  
17 | typology, but I think, you know, having multifamily buildings  
18 | that have exposure on all four sides, so you've got side yards  
19 | on both sides and front and rear yards, generally gives you better  
20 | quality units. And so I think in the example of the 30 foot,  
21 | the eight-foot setbacks require 16 foot of overall setback, which  
22 | gives you a very small footprint. Adding just a couple more  
23 | feet, going -- you know, reducing that setback from eight feet  
24 | to five feet so that you could have a 20-foot wide building, you  
25 | know, that is a real game-changer when you get into ideas of

1 interior design and room layout. So I think those are the three  
2 points. I'd be happy to answer any questions that Commissioners  
3 might have. And, again, we applaud the Office of Planning for  
4 taking on this very detailed what is a year-long initiative, and  
5 I think that their analysis is excellent, and I think that, in  
6 general, we support it. I think there are just a few minor  
7 corrections that could be -- could make it even better. So, with  
8 that, we'll take any questions.

9 CHAIRMAN HOOD: Okay. Thank you. Colleagues, we only  
10 have four people, so why don't we just ask questions after each  
11 person, so that the questions may be fresh in our minds, because  
12 by the time I get to all four, I may have done forgotten. So do  
13 we have any questions of Mr. Teass, Commissioner Wright?

14 COMMISSIONER WRIGHT: No. I think he makes compelling  
15 arguments. On the setback issue, do you have sort of any data  
16 on -- in areas that are generally RA-1 zones, what the lot widths  
17 are? Is 30 feet pretty standard or is that narrower than a lot  
18 of the areas that are the RA zone?

19 MR. TEASS: That is a great question, and I don't have  
20 that data, but I know, you know, in particular, there's a certain  
21 style of building that we see a lot of in the RA-1 zone, which  
22 is -- you know, it's a four-unit building; it has two units on  
23 the ground, two units on the second floor, and often it has, you  
24 know, one side yard. In our experience, that can vary between  
25 six and nine feet, you know. And I think the way the regulations

1 are written, you know, you could extend that without impinging  
2 on it. You know, we're thinking -- and we've looked at projects  
3 where we've replaced buildings like that to get more -- you know,  
4 to essentially reallocate the density. And, ultimately, we've  
5 not taken on the -- putting side yards on both sides of the  
6 building, because it -- you just -- you end up with not enough  
7 building left, right? So the short answer is, I don't have the  
8 data. I think, anecdotally, we've seen that and I've had  
9 colleagues that have experienced it, but it's a good question,  
10 what those -- what that average lot width might be in the RA-1  
11 zone.

12           COMMISSIONER WRIGHT: Because I do agree that in the  
13 30-foot lot, side yards on both sides of eight feet leave you a  
14 very, very small footprint and sort of an unrealistic footprint  
15 to create a good multifamily building. You know, yeah, I guess --  
16 I hate making things complicated, but I wonder if the side-yard  
17 requirements should somehow be proportional to the size and width  
18 of the lots. So on larger lots, it would be eight feet; on  
19 smaller lots, you know, let's say 30-foot wide lots, it should  
20 be -- it could be five feet, you know, something that would be  
21 proportional to the actual size and width of the lots. I'm sure  
22 the Department of Buildings will hate that, because it's much  
23 more complicated, but, you know, I think that it might be  
24 something worth thinking about, is to make the requirement  
25 actually proportional, rather than just a one size fits all.

1 MR. TEASS: Yeah, I think that would --

2 COMMISSIONER WRIGHT: Just a thought.

3 MR. TEASS: I think it would be an excellent idea to  
4 sort of think about it, that there -- and it also maybe gets into  
5 another issue, which we didn't necessarily raise in the letter,  
6 but I think another letter did, about the need for special  
7 exception relief, where you could actually take the specific  
8 circumstances of a site and the existing width, the existing  
9 building, and the relationship, and that that potentially should  
10 be special exception criteria, as opposed to variance criteria,  
11 because I think it kind of gets into the -- the beauty of this  
12 special exception process is the ability to customize a design  
13 solution for a given site with the constraints of site and  
14 neighborhood.

15 COMMISSIONER WRIGHT: Yeah, I agree. That was my only  
16 sort of thought, based upon your testimony. Thank you.

17 CHAIRMAN HOOD: Okay. Thank you. Before I go to  
18 Commissioner Imamura, I'm going to ask staff or either Office of  
19 Planning to -- I'm kind of interested into looking into what  
20 Commissioner Wright -- and I'm sure others are too -- the  
21 proportional idea. You heard that discussion. Let's put that  
22 in the parking lot, and it's something that we would like to look  
23 at, if -- Commissioner Wright, if that was the intent. I don't  
24 know what we'll get coming back, but let's, at least, put it out  
25 there, because I think that, to me, it makes sense, but anyway,

1 | let's see if we can make sure we track what we -- some of the  
2 | things we would like to look at -- revisit. All right.  
3 | Commissioner Imamura.

4 |           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Mr.  
5 | Teass, I don't have any questions. I just want to thank you for  
6 | sharing your expertise and perspective with the Commission  
7 | tonight and for raising this issue with us, and so that way we  
8 | can have a deeper and more meaningful dialogue about it, so --

9 |           CHAIRMAN HOOD: Okay. Commissioner Stidham.

10 |           COMMISSIONER STIDHAM: I don't have any questions  
11 | either, but thank you. I appreciate your perspective.

12 |           CHAIRMAN HOOD: And Vice Chair Miller.

13 |           VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I,  
14 | too, don't have any questions, but, Mr. Teass, I appreciate  
15 | AIA/DC's focus on this case and other recent cases and bringing  
16 | your expertise and analysis to us. And I share the comments that  
17 | Commissioner Wright has suggested regarding the side yard being  
18 | proportional to the size of the building size, rather than the  
19 | number of units. That, I think, also aligns with what OAG was  
20 | suggesting as well, but DoB, for administrative purposes, was,  
21 | in formal conversations, apparently not inclined to go with that.  
22 | But I, too, would like a more look at that by OP. So I appreciate  
23 | your being here today and other days. Thank you.

24 |           CHAIRMAN HOOD: Mr. Teass, I will join the chorus of  
25 | thank yous. We appreciate you all staying engaged in your

1 advocacy group and all -- and AIA. I think it brings another  
2 perspective, as we analyze some of the situations we go through,  
3 so I'm sure we'll see you -- continue to see you, and we're  
4 looking forward to it, so thank you for your input. All right.  
5 Let's go to Marty Sullivan.

6 MR. SULLIVAN: Thank you, Chairman Hood and  
7 Commissioners, and thank you for the opportunity to speak on  
8 this. Since we're talking about side yards, I'll start there.  
9 I agree, the -- I think the biggest thing -- the biggest change  
10 in that is right now you can do up to 11 dwelling units before  
11 two side yards are required, and the new proposed is going to be  
12 five units, so that's a big change. It's currently three per  
13 floor, which the Zoning Administrator has determined means for a  
14 four-level building, it takes 12 units before you've triggered  
15 a two side-yard requirement, and now five units.

16 I can't explain as eloquently as Mr. Teass did on what  
17 that does for design, but I think it could chop -- cut off a lot  
18 of projects -- potential projects. Tie it in with what he said  
19 about special exception versus variance; any new building or  
20 side-yard relief is going to require a variance, which I think,  
21 in most cases, would not be possible. And since -- if you're at  
22 five units already, you're there for special exception already.  
23 The easiest thing might be to allow special exception relief for  
24 side yards, and it might help for lot occupancy as well. I think  
25 that would allow for design flexibility. You might end up with

1 long, skinny buildings that aren't ideal, but with BZA's  
2 oversight and the BZA process, it could lead to -- I'm sure it  
3 would lead to better design and market solutions, rather than  
4 having the strict two eight-foot side-yard requirements.

5           The other thing I want to talk about is habitable  
6 penthouse. So the reason I'm bringing it up, and I brought it  
7 up with the Office of Planning a few months ago, but I think  
8 maybe just because they had new people working on it than it was  
9 four years ago, they didn't know what had transpired in the past.  
10 But that October 2021 deliberation -- and it was in the  
11 penthouse -- it was Case 14-13E, it was -- I don't want to say  
12 it was contentious, but it was -- it was quite involved, because  
13 Commissioner Miller strongly supported adopting and allowing  
14 habitable penthouse at that time, and Commissioner Shapiro was  
15 in support as well. And Commissioner May and Commissioner Hood  
16 were not necessarily opposed to that; they just wanted -- they  
17 preferred to consider it together with the RA-1 update, which,  
18 at the time, we thought was a few months away. We didn't -- we  
19 didn't think it would be this far, so it didn't seem to be a big  
20 deal to put it off. So it was odd that OP went out of their way  
21 to propose that back then. And I don't want to get into too much  
22 detail, but what happened was, it was allowed; for a couple years,  
23 it was permitted, even though the regulations didn't permit it.  
24 Some people proposed it in BZA cases. OP supported it. BZA  
25 approved it. The Zoning Administrator approved it. And for

1 | about two years or so habitable penthouse was permitted, so you'll  
2 | see some projects with a habitable penthouse. The only one that  
3 | comes to mind right now is on the corner of Bryant and Rhode  
4 | Island. And at some point, like, I think right in the middle of  
5 | my MacArthur Boulevard RA-1 case, OP discovered, hey, this  
6 | regulation doesn't support this, but because they wanted  
7 | habitable penthouse, they immediately offered a text amendment  
8 | and included it in 14-13E. So OP presented it. The Zoning  
9 | Commission didn't necessarily seem opposed to it, and so for the  
10 | last four years I've been telling my clients, "Hey, habitable  
11 | penthouse may be coming back." And housing providers are excited  
12 | about that, because I think it was a nice incentive to them, and  
13 | it also gives the opportunity to provide maybe another housing  
14 | unit or two with BZA oversight, with penthouse setbacks. And  
15 | while the FAR bonus is a potential 0.4 with 40 percent lot  
16 | occupancy and the setbacks, you're really talking about less than  
17 | 0.2 increase, so it seemed like a modest increase and a safe  
18 | increase, so I was -- we were disappointed to not see that. Other  
19 | than that, love the -- four units is great. It's a great  
20 | improvement. We had to do some cases where we had to get --

21 | MS. SCHELLIN: Time.

22 | MR. SULLIVAN: -- approval to go from one to two units,  
23 | so four, as a matter of right, is a great improvement. Thank  
24 | you. That's all I have.

25 | CHAIRMAN HOOD: Okay. Thank you, Mr. Sullivan. Let's

1 see if we have any questions for Mr. Sullivan. Let me start with  
2 Vice Chair Miller, since -- give you a personal point --  
3 privilege, since I don't remember what we did in 2021. I can't  
4 remember what I did yesterday sometimes.

5 VICE CHAIR MILLER: I couldn't even remember that it  
6 was the penthouse case, but thank you for refreshing my memory,  
7 Mr. Sullivan, and thank you for your presentation and bringing  
8 up the points you've raised, which I think are very -- are  
9 compelling points which should be considered by the Office of  
10 Planning and by us, so thank you.

11 CHAIRMAN HOOD: Okay. Commissioner Wright.

12 COMMISSIONER WRIGHT: Yeah. The history you provided  
13 is helpful. I have to admit that I found the whole issue about  
14 habitable penthouses somewhat confusing. And, you know, it's  
15 helpful to understand, you know, the history of where this  
16 originally came up. I'm not troubled by habitable penthouses  
17 with some -- and I want to make sure I'm understanding correctly  
18 that there would be an ability for habitable penthouses with some  
19 special exception review, or are you suggesting, Mr. Sullivan,  
20 that it's a by-right issue?

21 MR. SULLIVAN: No. I would -- I would say it was part  
22 of the RA-1 special exception review. And I forgot to mention,  
23 it comes with an IZ contribution as well to the Housing Production  
24 Trust Fund.

25 COMMISSIONER WRIGHT: Well, that sounds even better.

1 | You know, I think I would be a little concerned about it as a by  
2 | right, but if it is part of a special exception review, I'm --  
3 | I think I would find that to be a positive addition, so I don't  
4 | know how the others feel, but thank you for providing that  
5 | history. It's very helpful.

6 |           CHAIRMAN HOOD: Okay. Commissioner Imamura.

7 |           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
8 | in agreement. I think that, you know -- first, Mr. Sullivan,  
9 | yeah, thank you for sharing sort of the back story and your  
10 | expertise and perspective with us, just as Mr. Teass did. I  
11 | certainly think it's worth looking into in more detail, so I'm  
12 | certainly supportive of it, especially the special exception --  
13 | as a special exception, certainly not as a matter of right, and  
14 | so I'm glad that you provided that clarification. The other  
15 | thing that I'd like to mention is that I really like your suits,  
16 | Mr. Sullivan. I'm glad to see you, in 2026, looking a little  
17 | more casual.

18 |           CHAIRMAN HOOD: Okay. I'm actually going to say  
19 | something about that too, Mr. Sullivan, because I saw that. I  
20 | want to -- and Commissioner Imamura beat me to it, because I go  
21 | last, but I want you to know that's coming -- some coming for me  
22 | too. Commissioner Stidham.

23 |           COMMISSIONER STIDHAM: I will not comment on your  
24 | suits, but it is good to see you more relaxed. I -- so I totally  
25 | threw myself off. I agree, if it was -- if it was part of a

1 special exception, I think that makes a lot of sense and am  
2 willing to take a look at that, but, otherwise, no questions or  
3 comments. Thank you.

4 CHAIRMAN HOOD: So let me just get to the suit issue  
5 and get the stuff that don't matter out the way, but I do like  
6 your look Mr. Sullivan. I want to see you over at the BZA cool  
7 like that as well, because you see how relaxed we are, but when  
8 you come to the BZA you always got on a suit and tie, and I tell  
9 you, man, you look real cool like that tonight. I can just tell  
10 you that. So I'm going to be looking for you, when I'm on the  
11 BZA, without a tie, so I'll leave it at that.

12 MR. SULLIVAN: I'd love to do that, actually, Mr.  
13 Chairman.

14 CHAIRMAN HOOD: Do it.

15 MR. SULLIVAN: And I feel like I am responsible for  
16 other people having to wear a suit and tie, because I think I  
17 may have had one of the first hearings virtual, and I assumed  
18 that I should be wearing a suit and tie, and Chairman Hill was  
19 surprised by that, and I was like, "Oh, man, I shouldn't have  
20 done that," but the precedent was started, so thank you.

21 CHAIRMAN HOOD: No, that's cool. It's all good. I did  
22 notice that -- I can read what you're saying about the shadow  
23 studies. You're basically saying, in this case, the shadow  
24 study -- it can -- I know you wrote it out in your submission,  
25 but expound to that. Shadow studies -- explain to me what you --

1 | what you mean when you say it's basically -- it's really useless.  
2 | I mean, I don't know if you said "useless", but that's the way I  
3 | read what you had -- what you wrote.

4 |           MR. SULLIVAN: Well, it's not clear how it would be  
5 | used, because, as you know, in a BZA case, this -- we show a  
6 | shadow study to show the difference between the matter-of-right  
7 | structure and the proposed structure, which gives feedback on  
8 | what's the impact of the additional structure we're asking for,  
9 | beyond what the law permits currently or what the zoning --  
10 | matter-of-right zoning regulations permit. So if you presume  
11 | that the matter-of-right zoning regulations allow for a  
12 | reasonable structure, in regard to light and air and shadow and  
13 | density, then I'm not sure how you work with a shadow study that  
14 | goes from nothing to a 40 percent lot occupancy, 40-foot high  
15 | building, which is matter of right.

16 |           Obviously, it's going to be a lot of shadow, but it's  
17 | all matter-of-right shadow. So I don't -- I don't know -- and  
18 | shadow studies aren't -- I don't think they're a great expense,  
19 | but for some clients -- smaller clients, it gets complicated, if  
20 | their architect doesn't know how to do it right away. But, yeah,  
21 | I just don't know how -- because there won't be -- you won't have  
22 | that same delta between matter of right and extra structure.  
23 | Obviously, if we're asking for side yard relief or lot occupancy  
24 | relief as part of a RA-1 case, we always did provide a shadow  
25 | study for that, to show that difference.

1           CHAIRMAN HOOD: I think I understand. I'm not sure if  
2 I'm there with you, but I just wanted to know that the -- there  
3 was something on the site, and it may not have been such a great  
4 shadow study -- I'll leave that to Commissioner Imamura and  
5 others -- but I thought we had a site that was easy to go on, so  
6 when -- and I'm more concerned now about the extra expense that  
7 you mentioned in your paragraph, so that's something that we'll  
8 continue to look at. I don't know if I'm with you, with doing  
9 away with it for that reason, but I -- when you go on to talk  
10 about the expense, I do know -- I thought we had something -- I  
11 would have to check with our Director, Ms. Bardin -- I thought  
12 we had something where -- the public could use to kind of do  
13 a -- I don't know -- I don't know what you call it -- a stick-  
14 built shadow study or whatever it is, but I thought we had  
15 something that was amenable, that was not -- had a whole lot of  
16 cost to it. It was free. Maybe I -- maybe I dreamed that, but  
17 I thought we had something like that. All right. Okay. Thank  
18 you, Mr. Sullivan. Any other questions of Mr. Sullivan? I think  
19 I got everyone.

20           (No response.)

21           CHAIRMAN HOOD: All right. So, Mr. Sullivan, thank  
22 you, and remember the new look you got. We appreciate that.

23           MR. SULLIVAN: Thank you.

24           CHAIRMAN HOOD: All right. Let's go to Mr. Shane  
25 Dettman.

1 MR. DETTMAN: Good evening, Commissioners. Happy New  
2 Year, and thank you --

3 CHAIRMAN HOOD: One second, Mr. -- hold on one second,  
4 Mr. Dettman. I want you to repeat all that over again, because  
5 you told us "Happy New Year", but hold on one second. Ms. Lovick.

6 MS. LOVICK: Hi. I just wanted to hop on, because I  
7 think that Mr. Dettman's going to talk about the error -- the  
8 technical correction error that was filed by Goulston and Storrs.  
9 And this was just a situation where I wasn't exactly sure about  
10 what the Commission's intent was and OP's position, but it seems  
11 to me that this could be corrected with an errata, as opposed to  
12 a technical correction. So I just want to put that out there,  
13 if that's something that the Commission would be open to doing.  
14 Obviously, up to you. Just putting it on the table.

15 CHAIRMAN HOOD: So thank you, Ms. Lovick. We definitely  
16 always listen to our legal counsel. Will that help do away with  
17 Mr. Dettman's testimony, not that we don't want to hear from him;  
18 we want him to tell us "Happy New Year". But, anyway, while --  
19 we heard what our counsel said. Let's go ahead and hear from  
20 Mr. Dettman, because he's telling us "Happy New Year". Go right  
21 ahead, Mr. Dettman.

22 MR. DETTMAN: Thank you, Chairman Hood. Happy New Year  
23 again, and thank you for taking up this important case and for  
24 the opportunity to appear before you this evening. My testimony  
25 will summarize the comments Goulston and Storrs filed, which can

1 | be found at Exhibit 12. Our comments focus on correcting what  
2 | appears to be technical error in the density that's permitted  
3 | under an RA-1 PUD that goes back to the adoption of IZ, a  
4 | correction that we believe falls squarely within the stated scope  
5 | of this case and, namely, to provide clarity and additional  
6 | direction pertaining to new development, to clarify processes,  
7 | and to analyze the regulation language against current RA-1  
8 | intent, review standards, and development patterns.

9 |         In addition, it seems an overarching intent of this  
10 | text amendment to re-evaluate the RA-1 zone is to facilitate a  
11 | little more housing production in the RA-1 zone in a manner that's  
12 | consistent with current Comprehensive Plan policy guidance. We  
13 | think the correction we're recommending will do exactly that,  
14 | without impacting what is allowed as a matter of right. From  
15 | what we can gather, the error goes back to when IZ was adopted.  
16 | Prior to then, RA-1 density was limited to .9 FAR as a matter of  
17 | right and 1 FAR under a PUD. In 2006, the Commission adopted  
18 | IZ, which, as you know, provides a 20 percent density bonus in  
19 | certain zones, which includes the RA-1. Thus, under IZ, the  
20 | maximum density for an IZ development could be increased from .9  
21 | FAR to 1.08 FAR. However, the table within the PUD regulations  
22 | setting forth permitted density under an RA-1 PUD was never  
23 | updated, and today the maximum matter-of-right density in the  
24 | RA-1 zone of 1.08 FAR is actually greater than the 1 FAR that's  
25 | permitted under an RA-1 PUD.

1           This misalignment was temporarily resolved when ZR-16  
2 was first adopted in September of 2016. At that time, the newly-  
3 adopted PUD provisions got rid of the table of expressly  
4 prescribed allowable densities and simply stated in clear terms  
5 that, one, a PUD is allowed an additional 20 percent PUD bonus  
6 density, and, two, the 20 percent PUD bonus density could be  
7 calculated using the maximum matter-of-right IZ density if a  
8 project fully satisfied IZ, so essentially allows the 20 percent  
9 on top of 20 percent.

10           Based on these original ZR-16 provisions, the maximum  
11 density under the RA-1 PUD is 1.296, instead of the 1 FAR that's  
12 currently set forth in the regs. Unfortunately, as part of a  
13 collection of map and text amendments to reorganize and rename  
14 various zones in ZR-16 that began in 2019, the 1.0 FAR limit was  
15 reinserted into the regulations, despite OP's report stating that  
16 these amendments included no substantive changes. We couldn't  
17 find any discussion of this substantive change in the case records  
18 for those amendments.

19           Failure to realign the RA-1 matter of right -- matter  
20 of right with IZ and PUD densities in this case will perpetuate  
21 an illogical misalignment in the regulations that effectively  
22 renders useless the additional height that's allowed under an RA-  
23 1 PUD. Specifically, as I've discussed, under an RA-1 PUD, the  
24 allowable density is actually decreased from 1.08 to 1 FAR, while  
25 the allowable height is increased from 40 feet to 60 feet. This

1 misalignment makes pursuit of an RA-1 PUD useless and we believe  
2 cuts against the intended purpose of this case. Making this  
3 correction would not only resolve a misalignment in the  
4 regulations, but it also is supported by past Commission  
5 precedent in Cases Number 16-17 and 19-19, both of which indicate  
6 the maximum density in an RA-1 PUD as 1.296.

7           Correcting this technical error can be done through a  
8 simple edit of the language in Subtitle X, Section 303.3, which  
9 is provided in our comments for the Commission's convenience.  
10 Correcting this technical error is not a substantive change to  
11 RA-1 zone, when considering the regulatory history of IZ, the  
12 examples of approved RA-1 PUDs provided in our comments, and the  
13 fact that it has no bearing on the matter-of-right permitted  
14 density in the RA-1 zone, but, rather, only pertains to density  
15 achievable through the discretionary PUD process.

16           Finally, we believe correcting this error and  
17 realigning the progression of allowable matter-of-right PUD  
18 density in the RA-1 zone could potentially create greater  
19 interest in pursuit of RA-1 PUDs, including in high opportunity  
20 areas, where the type of gentle density that's possible in the  
21 RA-1 would generate additional affordable and market-rate housing  
22 supply and potentially could lead to future opportunities for  
23 wider use of the RA-1 zone throughout the city. Commissioners,  
24 that concludes my testimony. Thank you for your time, and I'd  
25 be happy to answer any questions you have.

1 CHAIRMAN HOOD: Thank you, Mr. Dettman. Let's see if  
2 we have any questions, and we also heard from our counsel. Let  
3 me go to Commissioner Wright.

4 COMMISSIONER WRIGHT: I, again, have to say that the  
5 technical correction is a little bit -- sort of goes a little bit  
6 over my head, but it sounds like it's appropriate and our legal  
7 counsel had suggested a route for doing it as part of this action.  
8 And I think, unless I hear from OP that they have strong concerns  
9 or objections, I think we should move forward with the process,  
10 as described by Ms. Lovick, and make this technical correction.

11 CHAIRMAN HOOD: Okay. Thank you. Commissioner Imamura.

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
13 open to making the technical correction with an errata, as stated  
14 by legal counsel. It seems pretty reasonable to me, so no further  
15 comments or questions. Thank you, Mr. Dettman.

16 CHAIRMAN HOOD: Okay. And Commissioner Stidham.

17 COMMISSIONER STIDHAM: I agree also, and no further  
18 questions or comments.

19 CHAIRMAN HOOD: And Vice Chair Miller.

20 VICE CHAIR MILLER: Yes, I also agree. Thank you, Mr.  
21 Dettman, for bringing the issue forward of this really unintended  
22 mistake. And I support the most expeditious process of correcting  
23 the mistake, so thank you.

24 CHAIRMAN HOOD: Thank you. I would agree and support  
25 what our counsel has mentioned to us. And, Mr. Dettman, thank

1 | you for you all keeping track of what's going on down here, so  
2 | thank you very much. We appreciate that. All right. I think  
3 | our last witness, Ms. Schellin, is Ms. Laura Richards, correct,  
4 | or do we have anybody else?

5 | MS. SCHELLIN: That is correct.

6 | CHAIRMAN HOOD: Okay. Ms. Richards, representing the  
7 | Committee of 100.

8 | MS. RICHARDS: Hello. How are you?

9 | CHAIRMAN HOOD: Happy New Year.

10 | MS. RICHARDS: Let's see, I'm off mute. Let me see if  
11 | I can be -- can start the video.

12 | CHAIRMAN HOOD: Okay.

13 | MS. RICHARDS: It won't start. Okay. That's on your  
14 | end. I turned it off. Oh, no, there I am.

15 | CHAIRMAN HOOD: There you go. We can see you.

16 | MS. RICHARDS: Okay. Yes. The Committee of 100 has  
17 | no problem with two of the key elements of this set of amendments.  
18 | We think the four apartment units by right is, you know,  
19 | acceptable; it makes sense. There's been a lot of experience  
20 | with this building in the RA-1 zones for decades now, and it  
21 | works pretty well. They tend to fit in with the neighborhoods,  
22 | whether they're in other apartment-zoned blocks or whether  
23 | they're mixed in with single-family housing. So we think that  
24 | it would be sort of arbitrary to say that something that's kind  
25 | of been automatically approved almost by BZA and that everyone

1 is familiar with should now have to go through the special  
2 exception.

3           We also don't have any problem with the provision that  
4 says it's -- that you can expand apartment buildings adding units  
5 within the existing footage. That's reasonable. That amendment  
6 also says you can expand the size of existing units. We know  
7 this is going to result in some unsightly pop-up and pop-backs,  
8 but those have been allowed in so many other less intense zones  
9 that it seems arbitrary to say that RA-1 shouldn't have the same  
10 opportunity for these depredations, and some of them I'm sure  
11 will be very nice.

12           The part of the set of amendments we have a problem  
13 with is the one that can eliminate side yards for rowhouses. And  
14 I know some other people have raised a number of other issues  
15 with side yards. And I know in the video presentations to ANCs,  
16 people were asking, "Well, does this mean that you could build  
17 to the lot lines and put a three pack of 16-foot wide townhouses  
18 or rowhouses next door to a single-family house?". And OP  
19 basically said, "Yeah, you can." And so just even on one side,  
20 that's very kind of intrusive. And if you have rowhouses on both  
21 sides of your single-family house, then you essentially are  
22 walled in. And this is the kind of thing that the extensive  
23 special exception requirements in RA-1 were intended to prevent.  
24 We suggest that rather than say flat no, if there is going to be  
25 a project that will eliminate side yards next to an existing

1 property that has a less intense use, that that would have to be  
2 done by special exception. People who face potentially being  
3 walled in deserve a chance to say no, you know, I don't want to  
4 look at a blank wall and potentially on both sides. So I'm glad  
5 to see that there is great concern for spacing and side yards,  
6 and I hope that we will get some alterations to the final  
7 rulemaking.

8           We also looked at the proposals by the Office of the  
9 Attorney General, which proposed much more intensive use, like  
10 ten units matter of right, and we just assume that OAG knows  
11 that's outside of the existing -- of this rulemaking, and that  
12 they put that in to sort of push their gentle density issue.  
13 First, this is not a gentle density issue -- set of amendments,  
14 even though it's been described that way by the OAG and OP.  
15 Gentle density, of course, means we're going to put a whole lot  
16 of extra units on a single-family lot, and I know everyone is  
17 trying to move toward that, but we're not there yet, and I don't  
18 think this rulemaking should be mischaracterized. This is simply  
19 saying that people can do by right something that was already  
20 provided for under the parameters of the zone.

21           We're also concerned because gentle density means --  
22 or it's supposed to be accompanied by good design, and we don't  
23 have any, like, provisions for design review. And if we're going  
24 to have gentle density, which, of course, many single-family  
25 homeowners will lie down under the bulldozers first, we should

1 at least kind of say, "Okay, let's look at the design provisions."  
2 And I know every time design or neighborhood character has come  
3 up in recent zoning cases, it's been treated as a code word for  
4 racism; you just don't want a whole of, like, either poor people  
5 or Black people cluttering up your nice single-family block.  
6 Well, you know, this is --

7 MS. SCHELLIN: Time.

8 MS. RICHARDS: Oh, is my time running out? Okay.  
9 Basically, we urge you to not confuse this with gentle density  
10 and that you move very cautiously, and, if you're going to move  
11 toward gentle density, that you provide for the design review  
12 that is part of that set of zoning principles. So I'm done.

13 CHAIRMAN HOOD: Thank you, Ms. Richards. I'm going to  
14 start off, before I go to Commissioner Wright. I get what you  
15 said about the gentle density. Could you expound -- and I know  
16 she -- you said "time", but I want you to continue to elaborate  
17 for me about the character and what you would -- finish that  
18 whole -- that discussion you had.

19 MS. RICHARDS: Train of thought. Okay. I'm going to  
20 refer to the Office of Planning's 2020 report on single-family  
21 housing, and they say there that -- let's see. They give several  
22 examples, and I put a picture in one of them, and all of -- and  
23 all of the examples they provide are basically luxury housing,  
24 and they say that if you're going to put in multifamily units in  
25 single-family houses of those zones, they look like single-family

1 houses. Okay. Now, jamming four -- you know, up to ten housing  
2 units into a single-family lot is not going to look like a single-  
3 family house. They also say that gentle density should -- will  
4 foster the ability of poorer and households of color to live in  
5 neighborhoods that are amenity rich, near mass transit hubs, and  
6 they stress that this means, you know, the Metro, not those bus  
7 routes -- priority bus routes, and they should -- so amenity rich  
8 and all of that. We -- most of the RA-1 zoning land -- zoned  
9 land is in Wards 7 and 8, you know, and we're not amenity rich,  
10 we're always told. And I live there; it's true. We are not near  
11 Metro, and our bus service is very poor. So, you know, this  
12 is -- this is not any part of the classification of this -- the  
13 RA-1 zone that will serve the end that is supposed to be served  
14 by gentle density. Okay. And we already have a whole lot of  
15 density. That's why there are such stringent special exception  
16 rules in the RA zones, because people were just putting up  
17 anything anywhere. But take a look at the 2020 OP single-family  
18 housing study, and they will tell you all about how general  
19 density is supposed to work, but nothing that's been done or  
20 advocated before this Commission in that regard has been anything  
21 like what's in OP's report.

22 CHAIRMAN HOOD: Okay. Thank you, Ms. Richards. And  
23 let's talk about in your submission -- let's talk about  
24 opportunity for public comment. Let's --

25 MS. RICHARDS: Yes.

1           CHAIRMAN HOOD:     Just kind of tell me what your  
2 thought -- maybe I'm not reading it correctly, because I've read  
3 it three or four times trying to figure it out. Why do we feel  
4 like -- what is the word that you used? Antiproceduralism.

5           MS. RICHARDS: Oh, well, let's see. We found the first  
6 really bad instance of antiproceduralism when, in the Office of  
7 Planning -- no, in the -- I think it was the Comp Plan -- the  
8 last iteration of the 2021 amendments, when there was a huge  
9 effort to kind of do away with the right to appeal zoning  
10 decisions. And that's when Ari -- oh, gosh, the very aggressive  
11 lawyer from Ward 8, Stoop Law, who was bringing all of these  
12 appeals of PUD cases. And so, in order to forestall his appeals  
13 and other appeals, some of, you know, which I was a part of one  
14 or two of them, there was an attempt to rewrite the Comp Plan to  
15 take away any kind of really standard for review so that you  
16 would essentially not be able to appeal anything, you know,  
17 because you got to have a standard of review. Well, we beat that  
18 back. You know, I -- we, the -- by "we", I mean all of the kind  
19 of process-loving citizens of the District of Columbia.

20           Then -- now it has popped up again. I think earlier  
21 this year, there was another provision that would have -- or set  
22 of -- oh, gosh, there was a bill before Council that would have  
23 imposed a very heavy bond before anyone could bring a zoning  
24 appeal, and there were a couple -- and there were one or two  
25 other provisions that would have further made it difficult to

1 appeal a zoning decision. That did not go through, but it's  
2 coming back. So that's the biggest part of antiproceduralism.  
3 Okay. That's one.

4 To the extent that more and more zoning actions or  
5 development actions are being made matter of right, you have  
6 foreclosed the opportunity for public participation. And  
7 particularly in Cases 25-09 and 25-13, the corridor cases, the  
8 (indiscernible) approved -- and many of the witnesses said, we're  
9 going to sort of fix the development here on these corridors for  
10 the next generation. You're putting in these sort of form-based  
11 principles and everything will have been decided. There won't  
12 be any room for the public to step in and say, well, let's do  
13 this or let's not do that.

14 Also, in the Comp Plan where a higher density was  
15 proposed, the Office of Planning had the opportunity to say,  
16 well, we'll go with maybe MU-10 -- MU-7 or MU-6, and it would  
17 almost always go to MU-10. And I'm thinking about the Takoma  
18 Metro station. And there was ample evidence in the record that  
19 said you could have achieved an awful lot of housing density at  
20 heights that were suitable -- compatible with what was existing  
21 in Takoma Park when you went with MU-10. And also with -- same  
22 thing happened with McMillan, so that's a repeated pattern. And  
23 so once you've got MU-10, there's no opportunity to kind of, you  
24 know, wiggle, because everything's matter of right.

25 CHAIRMAN HOOD: So, Ms. Richards, I appreciate your

1 | comments. I'm not far from you. I think it's -- we can always --  
2 | when I see one of you, we don't have to talk germane about a  
3 | case, but when I see you at one of these community events and  
4 | we're sitting around talking, maybe you and I can have a  
5 | conversation about that. But what I will say for now though,  
6 | the intention on the bill about what you can take to court, the  
7 | issue was, at least -- and I talked to the Chairman about this --  
8 | I would -- I, personally, and I know the Commission would not --  
9 | never want to take out public input. First of all, at the end  
10 | of the day, we're residents too, and I want to make sure that  
11 | we're being heard. That's why I've had some -- I try to ease  
12 | and slow walk some of this matter of right, but some of it  
13 | requires to be matter of right, because it's always approved, and  
14 | that's the track record; it's approved with no opposition. So  
15 | that's the -- those are the kind of things -- I think we have to  
16 | strike that balance.

17 |           Now, do we -- do I always make the right decision and  
18 | get it right? Sometimes I have to go back and rethink what we've  
19 | done, but let me just say this. On the court issue -- and I --  
20 | Ari Theresa, I applaud his work, and I've talked to him  
21 | recently -- a couple of weeks ago about something -- not cases,  
22 | but just in general, so we do talk.

23 |           MS. RICHARDS: Right.

24 |           CHAIRMAN HOOD: We might disagree here, but we do talk.  
25 | But I will tell you that everybody doesn't have good intentions,

1 Ms. Richards, and like you and Stoop Law, and those who have some  
2 other intentions are out to do some other things, so trying to  
3 strike that balance I think is what I think the administration  
4 and what I think -- I was hoping the Council would do, because  
5 to hold up a project that's good for the city with affordable  
6 housing, which they say -- we say is affordable housing -- to  
7 hold it up for years and then it -- the project goes away and  
8 being able to file it in court for \$50 is -- or \$25 is a problem.  
9 It's a problem, and I think it's a problem that needs to be  
10 corrected. I get what you're saying. We don't want to --  
11 antiproceduralism; I definitely don't want -- I don't like that  
12 word. I don't want to be a part of that, but we got to balance  
13 that and strike that balance, Ms. Richards. We -- you may  
14 disagree, but like I said, when I see you in the community, we  
15 can talk about it offline. Okay.

16 MS. RICHARDS: Well, we agree, and that's -- with the  
17 general principle that you have to strike a balance. It might  
18 come. But that's why we did agree with two of the key provisions  
19 today. We are reasonable people. We're not --

20 CHAIRMAN HOOD: Right. I appreciate you. I appreciate  
21 you. All right. Let's see what else we have. And thank you to  
22 the Committee and you, Ms. Richards, for always giving us like  
23 it is, so thank you.

24 MS. RICHARDS: Thank you for the opportunity.

25 CHAIRMAN HOOD: Sure. We may have some questions for

1 | you. Don't go away. I just started this time.

2 | MS. RICHARDS: Okay.

3 | CHAIRMAN HOOD: Commissioner Wright, any questions or  
4 | comments?

5 | COMMISSIONER WRIGHT: What I'm hearing is that the  
6 | Committee of 100 generally agrees with this zoning text  
7 | amendment, but that you don't want to have it characterized as  
8 | the gentle density; is that correct?

9 | MS. RICHARDS: That is correct, except we disagree with  
10 | the side yards -- with the no side yards for the rowhouse  
11 | provisions, yes.

12 | COMMISSIONER WRIGHT: Right. And I do think the side  
13 | yards need a little additional discussion and work. I think if  
14 | you are building new rowhouses in a community that has a mix of  
15 | different unit types, that you may need to have some better side  
16 | yard setbacks, as you were describing, so I think that's something  
17 | maybe the Office of Planning can take a little closer look at.

18 | I do want to say to you that I agree with you 100  
19 | percent on the need for design to be a part of gentle density.  
20 | I mean, if we're going to talk, again, not particularly about  
21 | this text amendment, but sort of the concept of gentle density,  
22 | and I strongly believe in creating -- you can call it a lot of  
23 | different things -- you can call it form-based code; you can call  
24 | it pattern books -- you're creating some design criteria that is  
25 | done in conjunction with the community, so it's not just something

1 imposed; it's actually a -- you know, an effort to create some  
2 design criteria with the community that then can be used to allow  
3 by-right development. And we have seen successful examples of  
4 this in the region, particularly in Arlington, where they have  
5 had corridor development using form-based codes that have both  
6 been efficient, from a procedural standpoint, but also have a  
7 strong design component. And I really, really hope that we can  
8 move in that direction.

9 I think that, you know, there is a move to do more by-  
10 right approvals, and I understand the need for that, but I also  
11 understand the risk, which you have pointed out, which is you can  
12 end up with some very negative design outcomes. And I think that  
13 there is a solution, and it's a solution that has been  
14 successfully implemented in other nearby jurisdictions, and that  
15 we, as a city, need to look at that. So I definitely hear what  
16 you're saying about, you know, a concern that if everything ends  
17 up being by right, what happens to design and community  
18 compatibility. And I think that there is a solution. It's not,  
19 you know, either/or, but we have to be open to doing the hard  
20 work to achieve that solution. So I'll just put that out there.

21 MS. RICHARDS: Thanks, Commissioner.

22 CHAIRMAN HOOD: Okay. Let's go to Commissioner  
23 Imamura. Any questions or comments?

24 COMMISSIONER IMAMURA: Yeah. Thank you, Mr. Chairman.  
25 Thank you, Ms. Richards, for sharing your perspective with us

1 tonight, and certainly appreciate and value Commissioner Wright's  
2 comments also about the importance of good design and how that  
3 can shape maybe better outcomes here. So, again, thank you for  
4 sharing your perspective and I think that certainly there's some  
5 room for more discussion about side yards, of course. And I  
6 think that's all that I have to share or comment on. Thank you,  
7 Mr. Chairman. Again, thank you, Ms. Richards.

8 MS. RICHARDS: Thank you.

9 CHAIRMAN HOOD: Okay. Commissioner Stidham, any  
10 questions or comments?

11 COMMISSIONER STIDHAM: No questions or comments, but  
12 thank you for weighing in this evening. Appreciate that.

13 MS. RICHARDS: Thanks, Commissioner.

14 CHAIRMAN HOOD: And Vice Chair Miller.

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. And I  
16 appreciate your -- the Committee of 100's testimony on this case  
17 and the general support for those two provisions and your -- I  
18 understand your -- I understand your concerns about other  
19 provisions, and I have to say that I do not -- I disagree with  
20 your characterization of the Zoning Commission as being blatantly  
21 undemocratic and forgoing due process and lumping us in with the  
22 lawlessness of the current federal administration. I think that  
23 is totally unfair and uncalled for, and I think it undermines the  
24 credibility of your distinct comments on other -- on the specific  
25 comments of the case. And I would just urge you -- you may

1 disagree, and you're certainly entitled to your opinion, and, in  
2 this body, you will always able to express your opinion and engage  
3 with us, but I really would urge the Committee to reconsider its  
4 characterization of the Zoning Commission being  
5 antiproceduralism, blatantly undemocratic. I think that's  
6 unfair. I think it undermines trust of all of us. We are  
7 residents -- citizens of the District. It undermines trust in  
8 our democratic public participatory institutions in this local  
9 government. So I'm sorry to vent that, but I just wanted to  
10 share that, but we've always shared -- been honest with each  
11 other, and I wanted to share those views.

12 MS. RICHARDS: I appreciate your perspective. Thank  
13 you. I will -- I will take all of your comments and responses  
14 to heart, yes.

15 VICE CHAIR MILLER: Thank you.

16 CHAIRMAN HOOD: Okay. Thank you. And, again, I would  
17 like to have a conversation like we've had in the past offline,  
18 even though I always tell my wife, "Ms. Richards is always nice".  
19 She and I have those conversations, because I see you in the  
20 neighborhood, and I actually enjoy that, because we have very  
21 collegial conversations and it's very educational and informative  
22 to me. But I didn't read it like that; I just read it a little  
23 differently, but I know, as the Vice Chair said, we know -- you  
24 know what we really do. We're very open. We -- you might not  
25 always agree. Sometimes I don't agree with my colleagues. You

1 know, there's five of us, and sometimes the outcome is not like  
2 I want. So we don't always agree, but I think we'll get beyond  
3 that, and I appreciate all you do, Ms. Richards, and, with that,  
4 I'll leave it at that.

5 MS. RICHARDS: Thank you, Commissioners.

6 CHAIRMAN HOOD: All right. Thank you. Thank you. All  
7 right. Ms. Schellin, we don't have anybody else, right?

8 MS. SCHELLIN: That is correct.

9 CHAIRMAN HOOD: So, colleagues, from what I heard  
10 tonight, I think -- I know -- is that a two vote or one vote?

11 MS. SCHELLIN: Two.

12 CHAIRMAN HOOD: Two. Oh, it's two? Are we even ready  
13 to take that -- I'm going to ask my colleagues, because I know  
14 we have some stuff that we've asked for. They need to look at  
15 some stuff. Mr. Beamon and Mr. Jurkovic said they want to look  
16 at some stuff that has come in even later, so we can have all  
17 the information, and plus the testimony we heard today, and some  
18 of the things that we have talked about with the proportion of  
19 the side lots and how they're proportionate. And it may be a  
20 little bit more -- I know DoB does not necessarily -- I don't  
21 know. They may not be able to administer it. I don't know what  
22 the issue is, but maybe we can go back at it and take another  
23 stab at it. But I've heard a number of things, and I don't know  
24 whether we even can take a first vote, but let me hear from  
25 others. Commissioner Wright.

1           COMMISSIONER WRIGHT: Yeah. I think we have laid out  
2 some things that we need more information on. I think all of us  
3 have really stated that we generally are in support of this text  
4 amendment. We think it may need some tweaks though related to --  
5 you know, one of the things is related to the side yard. Another  
6 is -- you know, what I heard is that most of us, but maybe not  
7 all, think that four units by right is a good number. I mean,  
8 maybe some folks were thinking to go up a little bit more. I  
9 know Vice Chair Miller mentioned a desire maybe to look at that.

10           But I think there is -- there are a number of pieces  
11 of information that were requested: you know, written responses  
12 to some of OAG's comments; you know, a little more information  
13 about how we're going to proceed with the technical correction  
14 that was brought up by Goulston and Storrs. I think we have a  
15 process there, but we need to implement that. I mean, I don't  
16 know that this is quite ready for a vote. I think we need a  
17 little bit more of that information, but I don't see this as a  
18 big, you know, go back and, you know, rethink everything. It's  
19 really just some tweaks, and then we can come back and proceed  
20 from there. So I'm sure the Office of Planning has been keeping,  
21 you know, notes on what the various additional pieces of  
22 information that have been requested, and, hopefully, we can get  
23 those and come back really quickly.

24           CHAIRMAN HOOD: Okay. Thank you. Commissioner  
25 Imamura.

1           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. You  
2 know, I'm comfortable waiting for some of the pieces of  
3 information that we've asked for, but we've also, you know, put  
4 down proposed action and asked for information before we take  
5 final action. And so, as Commissioner Wright stated, I think  
6 we've -- what we've asked for are sort of these small tweaks,  
7 just to chase down a couple of things, just to, you know, give  
8 us a more definitive look at this before we take final action.  
9 So, frankly, I'm ready to move forward to take proposed action,  
10 with the caveat that we receive this information before we take  
11 final action.

12           CHAIRMAN HOOD: Okay. All right. Commissioner Stidham.

13           COMMISSIONER STIDHAM: I tend to agree with Commissioner  
14 Imamura that we are all relatively in support and we need some  
15 additional information, so I think that we could do that and move  
16 forward.

17           CHAIRMAN HOOD: Okay. And Vice Chair Miller.

18           VICE CHAIR MILLER: Thank you, Mr. Chairman. I usually  
19 have that position that Commissioner Imamura articulated, but I  
20 think, in this case, there's not an urgency, and I -- there is a  
21 lot of information -- a lot of responses to specific suggestions  
22 that have been made by various parties -- by various individuals  
23 or agencies -- OAG -- that we -- I would -- I would be more  
24 comfortable waiting for the information before taking proposed  
25 action on this case.

1           CHAIRMAN HOOD: I typically agree too, but I'm  
2 looking -- now I've become optics. People's impressions  
3 become -- their perceptions become what -- their reality. And  
4 we actually heard earlier today that Mr. Jurkovic -- something I  
5 think we asked for -- I can't remember now; it was early on in  
6 this proceeding -- they hadn't had a chance to look at it. Even  
7 though it's a two-vote case, but I just don't feel comfortable,  
8 which I could do it that way, you know, like we normally do, but  
9 I just don't feel comfortable with doing proposed action without  
10 having everything -- all our ducks in a row. That's kind of  
11 where I'm at. And I would agree with Commissioner Wright, so  
12 let's move quickly.

13           Now here's how I'm going to flip. I also agree with  
14 Commissioner Imamura, so, you know, let's just -- it seems like  
15 we have enough votes to hold off. And, Ms. Schellin, I'm going  
16 to look at you to kind of move faster. I think it's three of us  
17 to hold off and two that don't mind -- well, two-and-a-half to  
18 hold off and two-and-a-half to move forward, so I'll just leave  
19 it at that. So, Ms. Schellin, as soon as we can get this --

20           MS. SCHELLIN: Sure.

21           CHAIRMAN HOOD: -- as soon as we can this, let's do it  
22 quick.

23           MS. SCHELLIN: Okay. So I will -- if I could have the  
24 OP people, one of them tell me how much time they need to respond  
25 to what they heard this evening, I can pick a meeting.

1 MR. JURKOVIC: Thanks, Ms. Schellin. I believe of the  
2 five things that Commissioner Wright summarized that you all want  
3 a response from us, we'd be prepared to submit that to the record  
4 in three weeks.

5 MS. SCHELLIN: Three weeks?

6 MR. JURKOVIC: Yes.

7 MS. SCHELLIN: Okay. So that will put us -- so that  
8 would be on January 26th. If the Commission wants, we could put  
9 it on for January 29th, but that will not our legal staff to prep  
10 you, so if they could provide it -- so we would have to put this  
11 on for February 12th, to allow legal staff to prepare the  
12 Commission.

13 CHAIRMAN HOOD: Okay. It should go pretty seamlessly.  
14 Let's do February 12th, and then we can get it -- once we do the  
15 prerequisite, we can go ahead and get to final action, but we  
16 want to -- but, also, Mr. Jurkovic, there were more things than  
17 those five from Commissioner Wright. I think she just  
18 enumerated -- there were some other things too, right, that other  
19 Commissioners mentioned, but I'm sure -- I don't know if you  
20 enumerated all of that, Commissioner Wright. I don't think you  
21 did, or did you?

22 COMMISSIONER WRIGHT: I don't know that I listed  
23 everything. I -- again, I'm sort of relying on Office of  
24 Planning's staff to have taken notes on what they heard needed  
25 to be talked about. I mean, I know the side back -- I'm sorry --

1 side-yard setbacks were an issue. I know the number of units by  
2 right are an issue. I know that the technical correction that  
3 Goulston and Storrs brought up is an issue. I thought that the  
4 issue brought up by Mr. Sullivan was something that we needed to  
5 tackle. I don't know. Someone help me. What am I missing?

6 CHAIRMAN HOOD: Ms. Richards, the general (sic)  
7 density -- gentle density, so I know you all got that. What  
8 else? Commissioner Imamura, anything else?

9 COMMISSIONER IMAMURA: No. I think Commissioner Wright  
10 had summarized all that we've asked for, which really isn't a  
11 lot; it's just those few things. It just does take, I guess, a  
12 few weeks, which is actually a pretty quick turnaround for OP,  
13 so --

14 CHAIRMAN HOOD: Commissioner Stidham, anything that  
15 you -- but we have the record. Vice Chair Miller, do you have  
16 anything to add? But we don't have to go back over it, because  
17 they should have --

18 VICE CHAIR MILLER: Right. And I wasn't taking notes,  
19 and I know OP was taking notes, so -- and I appreciate  
20 Commissioner Wright going through that, but as it -- the side  
21 yard is one of the bigger issues that we need the response to,  
22 the various concerns that have been raised. And, as part of  
23 that -- I don't think we specifically mentioned it, but I think  
24 a couple of the witnesses did -- the issue of where a special --  
25 where side yard relief is required still under this proposal, it

1 | would be -- it would need to be a variance versus a special  
2 | exception. I would like a response to that issue, because I  
3 | think that a variance might be not the appropriate mechanism  
4 | process to evaluate adverse impacts upon the neighborhood.

5 |           CHAIRMAN HOOD: So let me cut that off. I think our  
6 | counsel has gotten it as well. They're going to coordinate with  
7 | the Office of Planning. I think we have great counsel, so let's  
8 | let them coordinate it, and let's not muddy the waters anymore,  
9 | and so we'll just leave it at that. Any other questions or  
10 | comments from my colleagues? Looking, looking.

11 |           (No response.)

12 |           CHAIRMAN HOOD: Okay. Not seeing any. All right. Let  
13 | me thank you, Mr. Beamon and Mr. Jurkovic for everything that you  
14 | all have done, and also Mr. Lawson as well. I think we'll see  
15 | Mr. Lawson maybe one more time, I think. That's why we did what  
16 | we did today, but I think it's one more time. All right. So,  
17 | again, congratulations, Mr. Lawson. Thank you both, Mr. Beamon  
18 | and Mr. Jurkovic. Ms. Schellin, is there anything else before  
19 | us this evening?

20 |           MS. SCHELLIN: Nothing else.

21 |           CHAIRMAN HOOD: And I also want to thank the public,  
22 | those who wrote letters, who participated, and those who've  
23 | submitted things to the record for us to be able to review, and  
24 | we're going to try to move as expeditiously to be able to get  
25 | some resolve on this. Our next meeting is January the 8th, and

1 | it's 25-04. The case is Ed Villard. We will meet on these same  
2 | platforms on January the 8th at four p.m. So, with that, I want  
3 | to thank everyone for their participation in this hearing. Again,  
4 | Happy New Year. You all have a great evening.

5 | (Whereupon, the above-entitled public hearing was  
6 | adjourned at 6:00 p.m.)

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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. 25-08

Before: DC Zoning Commission

Date: 01-05-26

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.



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Deborah B. Gauthier