

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

KAREN THOMAS

DAN EMERINE

The transcript constitutes the minutes from the Public Hearing held on April 28, 2011.

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

6:33 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen.

This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, April 28, 2011.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Selfridge, Commissioner May, and Commissioner Turnbull.

I'm going to ask the persons to my left, Office of Zoning to introduce themselves, and I'm going to ask the persons to my right, Office of Planning, to introduce themselves.

MS. STEINGASSER: Jennifer Steingasser, Karen Thomas and Dan Emerine.

CHAIRMAN HOOD: Okay.

MS. HANOUSEK: Donna Hanousek, staff for the Office of Zoning.

CHAIRMAN HOOD: Okay, great, thank you.

1 This proceeding is being recorded by
2 a court reporter. It is also webcast live.
3 Accordingly, we must ask you to refrain from any
4 disruptive noise or actions in the hearing room.

5 The subject of this evening's hearing
6 is Zoning Commission Case No. 1101. This is a
7 request by the Office of Planning for text
8 amendments to the Zoning Regulations regarding the
9 location of parking spaces on a lot.

10 Notice of today's hearing was
11 published in the D.C. Register on February 11,
12 2011, and copies of that announcement are
13 available to my left on the wall near the door.

14 The hearing will be conducted in
15 accordance with the provisions of 11 DCMR 3021 as
16 follows: preliminary matters, presentation by the
17 Office of Planning, report of other Government
18 agencies, report of the ANC, in this case it's all
19 ANCs, organizations and persons in support,
20 organizations and persons in opposition.

21 The following time constraints will
22 be maintained in this hearing: organizations five

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1 minutes, individuals three minutes. The
2 Commission intends to adhere to the time limits as
3 strictly as possible in order to hear the case in
4 a reasonable period of time.

5 All persons appearing before the
6 Commission are to fill out two witness cards.
7 These cards are located to my left on the table
8 near the door. Upon coming forward to speak to
9 the Commission, please give both cards to the
10 reporter sitting to my right before taking a seat
11 at the table.

12 The decision of the Commission in
13 this case must be based exclusively on the public
14 record. The staff will be available throughout
15 the hearing to discuss procedural questions.

16 Please turn off all beepers and cell
17 phones at this time, so not to disrupt these
18 proceedings.

19 At this time, the Commission will
20 consider any preliminary matters. Does the staff
21 have any preliminary matters?

22 MS. HANOUSEK: No, sir.

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1 CHAIRMAN HOOD: Thank you.

2 I just have an announcement. The
3 former Director of the Office of Zoning passed on
4 Monday, we did a moment of silence. The service
5 will be this coming Saturday at 5130 Wisconsin
6 Avenue, Washington, D.C., from 4:00 to 6:00, and
7 at 6:00 p.m., will be -- the service will start at
8 6:00 p.m., and there will be a reception following
9 the service. The interment will be private.

10 So, I would ask that you would keep
11 the family of Jerry Lee Kress in your thoughts and
12 prayers as we go through this time here in the
13 Office of Zoning.

14 Again, that service will be held this
15 coming Saturday, from 4:00 to 6:00, and the
16 service will start at 6:00 p.m., with a reception
17 to follow. Interment will be private.

18 Okay. Let's go to the Office of
19 Planning, Ms. Thomas.

20 MS. THOMAS: Yes, good evening, Mr.
21 Chairman, Members of the Commission, Karen Thomas
22 with the Office of Planning, and also Dan Emerine,

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1 the Deputy, who was instrumental in drafting the
2 general parking regulations for the ZRR, to my
3 right.

4 At the public hearing on parking and
5 loading in November, 2010, the Commission
6 requested that current regulations for the
7 location of parking spaces on the lot be amended
8 to better reflect the Comprehensive Plan's goals
9 and design, which, generally, prescribes that
10 parking should be set behind or underneath
11 buildings.

12 Thus, the advertised amendments
13 proposed to Section 2116 would clarify that
14 parking for commercial uses can no longer be
15 placed in front of a building, and that
16 above-grade structures must be located at least 20
17 feet from all lot lines that abut public streets.

18 The amendments are not inconsistent
19 with the Comprehensive Plan, and OP recommends
20 approval of the advertised amendments to Section
21 2116.

22 I've provided handouts that we would

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1 use as visual aids of the amended text, and Dan
2 Emerine and I will be happy to take any questions.

3 Thank you.

4 CHAIRMAN HOOD: Good, thank you, Ms.
5 Thomas and Mr. Emerine.

6 Any questions, Commissioners, for the
7 Office of Planning?

8 Commissioner May?

9 COMMISSIONER MAY: Yes, I have two
10 questions.

11 The first one is, one of the
12 restrictions is that if there is parking within
13 the structure that's below grade it has to be 10
14 feet below grade along the front of the building.

15 And, I'm wondering how that's going to work on a
16 sloped frontage. Does that mean that every --
17 that that lower level is not going to be able to --
18 - at the lowest end of the slope, that means that
19 you are going to have to be 10 feet below that, or
20 is it 10 feet on average that you are imagining?

21 I mean, you could have a difference
22 of 10 feet, you could wind up with the parking 20

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1 feet below one end of the grade at one end of the
2 building, and ten feet below in the other.

3 MR. EMERINE: The -- I guess the
4 literal language as written would probably mean
5 that the parking space would have to be at least
6 10 feet below grade at the nearest point to that
7 parking space.

8 An alternate way to do it would be to
9 specify below grade at some level, for example, at
10 curb level.

11 COMMISSIONER MAY: Okay. I just
12 think we need to clarify, because I don't think
13 that we, necessarily, want to agree to a situation
14 where, you know, the parking has to be sloped to
15 all the grade, or that you wind up with big
16 disparities on the first floor as a result of the
17 parking below. You know, that's something that
18 needs to be figured out there, technically. I'm
19 not sure what the right answer is.

20 I had a second question, oh so, with
21 these new regulations, will this then,
22 effectively, render, you know, any existing

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1 commercial strip-type developments not conforming?

2 MS. STEINGASSER: No. They would
3 have the same status as they have now as when they
4 are built. There's a lot of zoning changes.

5 COMMISSIONER MAY: Yes.

6 MS. STEINGASSER: And, it's not going
7 to result in a non-conforming status. They will
8 be legally conforming, because they were built
9 legally to the code at that time.

10 COMMISSIONER MAY: When they were
11 built, they are just grandfathered.

12 MS. STEINGASSER: Right.

13 COMMISSIONER MAY: Okay. I just know
14 that in some circumstances we have, actually, had
15 language that specified that this would not render
16 something non-conforming. I didn't know if that
17 was the same here.

18 MS. STEINGASSER: We've done that and
19 OAG has asked us to stop, because it becomes
20 repetitive.

21 COMMISSIONER MAY: Right. I would
22 imagine it would have to be done a lot. So, I

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1 appreciate knowing that it's not really necessary.

2 All right.

3 CHAIRMAN HOOD: Great, thank you.

4 Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Thank you,

6 Mr. Chairman.

7 I just had one question on the
8 handout we got on the last page, there are some
9 additional dashed lines. Are these what you are
10 implying to be as building restriction lines?

11 MS. THOMAS: No, it's not intended to
12 be -- I mean, it represents the facade, the front
13 face of the building.

14 COMMISSIONER TURNBULL: Right.

15 MS. THOMAS: And, it's intended to
16 explain where exactly along in those areas where
17 they could park, because they create some courts
18 within these irregularly shaped buildings. So, we
19 have no intention of them parking in this area.

20 MS. STEINGASSER: It's just an
21 illustrative drawing to show that certain building
22 forms result in spaces that would be qualified as

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1 courts, and it would still be prohibited
2 accommodating parking.

3 COMMISSIONER TURNBULL: I understand.

4 If I look at the amendment, it talks
5 about between a building restriction line and the
6 line abutting a street, and the sheet sort of
7 replies back to that section. So, I was just
8 wondering if it's related.

9 MR. EMERINE: The dashed lines that
10 you are asking about on that drawing are simply
11 lines that are separating areas from where parking
12 is allowed from areas where parking is not
13 allowed.

14 They aren't intended to reflect
15 building restriction lines.

16 COMMISSIONER TURNBULL: Okay. I
17 would think then at least at some point in the
18 future, when writing the regs, if we are referring
19 to drawings like this I think you might want, you
20 know, to either call out or define what those are
21 at some point. Otherwise, it could be confusing
22 to people that don't understand.

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MS. THOMAS: Yes.

COMMISSIONER TURNBULL: I'm just trying to make it simple.

MR. EMERINE: Absolutely. This was just intended to provide some clarity for the Commission.

COMMISSIONER TURNBULL: Yes.

MR. EMERINE: But, when we include illustrations in the code, you are absolutely right.

COMMISSIONER TURNBULL: Okay.

MR. EMERINE: We'll do that.

COMMISSIONER TURNBULL: Thank you.

CHAIRMAN HOOD: Any other questions?

I just want to ask either Mr. Emerine or Ms. Thomas, in the setdown at 2116.4(b), I noticed we changed it, as opposed to the amendment at 2116.4(b). I kind of like the language of, "... building use solely as a parking attendant shelter shall not trigger this restriction." I just want to know why did we change that.

Or, what are we achieving -- let me

1 ask it this way, what are we achieving in the
2 setdown hearing the way it was written, as opposed
3 -- what will be achieving then as opposed to what
4 we are achieving now to the amendment, or was it
5 just wording?

6 MS. THOMAS: It was just wording, and
7 we made these clarifications based on OAG
8 recommendations.

9 CHAIRMAN HOOD: All right. Any other
10 questions?

11 Okay. I don't see any other reports
12 of any other Government agencies.

13 Do we have anyone here from the ANC
14 that would like to testify, any ANC Commissioners
15 or anyone from the ANC?

16 Not seeing anyone.

17 Okay. I'm going to go down the
18 witness list. I'm going to start with the
19 proponents, organizations and persons in support.

20 I have Mr. Ken Archer, Cheryl Court, Geoff
21 Hatchard, David Alpert, and Brad Green, Sierra
22 Club.

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1 Do we have anyone else who is here in
2 support?

3 Okay. Mr. Archer, you are already
4 seated? Are you Mr. Archer?

5 Okay, Ms. Cort.

6 MS. CORT: Thank you, Chairman and
7 Commission.

8 I'm Cheryl Cort. I'm the Policy
9 Director for the Coalition for Smarter Growth. We
10 are a regional non-profit working on text
11 petitions and land use decisions in the region,
12 and working to accommodate growth while
13 revitalizing communities, providing more housing
14 and travel choices, and conserving our natural
15 historic areas. Please accept this on behalf of
16 the Coalition for Smarter Growth.

17 We are here to express our strong
18 support for the proposed actions under Case No.
19 1101, which will revise the location of parking
20 spaces.

21 As the City recovers from the
22 recession, development projects are already moving

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1 forward again. There's, actually, a preponderance
2 of cranes in my neighborhood. I live in the E
3 Street neighborhood. It's quite striking.

4 And, you know, we are eager to
5 fulfill the -- to see the full revision of the
6 Zoning Code, and we appreciate that that's going
7 to take more time. But, we appreciate moving
8 forward with revision to the parking location
9 section, and not delaying it because there was a
10 strong consensus that the proposed changes were
11 appropriate. Because of the importance of the
12 impact of the new standard, and protecting the
13 quality of pedestrian-oriented street environment,
14 we think we should move forward.

15 The amendments implement a number of
16 Comprehensive Plan goals that focus on improving -
17 - that focus on improving streetscapes for
18 pedestrians, discouraging automobile-oriented
19 development, placing parking behind buildings and
20 linking parking structures with active uses.

21 So, given the broad support we've
22 already seen for this action, we urge the Zoning

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1 Commission to adopt these changes related to the
2 location of parking spaces.

3 Thank you.

4 CHAIRMAN HOOD: Thank you, Ms. Court.

5 Did I see Mr. Archer come in? Go
6 right ahead. Turn your microphone on.

7 MR. ARCHER: My name is Ken Archer.
8 I live in Georgetown with my wife and two-year old
9 son, and I'm here to testify in strong support of
10 this text amendment.

11 You have no doubt heard about the
12 many benefits that are expected to result from
13 moving commercial parking out front of stores, an
14 activated streetscape that attracts pedestrian
15 activity, thus reducing crime and increasing
16 property values and so on.

17 But, I'm here to testify to a benefit
18 that we won't have to predict or to wait for. The
19 benefit that I want to testify here about will
20 come every time a new commercial building places
21 its entrance on the sidewalk. I'm talking about
22 treating residents who don't own cars with

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1 dignity.

2 I don't know if any of the esteemed
3 Commissioners own no car, or at least walk to the
4 grocery store even if you do. If not, allow me to
5 describe the indignity of asking your spouse to go
6 to the grocery store, when you don't own a car.

7 Your spouse puts your children
8 together, and puts your infant in a stroller. She
9 walks to the store, and tries to walk on the
10 pedestrian path down the middle of the lot. Of
11 course, it's filled with shopping carts left by
12 drivers, that make it impassable, especially, with
13 a stroller.

14 So, she pushes the stroller over the
15 curb into the parking lot, and walks in the
16 driving lane. Cars and SUVs drive by, splashing
17 rainwater onto her shoes and the stroller, and she
18 arrives at the store stressed out, feeling like a
19 second-class citizen knowledgeable that her
20 neighbors were driving by.

21 She comes home and talks to her
22 husband about, why can't we just get a car. And,

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1 furthermore, when this happens, for people who own
2 no car, they, of course, have to go shopping far
3 more often than people who do own a car, because
4 you can't fill up the trunk and the back seat with
5 groceries. You can only put as much as you can
6 put in a small shopping cart.

7 There's a lot of people in D.C., who
8 don't own a car. That number is going up, and we
9 want that number to keep going up, but we can't do
10 that until we treat them with dignity, and this is
11 a big step in that direction.

12 CHAIRMAN HOOD: Okay, thank you.

13 Mr. Hatchard.

14 MR. HATCHARD: Commissioners, good
15 evening. My name is Geoffrey Hatchard, and I'm a
16 homeowner in the Trinidad neighborhood, at 1218
17 Oak Street, N.E.

18 I came before you in November of last
19 year to state my strong support for changes to the
20 D.C. Zoning Code regarding vehicle and bicycle
21 parking, and I'm here tonight to reiterate that
22 support, specifically, for regulations regarding

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1 off-street parking requirements.

2 I'll keep this brief.

3 While the overall process for the
4 zoning rewrite moves forward, I applaud the
5 opportunity to move this section on off-street
6 parking separately.

7 There was consensus around this issue
8 at the last hearing, and with the increase in new
9 construction breaking ground in the City, now is,
10 certainly, the time to act.

11 Projects are already underway in my
12 part of the City, such as a new Aldi grocery store
13 in Carver Langston, the Denny's restaurant in
14 Trinidad, and Walmart and other stores that are
15 going in at Bladensburg Road and New York Avenue.

16 All these projects are not subject to
17 the proposed parking location rule. As a result,
18 the spaces aren't designed in a way that maximizes
19 pedestrian safety, or fits in well with the urban
20 environment.

21 We need to act quickly to keep more
22 suburban style infill from being built as a matter

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1 of right in walkable, transit-friendly
2 neighborhoods.

3 I encourage the adoption of the
4 changes for location of off-street parking on lots
5 as soon as possible.

6 We'll only get one chance to get many
7 of these buildings right in this generation, and I
8 hope we can ensure the built environment will
9 complement our neighborhoods and the residents
10 living there.

11 Thanks for the opportunity to
12 testify.

13 CHAIRMAN HOOD: Thank you.

14 Mr. Alpert?

15 MR. ALPERT: Thank you very much, Mr.
16 Chairman and Members of the Commission.

17 My name is David Alpert. I am a
18 homeowner in the DuPont Circle neighborhood. I'm
19 the Founder/Editor of Greater, Greater Washington,
20 which advocates for better planning and
21 transportation in D.C. and the Washington
22 Metropolitan Area.

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1 I encourage the Commission to
2 approve the proposed text amendment to modify the
3 restrictions on location of parking spaces.

4 This zoning change has already been
5 approved by the Commission in principle. This
6 change updates zoning to comply with principles in
7 the Comprehensive Plan.

8 However, on a monthly basis, as Geoff
9 just mentioned, new development proposals are
10 being filed, which don't respect this
11 Comprehensive Plan provision.

12 Those developments have been trying
13 for generations an urban form which we in the City
14 have already explicitly decided it does not fit
15 with our desires for the future.

16 For example, the proposed Walmart at
17 New York Avenue and Bladensburg Road initially
18 used a very standard suburban site plan, with the
19 building in the center of a large site surrounded
20 by surface parking. This plan did not respect
21 this tradition of the Comprehensive Plan, and
22 would have created a long-term obstacle to making

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1 the area pedestrian, bicycle and transit-friendly,
2 even 25 to 50 years in the future, when areas
3 such as this with substantial empty commercial
4 space will likely look far different than they do
5 today.

6 Thankfully, the Office of Planning
7 has persuaded Walmart to modify its site plan in
8 some significant ways, including placing buildings
9 adjacent to the street. This retains the store
10 and the parking, but with a better urban form.
11 But, they did not have the weight of the Zoning
12 Code to back them up, nor have they been able to
13 push for similar changes on many other large
14 retail projects in the surrounding area and
15 elsewhere in the City.

16 It's helpful for developers to know
17 when they are filing their proposals what's
18 expected of them, instead of filing a proposal and
19 then getting push back from the Office of Planning
20 for not designing it in a different way.

21 There are many valuable provisions in
22 the Zoning Code, but this is one of the most

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1 important. The locations of buildings on a site
2 not only affects the site, but often future
3 development at adjacent sites, because architects
4 seek to emulate the setbacks and pedestrian
5 character of surrounding buildings.

6 For that reason, it is urgent that we
7 codify this change into the Zoning Code as soon as
8 possible.

9 While the overall zoning rewrite is
10 very complex, this change is not. There's already
11 a specific chapter of the Zoning Code that
12 restricts the location of parking spaces, and
13 applies restrictions to residential projects.
14 This change does not depend on all the other
15 changes in the zoning rewrite.

16 Therefore, I hope you will approve
17 this change and allow it to become part of the
18 Zoning Code as quickly as your procedures allow.

19 Thank you very much.

20 CHAIRMAN HOOD: Okay, thank you.

21 Mr. Green.

22 MR. GREEN: My name is Bradley Green.

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1 CHAIRMAN HOOD: Is your microphone
2 on? See if the green light is on.

3 MR. GREEN: Okay. My name is Bradley
4 Green. I'm here on behalf of the Washington, D.C.
5 Chapter of the Sierra Club, and its 2,600 members.

6 The Sierra Club strongly supports a
7 liveable, sustainable city, and we believe that
8 encouraging pedestrian access around the City, as
9 well as bicycle and transit-friendly development,
10 supports that goal.

11 So, in that regard we strongly
12 support this proposed change to the Zoning Code
13 which would prohibit parking in front of
14 commercial structures.

15 Thank you.

16 CHAIRMAN HOOD: I want to thank you
17 all for our testimony. We appreciate it. Let's
18 see if we have any questions for any of you.

19 Any questions, Commissioners?

20 Commissioner May?

21 COMMISSIONER MAY: Not a question,
22 I'm just glad to see that some of the folks who

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1 came out initially to testify on the parking
2 provisions so many months, years ago, whenever it
3 was, when we took them up on the suggestion that
4 we act more quickly on this, that you, actually,
5 came out to testify tonight. We are, actually,
6 considering this a small step forward.

7 So, I just wanted to thank you.

8 CHAIRMAN HOOD: Great. Any other
9 questions?

10 Okay. Thank you all, appreciate it.

11 Now, the opponents that I have --
12 well, I have on my list Ms. Alma Gates.

13 Ms. Simon, are you going to testify?

14 I wrote your name down and I put opponent by your
15 name. I probably shouldn't have confessed that I
16 did that.

17 Okay. Ms. Gates is going to be the
18 only person.

19 Anyone else that would like to be a
20 part of -- who would like to testify in
21 opposition?

22 MS. GATES: This is one of those

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1 instances when you are not really against, but
2 there's no other way to fit in here.

3 Good evening, Members of the
4 Commission. I am Alma Gates, representing the
5 Committee of 100 on the Federal City.

6 Case No. 1101 is adjunct to the ZRR
7 parking chapter, and may result in unintended
8 consequences regarding the location of parking
9 spaces in residential zone districts.

10 When this case was set down on
11 January 24th, OP only cited commercial zones in
12 the proposed text amendment. And, the Notice of
13 Public Hearing states, "The overall intent of the
14 amendment is to disallow parking spaces accessory
15 to commercial uses."

16 However, 11 DCMR 216 provides for
17 location of parking spaces on a lot in all zone
18 districts.

19 So, this case is not just about
20 parking spaces accessory to commercial uses at the
21 front of the lot, it is also about the location of
22 parking spaces on residential lots.

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1 Current Section 216.2 text is
2 specific about where parking spaces are to be
3 located on a lot rear or side, purposely omits the
4 front of a lot as a permitted location, and does
5 not distinguish whether or not the lot is
6 commercial or residential.

7 Given the proposed text amendment,
8 would a homeowner now be required to seek a
9 variance to have off-street parking -- an off-
10 street parking space in the side setback area,
11 because the location of his space happens to fall
12 between a building restriction line and a lot line
13 abutting a street. Will this prohibition in
14 residential zones be an unintended consequence of
15 the proposed Section 216.2 text amendment?

16 At its public meeting on June 8th,
17 the Zoning Commission provided ZRR guidance for
18 Case 0806-8, low and moderate density residential.

19 One of the considerations was side yards,
20 determination of minimum size, and the Commission
21 chose Option 1 which said, "For detached homes
22 apply a standard based on the ratio of building

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1 width to lot width. A minimum yard would be
2 maintained on each side, but the two side yards
3 could be of different width as long as the
4 aggregate ratio is met."

5 The resulting proposed text for ZRR
6 subtitle D provides a side setback that is equal
7 to a percentage of the lot width, but the
8 percentage would be less than the current 8 foot
9 requirement in some low to moderate density
10 residential districts, and would likely not
11 accommodate a driveway.

12 As the Zoning Commission reviews
13 proposed text for Subtitle D, and Case No. 1101
14 simultaneously, unintended consequences become
15 predictable for residential zones. A variance
16 would be required to have a parking space if it
17 falls between a building restriction line and a
18 lot line abutting a street, tear downs would be
19 encouraged as wider, out-of-scale new houses begin
20 to pop up, and off-street parking would be
21 eliminated in residential neighborhoods where on-
22 street parking may be in short supply.

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1 Further revisions are needed to the
2 proposed text amendment, if they are meant to
3 address only commercial zones. To that end, the
4 Committee of 100 suggests the following:

5 Section 2116.2, in a residence
6 district parking spaces shall be located in one of
7 the follow ways, within a permitted garage or
8 carport subject to the special provisions of
9 Chapter 23, or on an open area of the lot as
10 follows, within a rear yard or within the side
11 setback.

12 Section 2116.4, in a commercial
13 district, parking spaces shall not be located in
14 the following areas, between the building
15 restriction line and the lot line abutting a
16 street, or except in an industrial district or a
17 building use solely as a parking attendant shelter
18 between the lot line abutting the street and the
19 more restrictive of either building facade or a
20 line extending from and parallel to a building
21 facade.

22 As proposed, the text for new Section

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1 2116.12 would affect the location of detached
2 garages, or even the ability to have a garage.
3 For residential lots without alley access, this
4 proposed text amendment needs clarification that
5 it applies only to commercial districts. The
6 Committee of 100 suggests that it begin with the
7 clarification in a commercial district.

8 Again, even though the hearing notice
9 for Case No. 1101 states, "The overall intent of
10 the amendments is to disallow parking spaces
11 accessory to commercial uses," the proposed change
12 to Section 2116.2 and the addition of 2116.12
13 would affect residential zones.

14 To avoid unintended consequences in
15 this rulemaking case, in residential zones the
16 Committee of 100 asks the Zoning Commission to
17 recognize further clarification is needed
18 regarding the intent of the proposed text
19 amendment related to the location of parking
20 spaces on a lot, and to give its proposed
21 revisions to the 2116 text amendment serious
22 consideration.

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1 I would also like to read this brief
2 statement. I have been asked to read the
3 following statement into the record.

4 "At a properly noticed special
5 meeting on April 25, 2011, with a quorum of five
6 present at all times, ANC 3D voted 8:1:0 to
7 support the position of the Committee of 100 on
8 Case 1101."

9 Thank you.

10 CHAIRMAN HOOD: Thank you. What ANC
11 was that?

12 MS. GATES: 3D.

13 CHAIRMAN HOOD: 3D. All right.

14 Do you have a copy you can give us?

15 MS. GATES: I don't have anything in
16 writing from them.

17 CHAIRMAN HOOD: Commissioners, any
18 questions of Ms. Gates?

19 Commissioner May?

20 COMMISSIONER MAY: Yes. I'm trying
21 to understand what the real concern is here with
22 unintended consequences.

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1 I thought the way this was drafted,
2 that it was intended to encompass the current
3 restrictions on residential parking and also
4 address the other circumstances that we were
5 trying to prevent.

6 So, what is that's going to go wrong
7 here?

8 MS. GATES: What's going to go wrong
9 is, it's going to remove the wording that
10 currently exists in Section 2116.2.

11 COMMISSIONER MAY: Okay.

12 MS. GATES: That gives the location
13 of a parking space on a lot. So, in a residential
14 district, you could either park within a rear yard
15 or within a side yard.

16 COMMISSIONER MAY: But, you could do
17 that under this regulation.

18 MS. GATES: I don't think so. I
19 think the side yard would be removed.

20 COMMISSIONER MAY: Okay. That's not
21 -- it's clearly not the intention based on the --

22 MS. GATES: Correct, and --

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1 COMMISSIONER MAY: -- Can I finish?

2 MS. GATES: I'm sorry.

3 COMMISSIONER MAY: We have diagrams
4 that we got from the Office of Planning, I don't
5 know if you've seen these, whether these were made
6 publicly available.

7 But, I mean, you know, this
8 circumstance could very easily be a residential
9 district, and the area where this restriction is
10 is between the front of the house and the street
11 lot line, or between the front of the house and
12 the building restriction line -- I'm sorry,
13 between the building restriction line and the
14 street lot line.

15 So, I mean, those were areas where
16 you are not allowed to park now in a residential
17 neighborhood anyway.

18 MS. GATES: Can you hold that up a
19 little higher?

20 COMMISSIONER MAY: Yes. I'd be happy
21 to, actually, why don't you get the copy from Ms.
22 Hanousek, and maybe the Office of Planning needs

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1 to explain why this is consistent.

2 MR. EMERINE: Sure, I'd be happy to.

3 I think you are exactly right,
4 Commissioner, that it's, basically, saying --
5 it's, basically, saying the same restriction, but
6 in the inverse. Instead of saying that you must
7 park in one of these areas, it's saying you cannot
8 park in these areas.

9 COMMISSIONER MAY: In the other
10 areas, right, the excluded areas?

11 MR. EMERINE: Right.

12 COMMISSIONER MAY: So, the excluded
13 areas would be a front yard area between the
14 building restriction line and the lot line, if
15 that exists. And, you know, in a row house
16 neighborhood or something like that, the parking
17 within a structure would prevent you from having a
18 garage that, basically, is on the lot line, which
19 happens a lot, or it happened a lot. It doesn't
20 happen a lot anymore, except for the occasional
21 PUD, and I can think of one in particular, but
22 I'll be quiet about that.

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Anyway, Ms. Gates, look at that one.

MS. GATES: I would just comment that on my block not one person would be able to have an off-street parking space at the side of their house, as they do now. We all have driveways, we don't have garages, but none of us would have parking next to our house. We all park pretty much in this area. That is my concern.

COMMISSIONER MAY: Okay, but is that parking, actually, legal parking?

MS. GATES: Yes, it's all been permitted.

COMMISSIONER MAY: Okay, because in some cases it's not. Again, in my neighborhood there's a whole bunch of houses with garages that are built into the house, and they have a short driveway between the sidewalk and the front of the house, but it's, actually, public space and they park there anyway.

MS. GATES: At the front of the house?

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1 COMMISSIONER MAY: Yes.

2 MS. GATES: Well --

3 COMMISSIONER MAY: Tell me, describe
4 the circumstance of your neighborhood again, if
5 you would, between the sidewalk and the house
6 there's a driveway, and that driveway then
7 continues past the house to a parking space next
8 to the house?

9 MS. GATES: No.

10 COMMISSIONER MAY: Okay. Then
11 describe it for me, please.

12 MS. GATES: There is -- first of all,
13 we don't have a -- well, we have a sidewalk on one
14 side of the street, but in my case I pull into a
15 driveway, and I don't park. I can't park up next
16 to my house. I park at the side and the front.

17 COMMISSIONER MAY: Oh, okay. So,
18 it's -- so it doesn't go all the way up to the
19 front of the house, so you are parking,
20 effectively, in your front yard.

21 MS. GATES: Side yard.

22 COMMISSIONER MAY: Oh, okay, but it's

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1 in front of the line of your house.

2 MS. GATES: That's right.

3 COMMISSIONER MAY: Okay. Is that
4 permitted under the current regulation to build
5 that way?

6 MS. GATES: No, sir.

7 COMMISSIONER MAY: Right, I don't --
8 I didn't think it was.

9 So, your circumstance is a
10 grandfathered condition, in essence, is what I'm
11 concluding.

12 MS. GATES: Right.

13 MS. STEINGASSER: It would be my
14 guess that they were probably built prior to the
15 adoption of this Code, probably those houses were
16 built pre 1958?

17 MS. GATES: Yes.

18 MS. STEINGASSER: And, that's why
19 they don't conform to the current Code.

20 COMMISSIONER MAY: Right.

21 MS. GATES: However, I think we've
22 just had the approval of areas like Phillips Park,

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1 where the same thing is happening.

2 COMMISSIONER MAY: There are some
3 circumstances, I think, well, I don't know about -
4 - did we ever -- I don't know Phillips Park, I'm
5 not familiar with that community.

6 MS. GATES: It's not a project -- it
7 was a theoretical lot subdivision.

8 MS. STEINGASSER: Certainly,
9 driveways are allowed, and where people stop
10 within their driveways is different from where the
11 designated required parking spaces were.

12 The current Code does not permit you
13 to park in the front plane of your home, between
14 that area to the street, and we are just
15 continuing that in the new amendment.

16 MS. GATES: Does anybody remember the
17 Athena Project?

18 COMMISSIONER MAY: Yes.

19 MS. STEINGASSER: They all have --

20 MS. GATES: They have driveways, but
21 they also -- and garages -- but they also could
22 park in their driveway, and it would be in that

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1 area.

2 My concern, and I don't want to get
3 in an argument, is that we just don't find
4 ourselves in a position where we are not allowing
5 off-street parking in neighborhoods. Commercial
6 zones are fine. I have no disagreement with what
7 we heard tonight. But, in residential districts,
8 I think that some consideration needs to be given
9 to this, and that's why I'm here tonight.

10 COMMISSIONER MAY: I still fail to
11 see why this is any different from the current
12 regulation regarding residences, because you are
13 really not supposed to be leaving your car in a
14 driveway that's forward of the front plane of your
15 home, if your home is built on a building
16 restriction line.

17 If it's further back, then, yes, once
18 you get past the building restriction line you can
19 park in your driveway.

20 MS. GATES: What happens in the case
21 of circular driveways?

22 COMMISSIONER MAY: It all depends on

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1 where the driveway is. If it passes that plane of
2 the building restriction line, then you can park
3 there. But, if it does not, you should not be
4 parking there. And, that's the way the current
5 reg is.

6 There's really, obviously, no
7 enforcement on that. I mean, there's no
8 enforcement on the people who park in my
9 neighborhood in front of the row houses that have
10 about 12 feet from the front of the house to the
11 sidewalk, and their cars extend all the way across
12 the sidewalk. So, you can't, actually, walk down
13 the sidewalk. And, there's no enforcement that
14 stops them from doing that. They are completely
15 parked in public space. And, that's a real
16 problem, but it's an enforcement problem, it's not
17 a zoning problem.

18 I mean, we also wouldn't allow
19 buildings like that to be built today, except in
20 certain communities. But, that's a real rare
21 circumstance.

22 MS. GATES: Thank you.

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1 CHAIRMAN HOOD: Let me just add, I'm
2 not sure exactly where Commissioner May is talking
3 about. What I'm hearing from the discussion
4 that's going on, there is a major problem where
5 McDonald's is, where they park right there and you
6 have to walk on Pennsylvania Avenue to get around.

7

8 Is that the area?

9 COMMISSIONER MAY: I wasn't talking
10 about that area, but I'm familiar with that.
11 That's the road all the way at the end of
12 Pennsylvania Avenue, before you cross the bridge?

13 CHAIRMAN HOOD: Yes.

14 COMMISSIONER MAY: Yes. I was,
15 actually, talking about C Street in southeast.

16 CHAIRMAN HOOD: Oh, that's -- okay,
17 you all have a lot of problems. Okay.

18 But, I do think that Ms. Gates is
19 bringing up a good point, unintended consequences.

20 And, this is why I think we took that -- not to
21 throwback what we did Monday, this is what I think
22 we took up another way to stop and make sure that

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1 we are -- exactly what we are doing when we do
2 these things.

3 I don't know if we want to ask the
4 Office of Planning to take her comments and look
5 at them, and then come back, before we decide and
6 make a decision, or -- I don't know if -- let me
7 ask the Office of Planning.

8 Ms. Steingasser, if you all had
9 enough time to hear what she said, and enough
10 thought, that you feel comfortable to your stand?

11 MS. STEINGASSER: I feel comfortable
12 that there will be some provision placed in Title
13 A that will acknowledge the existing conditions of
14 neighborhoods like this, so that they won't be
15 cited for their existing parking.

16 But, I would be very uncomfortable
17 making any kind of recommendation that would
18 increase the opportunity for people to park
19 that's, actually, contrary to the Comprehensive
20 Plan language that we are trying to implement
21 through this very amendment.

22 COMMISSIONER MAY: Can I make a

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1 suggestion?

2 CHAIRMAN HOOD: I think you make a
3 good point over here, Commissioner May, actually,
4 what is the enforcement?

5 But anyway --

6 COMMISSIONER MAY: No, I was just
7 going to suggest, I mean, if the issue is that
8 there's no affirmative statement that it's okay to
9 park in a side yard, or a rear yard, I mean,
10 certainly, there could be an affirmative statement
11 to that effect within the regs, and then just a
12 provided that you cannot park between the building
13 restriction line and the street lot line.

14 I know it's wordy, and technically,
15 perhaps, not necessary, but it would be --

16 MR. EMERINE: I don't think we have
17 any objection in principle to that. I would just
18 want to make sure that we've reviewed the language
19 that's been suggested, and make sure that we are -
20 - yes, that we are not creating convoluted
21 wording.

22 COMMISSIONER MAY: Right.

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1 I mean, I would be open to doing --
2 to making an affirmative statement about side
3 yards and rear yards, provided that we are not
4 going to permit people to park in that front yard.

5 CHAIRMAN HOOD: All right. That's
6 something we probably -- the Office of Planning
7 said they'd look at it.

8 Commissioner Selfridge?

9 COMMISSIONER SELFRIDGE: Yes. I was
10 just going to -- that was the point I was going to
11 make, that, you know, I'd like Office of Planning
12 to look at it. Ms. Gates has some legitimate
13 concerns here, see if there's a way to bring
14 everybody together so we get language that
15 everybody is comfortable with, without any of the
16 unintended consequences she's talking about.

17 I don't know why we can't ask them to
18 do that as we are working through the process.

19 CHAIRMAN HOOD: And, I think,
20 Commissioner May, you offered some language on the
21 spot. You are a legislator on the spot. Good.

22 Anybody else?

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1 So, I think we'll do that. We will
2 take this up as soon as possible. We will be
3 considerate of what we heard tonight, and I think,
4 Mr. Emerine, you mentioned that you all would like
5 to look at what was offered.

6 Any other comments or questions?

7 Commissioner May, I think you asked
8 for a couple other things. Ms. Hanousek is going
9 to review what you asked for.

10 COMMISSIONER MAY: Yes. The only
11 thing I did want them to think about the issue of
12 a slope in front of a front of a building.

13 CHAIRMAN HOOD: Do you have anything
14 else, Ms. Hanousek?

15 MS. HANOUSEK: Just that it was clear
16 that people had the same status that they are
17 legally grandfathered.

18 COMMISSIONER MAY: I think the Office
19 of Planning answered that.

20 CHAIRMAN HOOD: All right. Ms.
21 Hanousek, do we -- can you -- I'll tell you what,
22 instead of us setting a schedule, let's just work

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1 with the Office of Planning on -- Office of Zoning
2 just work with the Office of Planning, unless you
3 have a schedule.

4 We'll just leave it open. You all
5 work it out, and, hopefully, we can take --
6 actually, take this up at, I don't know about the
7 next meeting, but maybe the meeting after that.
8 Okay.

9 I'm seeing this, so -- well, you all
10 work it out, and when we see it again we'll see it
11 again.

12 Okay. Anything else?

13 All right. I want to thank everyone
14 for their participation tonight, and this hearing
15 is adjourned.

16 (Whereupon, the above-entitled matter
17 was concluded at 7:16 p.m.)
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