

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

ZONING REGULATIONS - : Case No.

COMPREHENSIVE TEXT REVISIONS : 08-06A

:

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Thursday,

September 4, 2014

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 08-06A by the District of Columbia Zoning Commission convened at 6:13 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

The transcript constitutes the minutes from the Public Hearing held on

September 4, 2014.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SARA BENJAMIN BARDIN, Director
SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
ELISE VITALE

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

6:15 p.m.

CHAIRMAN HOOD: Okay, good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia for Thursday, September 4th.

My name is Anthony Hood. Joining me are Vice Chair Cohen, Commissioner Miller, Commissioner May and Commissioner Turnbull.

We're also joined by the Office of Zoning staff, our Director Ms. Sarah Bardin, Sharon Schellin and Ms. Z. Hill.

We're also joined by the Office of Planning staff, Ms. Steingasser, Mr. Lawson and Mr. Vitale, and also the Office of Zoning staff, ms. Bushman.

This proceeding is being recorded by a Court Reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room, including display of any signs or objects.

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Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11 DCMR 3021 as follows; preliminary matters, testimony from the public.

The following time constraints will be maintained in this hearing; organizations, five minutes, individuals, three minutes.

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time, and we have four people signed up, so, we will adjust that accordingly.

As noticed in the Notice of Public Hearing, testimony will be limited to individual organizations or associations that have not previously testified before the Commission on this case.

Persons who have previously

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testified, but still want to provide the Commission with additional comments may do so, by submitting comments in writing.

The record in this case will remain open until 5:00 p.m., September 15, 2014. The only exception to testifying again, will be the ANC Commissioners, since they represent many District residents.

We do ask that if you -- if an ANC Commissioner has previously testified and is going to provide additional testimony this evening, they confine their comments to loose subject matter that they have not yet presented.

All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door.

Upon coming forward to speak to the Commission, please give both cards to the Court Reporter. When presenting information to the Commission, please turn off and speak into the

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microphone, first stating your name and home address.

When you are finished speaking, please turn your microphone off, so that your microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record.

I would also ask that you not repeat testimony that has already been given. Rather than repeating the same comments, I would suggest that you state that you agree with testimony that has already been given and add additional comments that we may not yet have heard.

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

At this time, the Commission will consider any preliminary matters.

Does the staff have any preliminary

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matters?

(No audible response.)

CHAIRMAN HOOD: Not hearing any, I don't think we have any preliminary matters.

I do have a preliminary matter. We will again, as I stated earlier, do our relaxed dress code until October 1st, and also, the meeting that we had last night, if there is anyone from North Michigan Park who is watching this hearing, I would ask that you let your President Ms. Grace Lewis that you did stream us and watch what -- how we carried on here in the Zoning Commission tonight.

Okay, do we have any other preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay, let's go right to the witness list. Ms. Elizabeth Miller, NCPC. Mary Buckley, Judi Jones, Commissioner ANC 4B07, and Elizabeth Zgoda.

MS. ZGODA: Zgoda.

CHAIRMAN HOOD: Zgoda, I'm sorry,

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and is there anyone else who is here to testify?

Ms. Jones, did you come to testify?

MS. JONES: I did.

CHAIRMAN HOOD: If your name is on the list, did you just come --

MS. SCHELLIN: She stated her's was for Monday, so it's for the alternative tax, is what she advised.

CHAIRMAN HOOD: Okay.

MS. SCHELLIN: And I told her that testimony is scheduled for Monday.

MS. ZGODA: I won't be able to be here Monday.

MS. SCHELLIN: So, she is going to submit it in writing.

CHAIRMAN HOOD: Okay, do we have anyone else?

(No audible response.)

CHAIRMAN HOOD: Okay, Ms. Jones, since you came, come on. Come on, okay, and yes, I'm going to get beat up on it, but you know what? I'm used to it now. I've got used to it.

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MS. JONES: I'm used to it too. I appreciate it.

CHAIRMAN HOOD: You're not going to get beat up like I am. Anyone else who is here, like to testify?

(No audible response.)

CHAIRMAN HOOD: Okay, let's start with Ms. Zgoda, to my left, and you may begin. If you can identify yourself, home address and you can start.

MS. ZGODA: Good evening. I am Elizabeth Zgoda. I live in the Petworth neighborhood on Quincy Avenue Northwest. I am here to express my strong support for the proposed update to the Zoning Code, as put forward in September of 2013.

I especially support updating D.C.'s outdated parking requirements to reduce parking minimums along all transit lines, including bus routes.

I urge the Zoning Commission to revise D.C.'s car subsidizing zoning

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regulations that require parking minimums.

By eliminating and reducing parking minimums, we can make our vibrant city even more walk-able and inclusive.

I love living in D.C. because it's many great neighborhoods, particularly in Northwest. They have a walk-able design that pre-dates this 1958 Zoning Code and the dominance of the automobile.

I didn't bring my car with me when I moved to D.C. in 2007 for financial reasons, and I knew I could do without it here. I thought it would feel like a big sacrifice, and that I'd immediately want to go back to where I could own a car, but instead of that, it was liberating.

I now have the freedom to go wherever I want, whenever I want, and I never have to worry about my car or the damage it does to my budget.

I can do most errands just by walking or bicycling around D.C.

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neighborhoods, and it's really brought a joy to my life to not have dependency on the car for everything I do outside the house.

This is what's made me want to be a lifetime resident in D.C., and I think there are a lot of other people that have come to D.C. with that idea also.

It would really be a shame if we keep focusing around the car, because the car-free life style is what makes D.C. competitive with other cities.

There are many others like me that are doing this. So, rent prices are going up to reflect that demand. Even with my graduate degree and a decent income, I still have to live with a roommate to be able to afford to live in a walk-able neighborhood.

So, these zoning regulations required there to be a certain amount of parking, and that is causing rents to rise.

In large buildings, developers have to spend upwards of \$30,000 a space to build

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structured parking, and you spread that across all the tenants, even those of us without cars.

They usually have a nominal fee to people who want to use the spots, but it doesn't cover at all, the cost of it. So, it gets spread out in the rent.

In smaller buildings, the developers can't -- there is not enough units to spread those costs out, so they raise adjacent buildings, which again, the property prices for that get passed on to the tenants and they are an eye-sore in the neighborhood. They contribute to the storm water problem that we have in the neighborhood -- in the city, by increasing impervious surface and makes the heat island effect worse and reduces the city's tax revenue, by taking productive properties and putting them to use for car storage.

Only 40 percent of D.C. households are car-free and it's even higher among the renters. So, why must car-free households subsidize the households with cars, and if this

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is just because of something somebody in the 50's came up with, I think it's time to rethink that. Thank you for your time.

CHAIRMAN HOOD: Thank you. Next?

MS. MILLER: Good evening, Chairman.

CHAIRMAN HOOD: You want to turn your microphone on and identify yourself.

MS. MILLER: There we go. Thank you. Good evening, Chairman Hood and Members of the Zoning Commission.

I am Elizabeth Miller, Director of Physical Planning at the National Capital Planning Commission, and I'm here to testify on behalf of staff at NCPC.

I appreciate the opportunity to speak to the September 13th Zoning rewrite draft.

My testimony supplements staff comments in a letter that was dated June 24th. I believe it's Exhibit-726 in your packet.

This letter and my testimony does

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not reflect our Commission's official comments, but does reflect staff's input that we will provide to our Commission.

Our intent is to comment early, so that we can resolve concerns before the Zoning rewrite is referred to NCPC for review.

The Federal Government's interest over -- related to Washington's function is the seat at the Federal Government and the role of the Nation's Capitol. Our comments tonight focus on protecting the character of the views and settings of the most nationally significant civic resources in the monumental core, including the streets that link them.

These resources are also local landmarks that contribute to the District's own sense of local identity and character.

There are only -- and it's good news, that there is only a handful of areas of the highest concern at this time.

These areas include the blocks and streets or sites that intersect, connect or

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contribute to the character of the U.S. Capitol, the National Mall and the White House, as well as civic institutions, such as the Smithsonian -- such as the Smithsonian.

Our June letter outlines our initial comments that in the interest of time, I will focus on just really tonight, the matter of right height increase and the impacts on the urban-designed quality on national resources.

The proposed zoning rewrite allows maximum building heights as a matter of right in downtown, which today is only allowed through a PUD or TDR process.

It's not our intent to comment on the advantages or disadvantages of the city's PUD process. However, we do have concerns regarding the consequences of this matter of right increase in a handful of areas.

It does not appear that the visual impacts of the matter of right increases have been studied enough to understand how the urban-design character may change under the

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zoning rewrite proposal.

NCPC has done some visual analysis on targeted areas, however, our modeling has not been a -- we've not been able to do it comprehensibly.

Under the zoning rewrite proposal, there does not appear to be an opportunity for the Zoning Commission, NCPC or the public to provide input on the urban-design quality of the impacts of new development near places like the U.S. Capitol or the National Mall.

The PUD process is being eliminated in the downtown zone, where many of these national and local landmarks are located, in addition to which, the Zoning Commission's proposed design review within the downtown zone is really just limited to a portion of South Capitol Street, and a threshold, based upon an FAR or street width.

Therefore, it's unlikely that the design review will apply to the areas that we care about.

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The North Capitol Street corridor south of K Street is an example where the open sky-view of the U.S. Capitol is respected, re-enforcing its prominence. The zoning reroute allows a matter of right height to increase up to 130 feet, without a mechanism for input to consider the relationship of new buildings to one another or to the U.S. Capitol.

The General Accounting Office is another site, and it's a site-specific example. It's a Federally owned building where zoning does not apply, however, the city has placed an underlying zoning designation to allow a height increase from 90 to 130 feet as a matter of by right, if it were to go private.

This will potentially impact the view-shed along the 4th Street access from the National Mall to Judiciary Square and the National Building Museum.

We recommend that a process be put in place for basic visual studies and design review, to be conducted before assigning matter

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of right heights to Federal lands or to private lands in those areas that may negatively impact major local or national landmarks within the monumental core.

NCPC staff has identified two approaches that may address our concerns regarding impacts to important national resources and would like to work with the Zoning Commission and the Office of Planning to address these in more detail.

First, we recommend modifications related to the Zoning Commission's design review authority, essentially to expand it to those areas that we care about, and second, to establish special purpose of overlay zones or other similar mechanisms as deemed appropriate, for certain blocks adjacent to or approaching nationally significant resources.

For example, an overlay zone along the blocks adjacent to Independence Avenue can provide the review process and massing guidance for proposed redevelopment that we do

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anticipate will happen, in order to minimize the heights on the Smithsonian Institution and the National Mall.

We appreciate the magnitude of the rigorous work that has gone into the zoning rewrite and commend everyone's participation. It's a very difficult task.

While NCPC brings another lenses to these planning issues, we share the stewardship responsibility to protect these national resources and plan for the urban-design quality with both the Zoning Commission, the Office of Planning, as well as other organizations that care deeply about the city.

Before I conclude, I'd also like to respectfully ask that given the importance of this rewrite effort and the complexity and magnitude of work, NCPC respectfully requests that the Zoning Commission consider giving us more than our typical 30 day review period, in order for us to review the document, prepare a report and submit it to our Commission.

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We look forward to continuing to work with the Office of Planning and the Zoning Commission, to address these issues, and thank you for the opportunity to speak to you tonight. Thank you.

CHAIRMAN HOOD: Okay, thank you. Next?

MS. BUCKLEY: Good afternoon, Chairman.

CHAIRMAN HOOD: You want to turn your microphone on?

MS. BUCKLEY: Okay, good afternoon, Chair Hood and the Members of the Commission and Office of Planning. I want to give a special thanks to Mr. Lawson, Steingasser and Vitale, for being so helpful to me with trying to understand this huge document, which is rather large.

My name is Mary Buckley. I'm a resident of Ward 8, former ANC Commissioner and my comments are on 08-06A, September 2013, not the amendment to alternative text.

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My first concerns are about the relationship to institutions, since I am member of the Shiloh Baptist Church, Community Justice Outreach Ministry, and my recommendation for religious institutions, to revert back -- is to revert back to existing zoning regulations. Also, to eliminate below-surface long-term bike parking for religious institutions. Car-share spaces, I don't believe should be required to be provided at religious institutions.

However, sharing of parking spaces between uses are an excellent idea. I hope this includes D.C. parking lots, which D.C. has shuttered to preclude any use, except staff during the business hours.

In regards to scaling back green space, I recommend that the scale-back green space requirements for surface parking lots at religious institutions. This requirement should be less stringent for non-profit religious institutions by scaling back on some

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of the green space requirement in ZRR that are required for profit commercial businesses.

Worshipers already supporting their residences in such stringent requirements for shrubs and trees to maintaining landscaping requires a large budget for non-profit religious institutions.

I recommend reverting to existing standards for religious institutions, tree canopies at 30 percent, landscape of 10 percent for ZRR -- in ZRR being rewritten is, I think rather expensive for non-profit institutions.

Furthermore, religious institutions should be exempt from mitigation from parking, from property that it currently owns or wants to expand, develop or move-ability and make a surface lot for their institutions.

However, for religious institutions that purchase property after the ZRR takes effect, for the sole purpose of making a parking lot, mitigation might apply.

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Regards to home-based businesses, our recommendation is to limit and restrict vehicular traffic. In Section D-1610 it states that vehicles trips to the premises by visitors, customers and delivery persons should not exceed eight trips daily on a regular basis, and eight clients or customers on premises in any one-hour period.

This creates strife among neighbors, as to counting cars and visitors and really, cannot be enforced.

Particular where R-2's do not have garages to have delivery people and vehicle traffic contribute to a commercial-like zone prevents a neighbor-friendly atmosphere.

I recommend where ZRR does not require onsite parking spaces, onsite parking spaces in R-2 due to lack of alley access, that home-based occupation not be permitted to have vehicle traffic.

Also, I recommend that customers hours of operation be limited. Furthermore,

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recommend that ANC's be included in the entire process.

Eliminate commercializing residential R-2's by eliminating -- by permitting many home occupations that belongs in commercial zones. Home occupations should not be allowed in gated communities, where customers, businesses with two or more employees and client parking is required, unless with approval of 90 percent of the owner occupied units.

Now, that this ZRR is getting developed, it is time to correct issues in previous existence on the regulations.

Regarding parking, eliminate from the ZRR, the requirement that parking be limited from R-2's when there is no alley access.

Many newly built R-2's in Southeast do not have alley access, and with this requirement, homes would be without garages.

Since our R-2's are not within a

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corridor or have public transportation, ZRR's should require developers to have onsite covered parking. Residents want to be mobile outside D.C. city limits, to places that are not metro accessible.

Also, some residents cannot afford car-to-go and car-share services that will permit parking almost anywhere in the city, and without 24-hour parking, without cars, residents are restricted in their travels.

The requirement for R-2's is equivalent to living in apartments and purchase of R-2's are seeking a more convenient and less restrictive movement for out-of-town guests. I do not live in areas that this close to -- unless it's close to -- you can walk to -- or not have to drive, for the most part, take the public transportation, and it's difficult to do that to the supermarket.

D1601 permits up to two car-share space in an R-2, which if provided, would be in addition to the required parking spaces for the

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house. In order to have ample parking for visitors in such a residential community and to avoid appearance of a parking lot, I suggest and recommend an amendment of minimum lot size for R-2's or RB-1's.

I recommend eliminate the ZRR requirements that car-share spaces, compact space up to 50 percent of all space to be eliminated at residential and multi-unit buildings, specifically for condominiums to private residences. Thank you for your time.

CHAIRMAN HOOD: Thank you, Ms. Buckley. Next?

MS. JONES: Good evening, and before I say what I have to say, I want to thank everyone for allowing me to say this testimony tonight, and my testimony is on Title J PDR, to change the production to -- production, distribution and repair and auto repair would need a special exception.

I have copies of my testimony, very limited, if you all would like them.

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CHAIRMAN HOOD: Thank you.

MS. JONES: Okay, and some --

CHAIRMAN HOOD: If you could --

MS. JONES: Some of them, the page two is on the back of the pages.

All right, I disagree with changing the category from production to PDR because the term 'repair' is undefined.

I do agree with changing 'auto repair shops needing a special exception', except that it does not go far enough.

All productions that negatively contribute to the environment should be a special exception. Any repair shops' impact on the environment should be assessed and properly vetted through the community.

For all industrial areas, the buffer should be strengthened as proposed and enforced. The more industrial the area, the close -- and the closer the industrial area is to a residential area, the more enforcement of the zoning regs, and I ask, what kind of teeth

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will violations have, so that the surrounding communities do not have to revisit the same issue time and time again?

There should be a process by which the community can file against a chronic violator of the new or old zoning regulations. If there is such a process, information should be disseminated through the ANC's.

Industrial areas do not have the option of boycotting the business, as if it were a retailer. The local and state Governments should have -- should take the complaints of residents seriously and help businesses in industrial areas become better neighbors.

All industrial area businesses should be a special exception, so that a community will not have to deal with business by happenstance.

Also, Title Z, attaching to a proposed development. Rewriting the process to attach to a development should include a time line when a person should send in their reason

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to attach.

My experience is that I was sent two letters for a development in an area, and I applied in a timely way, before -- two weeks before the hearing, and I had not seen any drawings and I had not been to ANC meeting about that development, and so, I was -- I didn't know whether to put down an opponent or proponent to the development.

So, I complied with the letter that was sent to me, in the time that it was sent to me, and when I got to the hearing, I was kind of -- I don't know, it seemed as if I was an opponent, but I really wasn't, because I'd had several fruitful meetings with the developer.

So, I don't know what the process is, but we as respondents, are not in control of that process, and so, if there is to be a process, they have -- they should explain it better to the respondents.

Title C, parking. Every neighborhood is different. I just heard

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testimony that there was -- there isn't a need for a car, and in my ANC single-member district, there is the Tacoma Metro Station, which has not only the metro, but also bus service by metro and ride-on.

The Lamont neighborhood is also in my SMD, and has two bus routes. One bus route that comes into the neighborhood, that runs only at rush-hour five days a week, and the other bus route runs once an hour on Eastern Avenue.

Public transportation is an ineffective in my SMD and we have lobbied for a Charette with the Ward 4 planner and OP, without success.

Having a car is a necessity to assess regular transportation, and expanding the parking area for businesses is not a good idea, in my area. It is a premium in our community and we have ever-increasing problems with businesses parking on residential streets, and increasing the area for commercial

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parking on residential street is not the answer for helping business profitability and definitely, not helping voters who live near the commercial areas.

Again, neighborhoods affected by industrial and/or commercial areas should not be subjected to increased parking for businesses, while being penalized for having and driving a car.

Let the business be vetted by the affected community, by variance, not just a blanket intrusion on the neighborhood.

I thank you all for letting me talk out of turn, the whole weekend, but I appreciate you all listening. Thank you.

CHAIRMAN HOOD: I was going to say, you've been talking out of turn the whole weekend. Maybe I missed that. Okay, I didn't catch that. Let's just forget that one. Let's -- okay, Commissioners, any questions for this panel?

(No audible response.)

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CHAIRMAN HOOD: Okay, I do have a question for Ms. Miller.

So, this is again, a staff report, and what you're trying to do, I guess is get out -- you all are going to make some recommendations to the -- I'm not really sure, to the Commission, and you're trying to get in some of your issues.

They might not adopt your recommendations. So, I'm just trying to understand.

MS. MILLER: Yes, once the zoning rewrite is complete, the Zoning Commission would refer it to our agency for review, for advisory review and we've been trying to be pretty diligent about keeping track of the changes going on, and we're just putting -- we would -- wanted to give the Zoning Commission early notice on what our concerns are.

We thought that was a better approach than a surprise at the very end of the process.

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CHAIRMAN HOOD: Okay, have you been updating the -- well, I know we have two Board Members, but I mean, two Commissioners Members.

But have you been updating the Commission?

MS. MILLER: We have -- this has been -- these are staff's comments. We don't necessarily talk to the individual Commissioners about all of this.

So, no, we have not briefed them individually. We have not briefed them as a body.

CHAIRMAN HOOD: Right.

MS. MILLER: But I've tried to make it clear in my testimony and even the letter we submitted in June, these are staff's comments, but these would be the comments and the discussion that we would like to have with our Commission.

CHAIRMAN HOOD: Okay, thank you. Ms. Buckley, I remember you, when you were ANC Commissioner. Let me just ask.

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You mentioned -- I think you and Commissioner Jones, pretty much said -- so, you don't have car-to-go in your neighbor -- I'm just curious, you don't have car-to-go?

MS. BUCKLEY: I guess they have car-to-go. I don't know where they are.

CHAIRMAN HOOD: Well, they must have went. Okay, turn your microphone on, so we can --

MS. BUCKLEY: Sorry.

CHAIRMAN HOOD: You said you guess they --

MS. BUCKLEY: Well, I've seen a car-to-go park over there, maybe an occasion in front of Marbury Plaza, but not people are really using that much.

CHAIRMAN HOOD: Okay.

MS. BUCKLEY: So, I mean, if there is an office located in Southeast, not to my knowledge. I don't believe so.

CHAIRMAN HOOD: So, you don't see many car-to-go?

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MS. BUCKLEY: No, no.

CHAIRMAN HOOD: And let me ask you this question, because this has come up, and again, I've heard both, you know, in trying to balance this whole issue.

I'm going to ask you a question I've asked of a number of people.

When you go to your doctor's appointments, if car-to-go was available, would you take car-to-go?

MS. BUCKLEY: Well, if it's cheaper than the metro, I probably would.

CHAIRMAN HOOD: Okay, so, if you had an option, you would --

MS. BUCKLEY: If I had the money for it, then perhaps I would, but I find it cheaper to have my personal car, especially with now getting older and having problems sometimes with my knees, and I would try to ride my bike sometimes, or take the metro sometime. But I do drive my personal car when the weather is bad.

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CHAIRMAN HOOD: So, you do -- you have a bicycle?

MS. BUCKLEY: Yes, I do.

CHAIRMAN HOOD: And do you ride it quite a bit?

MS. BUCKLEY: Yes, I do.

CHAIRMAN HOOD: Do you find yourself riding it more or less?

MS. BUCKLEY: I find myself riding it more, but my health is not what it used to be. My knees are not what it used to be. I've always wanted to stay in shape, but I'm getting -- aging now.

CHAIRMAN HOOD: So, the bicycle kind of helps, and I'm actually asking this not that I wanted to get all into whether you ride a bicycle. I'm just trying to help myself with reasoning and find that out.

MS. BUCKLEY: I ride Southeast to -- down to the convention center, to my church.

CHAIRMAN HOOD: You can out-ride Commissioner May. That's good. If you ride

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that far, I know you out-riding him.

Okay, well, Ms. Buckley, that was very helpful for me. Thank you.

MS. BUCKLEY: Okay.

CHAIRMAN HOOD: Okay, do we have any other questions or comments? Vice Chair Cohen?

VICE CHAIR COHEN: Yes, Ms. Miller, when did the staff begins its evaluation of the zoning rewrite, since it's been around in some form or other for a long time?

MS. MILLER: We've actually had various staff throughout the -- through the agency, following the rewrite for quite a few years, from the beginning, as far as I know.

We have had some staff turnover during the six years, and so, it has been passed to other staff, and when that happens, we do our best to catch up.

We've actually been in conversation with the Office of Planning for about a year on some of these issues. So, hopefully, none of

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them are a surprise, and we've been -- they've -- we've actually had some very good meeting, and you know, I think sometimes -- I personally have Code rewrite experience, and I know how complex it is and how much detail goes in to it.

Sometimes there are oversights and there has been, on multiple occasions, where we've had to consult to make sure we understand what the Code is trying to do.

We really believe that early and often consultation is better than not. So, that was the purpose. We provided the letter in June, that set out a lot of these things, and then we just -- this was the first opportunity we've had to talk to the Zoning Commission.

So, I just wanted to present what was in that letter. It's one of the items in the letter. There are several other things, but this is what we thought would be the most central thing to talk about.

VICE CHAIR COHEN: So, any sunset to the Pennsylvania Avenue development plan?

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MS. MILLER: Not the plan itself. The organization was sun-setted, as you probably know.

VICE CHAIR COHEN: Yes.

MS. MILLER: But its responsibilities were delegated by Congress to GSA, the National Park Service and NCPC.

There is an initiative that is underway right now, to actually re-look at the avenue on how we can improve its maintenance and operations, and ultimately, the governance of the avenue, but that's going to be a multi-year effort.

So, the comment that we have regarding the Pennsylvania Avenue development corporation plan, realizing that down the road, it may be amended, it may be updated, it's going to -- it may change in some form or fashion.

We just believe in the interim, that the plan -- that the zoning regulation should at least reference that plan and be consistent with that plan, because that plan is what is in

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effect, and that's the guiding document for that area between 13th and 15th Streets.

VICE CHAIR COHEN: So, but it's not dated. It's still current, you say?

MS. MILLER: It's still -- yes.

VICE CHAIR COHEN: So, the bike lanes on Pennsylvania Avenue fall within that plan?

MS. MILLER: I think it falls within the intent of that plan, and that -- I mean, things along the Avenue have evolved and changed, and I think everyone is recognizing the need to re-evaluate it, but it is the current guiding document right now for the Avenue.

VICE CHAIR COHEN: In your June report, I noticed that you're concerned about height increases that will have an impact, looking south to K Street, with regard to irregularities in the height of the building walls.

Do you really believe the

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consistency is the better architectural view of something, or that -- you know, irregularities may be --

MS. MILLER: I think the --

VICE CHAIR COHEN: -- appropriate?

MS. MILLER: The intent of that comment is that, you know, Washington, D.C. probably has the strongest urban-design framework than any city in the Nation, and it's very -- it's a very iconic framework, and when we're on the very most special streets, which are usually those that radiate from the White House or from the U.S. Capitol, an urban-design composition is what we would like to see, and that symmetry -- and it's not to say it's an exact precise symmetry, but that symmetry that really starts to frame a view and provide a view-shed for those very important civic structures, not only to the city, but to the Nation, we believe is important.

VICE CHAIR COHEN: Some people think the symmetry along K Street is very

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boring, and the symmetry across -- along New York Avenue is the same.

So, I would like you to comment on that. That symmetry is not necessarily -- I mean, I know that you're concerned about view-sheds, and I think the zoning rewrite takes that into account.

My concern is, is that we need more architectural differentiation in our city, and we're not getting it because of the restrictions that are imposed on zoning.

So, I think we could have a long conversation, and we're not here to do that, but I think when I see symmetry, to me, it's not always the most pleasant of views.

MS. MILLER: I think that may be a definition of symmetry. I think we really see it as just the overall mass and framework, not necessarily a uniformity or a stodginess.

So, for lack of a better word, there can be a lot of different architectural styles, a lot of different facade treatments within

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that symmetry, but it's just the -- it's the basic framework. It's the structure of the street.

VICE CHAIR COHEN: Thank you.

CHAIRMAN HOOD: Any other questions? Okay, Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

I just want to clarify that, although I have not personally met with the NCPC, the architect at the Capitol has a planning staff that does meet with them regularly, and reviews issues and gives comments. They're part of the Federal sector group, and we're looking at issues that deal with Government issues, you know, city-wide.

So, I hear those comments. They filter through my door, and I've encouraged the planning staff to talk with NCPC and to have them express their -- to the Zoning Commission.

So, and I think they bring up some interesting points, and I'm not sure if Office

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of Planning will at some point, comment on some of these things, but I think there are some issues in here that I think could need some further discussion and talk and clarification.

So, I want to thank NCPC for the letter. I think it brings up some points, and I don't know if we've fully addressed all of these, but I think it would be good to, at some point, have OP maybe respond to some, or at least talk about it. Maybe not tonight, but at least, you know, at some point.

CHAIRMAN HOOD: Commissioner Turnbull, can we make sure we put that in OP's lap?

COMMISSIONER TURNBULL: Okay, I would like if OP could maybe --

MS. STEINGASSER: We've been working closely with the NCPC staff on these design issues, and there may be some areas where we disagree on how far the influence should go. But we are not trying to cut them out of the design project -- process, and we do want to

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minimize any of the conflicts between massing and design in some of these important corridors.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: So, we will have some recommendations.

COMMISSIONER TURNBULL: Okay, that would be good. I would appreciate that.

The review period, the extended review period, I'm not sure how the rest of them feel. This was a monumental project for us to review.

So, I'm not sure how much extra more time you would really need, other than the 30 days.

MS. MILLER: Are you asking me to respond?

COMMISSIONER TURNBULL: Well, I don't want to put you on --

MS. MILLER: Or is that a statement? You know, we expect we'll have a 1,200 page document to look at, and again, there

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is only -- we don't care about everything. Our interest -- I shouldn't say we don't care.

I mean, I live in the city too, but our interest is not definite -- definitely not within the volume metrics of that document.

But the document is -- you've got to do a lot of cross-referencing and you have to understand its structure. Thirty days to review that, to prepare a report and put that into our hearing process, we'd only have a couple of weeks to actually do the work for a 30 day review process.

We definitely will work with whatever we're given, but we would respectfully request some additional time.

COMMISSIONER TURNBULL: Okay, well, I think we'll have to review that. I don't know what we're looking at, but I also want to point out that one of our former colleagues in the BZA has been promoted at BZA -- at NCPC, Mr. Dettman.

So, and I just want to give -- the

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other -- Ms. Buckley was talking about GAR requirements, the green space requirements for institution.

CHAIRMAN HOOD: I just was curious, what is he now, the Director?

COMMISSIONER TURNBULL: He his Director of blah-blah-blah.

CHAIRMAN HOOD: Okay, blah-blah-blah.

COMMISSIONER TURNBULL: Something. I am not sure.

MS. MILLER: Shane Dettman has been promoted to the Director of the Urban Design and Plan Review Division.

CHAIRMAN HOOD: Okay.

MS. MILLER: Christine Saum, our colleague, resigned 30 or 60 days ago. I'm sorry, did I say resign? Yes, retired.

CHAIRMAN HOOD: Okay, well, tell her congratulations and tell Mr. Dettman, congratulations.

COMMISSIONER TURNBULL: And he's

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also a new Papa, again.

MS. MILLER: Yes, so, we will pass
on --

CHAIRMAN HOOD: Third?

MS. MILLER: Second, number two.

CHAIRMAN HOOD: Tell him
congratulations twice for us.

COMMISSIONER TURNBULL: I just --
just looking at the -- your one comment, Ms.
Buckley, we're talking about concern for
religious institutions, being able to comply
with the green area requirements, and I don't
know if there is a mandatory -- I mean, I guess
I got to back and look at the regs and look at
the Office of Planning for complying with GAR.

I think it's only, they go into
effect if you're doing something -- changes to
the -- to your property.

MS. BUCKLEY: That's correct.
They're not retro-active.

COMMISSIONER TURNBULL: They're
not retro-active, but that's what I was trying

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to get at. You don't have to suddenly see these things and say, "Oh now, we've got to totally upgrade."

It's only if you're making some major changes, that you have to do this.

MS. BUCKLEY: That's correct, and I was speaking for business institutions that were at -- when this is passed, if it's passed, this is what they have to comply with.

For to instance, height wall of solid fence or evergreen trees that are thickly planted and maintained around the parking area.

One canopy tree for every five parking spots. Those things that I was referring to is too restrictive for a religious institution who would have a budget for maintaining landscaping, and it has to be done for -- in perpetuity, which mean you can't get -- can't -- if one tree should -- shrub should die, you got to replace it, or you're subject to violation of this document.

I think that this will create an

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undue hardship for non-profits, to have to maintain such as this. Evergreens are quite expensive to maintain. I have them in my yard. When it snows, you put snow -- if you put salt against it, it dies out. So, it could be rather expensive for a religious non-profits.

COMMISSIONER TURNBULL: Okay.

MS. BUCKLEY: There really should be some green space, but I think this is too stringent.

COMMISSIONER TURNBULL: Again, I guess the Office of Planning can a look at that. I'm not sure how we would address that, but --

MS. STEINGASSER: We could make it -- maybe a statement that it applies only for construction going forward or something, but it -- if you're an existing church with an existing parking lot, they would not be required to meet those standards. It's only new churches, if they expanded a parking lot onto a new lot or some kind of new construction, that would trigger. It would have to be a substantial --

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it wouldn't be, you know, a small shed or an elevator shaft that was being installed for ADA. It would be larger than a 50 percent addition to the church or place of worship that would trigger those. Otherwise, they're allowed to continue business as usual.

MS. BUCKLEY: I understand, not for existing. I meant for the future ones. Thank you.

COMMISSIONER TURNBULL: Okay, thank you.

CHAIRMAN HOOD: Okay, Commissioner Miller?

COMMISSIONER MILLER: Thank you, Mr. Chairman, and thank each of you, for your testimony this evening, and I was going to say something similar that -- or request of the Office of Planning, similar that Commissioner Turnbull did.

I mean, and I just assumed that the Office of Planning was going to prepare a document, as it has -- as it had, as of -- at

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least as of June or July of this year, where it summarized every single public comment and provided an OP response to it, for our benefit, to review and for the public's benefit to you, as part of the public record.

So, for -- particularly for those new issues that have been presented tonight, I think that would be -- I assumed that you were going to do that, and so, I look forward to spending -- I look forward to seeing that and reviewing that.

CHAIRMAN HOOD: Okay, any other questions or comments?

I don't necessarily have an issue. I think the additional time is warranted to the NCPC, but I would -- definitely, I have to consult with my colleagues.

But I don't have a problem with NCPC additional time. I would leave that up to staff, once we get to that point.

My concern is, and I'm not sure what the staff -- and I guess I could ask to my left

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or to my right, but I'm not going -- I'm going to get it straight from you.

Did you give -- are you allowed to give the Commission Members an update? I mean, you know?

MS. MILLER: Yes.

CHAIRMAN HOOD: Kind of waiting until the -- I mean, these are kind of what you all are thinking. I mean, is there a staff update on the agenda? Maybe I need to come to -- it's been years since I've been to NCPC.

MS. MILLER: Come on over. We'd be happy to have you.

We actually -- when we work with the Commission on a regular basis, monthly basis, both on review projects, as well as special projects like Pennsylvania Avenue, policy issues, and much of what, I think has come into -- what our comments -- I don't think our comments would be a surprise, and I think the Commission definitely needs to have time to debate this amongst themselves and weigh in.

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But much of this is grounded in conversations that we've already had over time, and like with the matter of right, I mean, the concern is that the height -- a lot of this comes out of the Height Act discussion that we've had. In fact, that discussion probably brought up and made us more aware and more attuned to many things.

We're not trying to -- we're really -- I will say one thing, we spend as much time in our agency talking about how -- where -- what we really care about and where we should limit our comments, as much as we do about what we would ask the Commission to actually change.

So, we're trying to be very mindful, that this is a growing dynamic city, an independent city, but it's also the Nation's Capitol, and I believe we all have a stewardship responsibility, in a very few select places, to make sure that for our children and our -- for the future generations, that their Capitol City rings as powerful as the one that we live in now,

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in those select areas.

So, I guess with that, what I'm saying is that we're not trying to over-step our bounds and we definitely want to have this conversation with the Commission, and it's taking us a while to get a handle on all of this, and to be able to present an analysis that is coherent and we think, reasonable, and we're prepared to do that.

CHAIRMAN HOOD: Thank you, and Commissioner Jones, let me go to your PDR. I think you and I -- I think we're on the same page.

I'm not sure if we really deviated from what you had mentioned to us previously. You say, "I disagree with changing the category from production to PDR."

I'm not following that, because we have done that -- we did it a long time ago, a while back.

MS. JONES: Okay.

CHAIRMAN HOOD: Because you have --

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let me just say this. You have an issue with repair and I actually have an issue with production, but anyway, I think we're on the same page, in where we trying to get to.

MS. JONES: Well, I think as residents in near -- or near an industrial area, the community should have a say in what they proposed to see in that industrial area, as well as businesses.

It's not that we're anti-business. It's just, you know, we have six car repair shops. How did that --

CHAIRMAN HOOD: Well, I thought we took care of that.

MS. JONES: How did that happen?

CHAIRMAN HOOD: But I thought we took care of that earlier.

MS. JONES: Well, you may have on paper, but not in the community.

CHAIRMAN HOOD: I mean, your proposal that you gave us earlier, because I actually was going to -- when we get to

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deliberations, I wanted to model that proposal. I'm just trying to see, is there something that we deviated from that or something --

MS. JONES: No, I agree with making car repairs shops a special exception, but I'm also saying it doesn't go far enough, because if there are other industrial businesses that negatively impact the environment, and I don't know what they are at this moment, but I'm sure there -- you know, we have concrete construction companies, and you know, they -- you know, there is a lot of development going on.

So, anything that negatively impacts the environment, because our industrial area is the biggest polluter of that Anacostia Watershed. That is the report that I get, and so, I'm saying so, how -- why is it our area that's the biggest polluter, you know, and what other areas have other businesses that are contributing, and we're just letting them move on to the street without any vetting in the

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community about their impact.

CHAIRMAN HOOD: Okay, I think I'm with you. I think we're on the same page.

MS. JONES: Thank you.

CHAIRMAN HOOD: I just want to make sure. Okay, any other questions?

(No audible response.)

CHAIRMAN HOOD: All right, we're going to thank this panel. We appreciate you coming in and providing great testimony, all of you.

Okay, do we have anyone else? I don't have any other names. Do we have anyone else who would like to testify tonight? You're an ANC Commissioner, right? Yes, you can come forward. Anyone else?

Okay, this is our last panel, or our last person. Do you have your testimony?

MS. WATSON: Can you hear me?

CHAIRMAN HOOD: When the light is on --

MS. WATSON: Sorry, I was unable to

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mail in or bring in the testimony. This is my great-grand-daughter. She like to come to all my meetings.

CHAIRMAN HOOD: Can she introduce herself?

MS. WATSON: Council Member or Mayor. I don't know what she want.

CHAIRMAN HOOD: Can she introduce herself? Introduce yourself.

MS. WATSON: Just tell them your name. Take your hand out your mouth and say your name.

CHAIRMAN HOOD: Is your microphone on?

MS. WATSON: Go ahead.

CHAIRMAN HOOD: All right, okay.

MS. WATSON: My name is Khadijah Watson. I'm the Chair of 8B Commission. My single member district is 8B01. I'm doing -- you know, this is my testimony, 8B01.

Corner stores. ANC 8B01 and the residents foresees many problems and issues,

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such as parking issues, unwanted traffic of people loitering, congregating and noises in the neighborhood with -- created by the corner store proposal.

We strongly urge Office of Planning and Zoning Commission to only permit corner stores based on a small plan requesting them, to be approved by the Council, with the support of the ANC's.

Neighborhoods should determine if this use, which is currently prohibited, will be benefit -- will benefit our community, and under what circumstances.

The current proposal -- the current proposals in full of holes -- is full of holes.

The distance requirement and concentration limit only apply to food stores and they can be waive by special exception.

The special exception process does not really protect our neighborhood because it is assumed that applications will be approved and that the only question is what additions

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might be added to the order.

That does not give neighborhoods much comfort that any row-houses ground floor won't be converted to a commercial use and that the stores won't proliferate the -- in the neighborhood.

ANC 8B01 Commissioner opposed to commercializing our neighborhood and commercialize -- commercial corner stores, such as food, liquor, retail and service stores, including outdoor seating, music, change of start, number of employees and hours. We want to continue to enjoy the choice to live in a quiet, stress-free neighborhood.

Now, you talk about most of the people -- the view rights about a walk-able neighborhood.

Okay, if they knew our neighborhood, if they come out and walk with the ANC Commissioners, they find that we have the Sky Land Town Center, was in process to be developed, right now.

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The anchor store is the Wal-Mart. Then we have homes and also, we would have other stores.

So, I don't see why we can talk -- they can come to us and talk with us, ANC's in the neighborhood, to bring more commercial areas in that place in the Sky Land Town Center, and that's walk-able. You know, I can walk there. Anybody can walk there.

If our neighborhood row-houses and single-family homes decide that they need commercial, we would like to work with our residents, to determine that -- what we mean in approaching you about permitting it.

Please reject the -- reject or eliminate the proposed right or by special exception corner store proposal.

This include providing commercial business, should not be permitted in our neighborhood, as well.

We foresee the same problems and issues as stated, regarding the corner stores.

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I didn't write anything about the alley dwellings, commercial, but I think it's a bad decision.

I have a brother that lives on Capitol Hill, right down the street from H Street. He can't go out -- he has a commercial -- a man bought the lot right behind his house, and it's so close to his yard, that it's no space in between his yard and that spot the man bought.

What the man did, built a wall right behind his yard. Now, he's renting Hertz cars. I think he changed it to another car company. He's selling cars right there. No, renting them right there.

So, my brother is locked in his yard. He can't go no -- he can't get out his backyard, just in case of emergency, he can't -- he have to jump over the fence, maybe.

Right now, he at the -- it's a vacant house next to him. He can go in that yard and park his car in his -- in this yard, if he go

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in that yard next door to him, but that's on sale right now. Pretty soon, he won't be able to get in his backyard at all, to park his car, and he have a problem parking his car in the neighborhood, because you have a lot of people that come into the A Street Southeast, to go to the stores and entertainment, right there on A Street, and it's hard for him to park his car in his own neighborhood. It's terrible.

Okay, pop-ups. I think that should be eliminated. Pop-ups is out of carry -- most of the neighborhoods, and it disrespect the resident.

If you seen on the TV last month, how these people have these -- have built -- what's that? Sun roof on top of the houses, and the man next door to them built a pop-up. Now, they can't use that.

The sun-roof, they blocked the sun, so they can't use the sun-roofs.

So, what we need pop-ups for anyway? It just ridiculous. It doesn't look right.

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People don't want it. Nobody wants it in the neighborhood. You name one. I don't know anybody that likes pop-ups.

Eliminate Office of Zoning rewrite proposal. Commissioners, I have reviewed this zoning rewrite document and noticed that most of the rewrite proposals does not fit our neighborhoods in Ward 8, because they are -- there were people outside of our neighborhood who sat down, with the Office of Planning, to make all the plans and decisions regarding changes for all of the Wards in the District of Columbia.

Additionally, we are aware that the Advisory Neighborhood Commissioners residing in Georgetown was allowed the privilege by the Office of Planning, to make permanent decisions to change -- to change things to fit their neighborhood.

This is what I call discrimination against people who live outside of Georgetown, especially in Ward 8. Ward 8 ANC's never had

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a chance to do the same. They never came in to our community to walk around with us, to better understand our neighborhoods, nor did they allow us to sit down at the table to make the changes to fit our community.

Most of the zoning rewrite decisions were ideas from people who live outside of D.C., of the District of Columbia, bringing their ideas with them, from their homes, home towns, and imposing them on our communities.

They would rather put people on the streets to have the convenience of clubs, stores and restaurants that serve alcohol. I see a lot of this on A Street Northeast.

The changes on A Street caused people to lose their business because of the parking situation. They lost many of their customers.

As far as I'm concerned, the Office of Planning did poor planning decision for our neighborhood in Ward 8.

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D.C. poor planning and un-uniform decision making has and continues to result in massive displacement of long-time residents that driving -- that driven out of the small business, and the significant reduction of affordable -- afford-ability in the District of -- District to its lowest level ever, and a tremendous surge in homelessness. We want all of this to stop now.

Therefore, I feel that this zoning rewrite should be eliminated.

I'm not here to butter-up anything. I'm just telling you how I feel.

CHAIRMAN HOOD: Okay, can you make sure that -- do we have copies of your testimony?

MS. WATSON: I can give this to you, but I listen to Ms. Buckley, and she was saying -- she was talking -- you was asking her about how she get around on her bicycle.

Ms. Buckley a strong woman. Ms. Buckley can ride. She can walk from where she

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live in Southeast, all the way down to the Monument, but it's a lot of seniors that live in my single-member district. She lives in my single-member district, too.

I have a lot of senior apartments there. Those people need their cars. They can't walk, like Ms. Buckley can. She's blessed. So, they need cars. They need to be able to park their cars. They're not going to walk. They're not going to ride bicycles.

So, if it's not metro, most of them ride their cars, but it's -- right now, they're scared to get on the bus. Too much violence on the bus, and on metro. So, they ride their cars.

CHAIRMAN HOOD: Okay, all right. Let's see if we have any questions for you, Commissioner Watson. Any questions? Vice Chair Cohen?

VICE CHAIR COHEN: Thank you for your testimony, Ms. Watson.

MS. WATSON: I remember you from

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D.C. Housing Authority.

VICE CHAIR COHEN: Yes, yes. Sky Land is still under construction. So, it doesn't exist yet.

So, my question to you is, what do you do if you run out of let's say, you're cooking and you need an egg or a lemon or, you know, any -- an onion. What do you do now?

MS. WATSON: Go to the Safeway, just a couple of blocks down from me.

VICE CHAIR COHEN: Okay, so, you can walk there, is that correct?

MS. WATSON: Yes.

VICE CHAIR COHEN: All right. So, but not everybody can walk to that Safeway, is that correct?

MS. WATSON: Yes, they can.

VICE CHAIR COHEN: Everybody in Ward 8?

MS. WATSON: I mean, let's say there is corner stores. I remember corner stores when I used to live in Georgetown. In

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fact, this project right here remind me of Georgetown.

You know, I was raised in Georgetown. I went to schools there. I went to elementary through the high school. We had corner stores because we didn't have Safeway, Giant, stores like that. You know, we had corner stores, few corner stores.

But right now, we more sophisticated now. We can go to the Safeway. You know, Safeway and Giant, I'd say Giant has a truck can bring food to you. You know that, right?

VICE CHAIR COHEN: Yes.

MS. WATSON: The P truck.

VICE CHAIR COHEN: Peapod.

MS. WATSON: Yes, Peapod. If they want it, they have metro access. If they want to go to the Safeway or the Giant, they can -- someone can walk to -- most of them can walk to the Safeway and Giant, and the seniors, they deal with that Peapod or their metro access will

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take them there. They're not riding bicycles, okay?

VICE CHAIR COHEN: Thank you.

CHAIRMAN HOOD: Any other questions?

(No audible response.)

CHAIRMAN HOOD: Okay, thank you very much.

MS. WATSON: All right.

CHAIRMAN HOOD: We appreciate it, your testimony, and we really appreciate your bringing your grand-daughter down.

MS. WATSON: I'm surprised she being so shy today. Great-grand-daughter.

CHAIRMAN HOOD: Great-grand-daughter, excuse me.

Okay, I saw Mr. Richards come in. Did you have any testimony you wanted to provide tonight?

MR. RICHARDS: Yes.

CHAIRMAN HOOD: Okay, you can come forward. Is there anyone else?

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(No audible response.)

CHAIRMAN HOOD: Okay.

MR. RICHARDS: Good evening, Members of the Zoning Commission. I'm Robert Richards, Chairman of ANC 7B, and I've -- these remarks have been reviewed by the ANC, but we have not had the opportunity to have a meeting to actually approve them, as our position. That will be done on September 18th. Since the record closes on the 15th, we've got to go with these now, but they will be adopted formally.

The Executive Committee met last night, and I have more than enough votes to approve these at the September 18th meeting.

I'm addressing just five topics here this evening. First is parking, accessory drawings, affordable housing, overlay of customized zones and ANC review authority.

But before turning to those, I'd like to note that the complexity of the new draft Code astounds me, especially since the

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zoning review process was advertised as an undertaking to streamline zoning and to make it user-friendly.

I'm glad that a number of steps have been taken to make it more accessible, such as retaining the existing residential zone names for making it easier for people.

The drawings, particularly those explaining measurements of heights of buildings are useful.

Never the less, I find that the Code draft as a whole to be more of a playground for zoning theorists and an income-producing vehicle for Zoning bar and a -- rather than being a tool for use by the public.

I'd like to turn now to the ANC review issues.

All members of ANC 7B have expressed their concerns about the loss of review authority owing to the increased number of matter of right provisions in the rewritten draft Code for actions that have formally --

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formerly been required by special exception.

While some of these new matter of right provisions have been rolled back, notably the accessory drawing provisions, I am no longer sure what's in and what's out of the ANC's jurisdiction, with regard to the new Code.

Is there a comprehensive list of the new matter of right provisions, and our ANC would like to see that, if possible, before the record closes on the 15th.

But we very strongly encourage you to make sure that in the final adoption, that the rules allow for the continued special exemption and allow for an opportunity for the ANC's in a public -- and the public to comment on changes to their neighborhood.

You've seen the kinds of things that have happened with some matter of right, like these pop-up houses, and other things going on in the city. That's not the kind of city that I think you want to see or that we want to see.

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I'd like to turn my attention to the overlies. At various times in the process, various residents of ANC 7B have requested an overlay or customized zone that embodies -- that's embodied in enforceable Code language, the provisions of our small area plan.

We also have inquired about tree and slope overlays, for those portions of neighborhoods adjacent to Dupont Park.

We have been rebuffed and told to come back later, after the new Code is adopted. We also have been given the understanding that the customized zones allow only up-zoning and reduced restrictions.

This obviously is inconsistent with the manner in which more affluent neighborhoods have been treated during the zoning review process.

Accordingly, this is a formal request to designate a reserved section in Sub-Title K for the Pennsylvania Avenue Southeast overlay zone, with the provision that

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greater restrictions may be applied, subject to notice and comment.

We view this as an important -- as important, to maintain the shrinkage of affordability of our neighborhood. Affordability in this instance means the lowering of the average home price -- purchase price, which helps maintain income diversity and retards the displacement of young families.

I'd like to say something about the affordable housing.

The multiple definitions of affordable housing found throughout this process and in the language for PUD's and IZ's and so forth and so on, creates essentially something that is an affordable housing, that's in some cases, 80 percent of AMI or in some cases, 80 percent of the median income.

The result of that is, that with the incomes of the average resident in the District being very high, and the average of the income in Ward 7 being \$54,000, when you apply all

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those definitions, you come up with a range of housing between \$86,000 and \$61,000, which is higher than the residents living in Ward 7.

So, the process of what you're calling affordable housing doesn't create affordable housing for the residents of the District. What it creates is a process to encourage gentrification.

You're bringing in residents from around the world, around the country, to come and work in our expanding Federal Government, at very high salaries, being told that they can get affordable housing at \$61,000 or \$81,000 and what they're ending up going to be able to do is to force the \$54,000 income earners who live here, out of their housing.

You need to do something to re-define that process. You need to do something, sort of as a matter of policy.

The Commission should reserve most substantial benefits with its discretion for households most in need, largely through the

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HUD process, and the Zoning Commission could first develop bonuses in exchange for public benefits and amenities, which typically include some level of affordable housing.

Yet, much of this housing is beyond the reach of much of the District.

In addition, many of the affordable units are sized and located for young families on their way up the ladder.

We are subsidizing gentrification, rather -- and instead, forcing long-term low-income residents out of the District.

I've submitted the full testimony, which goes on for about five pages, with footnotes, electronically, and I'm not going to waste your time by going over that.

I think I've touched on the things that are most important to us in my -- these brief remarks.

The other thing I would like to say before closing however, is that the parking restrictions, you know, a lot of the people in

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Ward 7 work in low-paying jobs. Some of those jobs require work late into the evening and early in the morning.

Buses and things do not consistently run at those times of days. Automobiles are necessary for those kinds of workers, and if you work at those hours, and you need to come home, you need a place to park.

If you are going to allow more development for a real affordable housing, for people who live and the kinds of people who live in Ward 7, you're going to have to allow them to park their cars when they come home from work at two or three o'clock in the morning, and having the kind of, you know, let's have zip-cars for the little Yuppies that are coming to town, to work for the Federal Government isn't working in Ward 7.

I thank you very much for your attention. I hope you'll address these issues. They are very important to us.

CHAIRMAN HOOD: Thank you,

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Chairman Richards. You said you uploaded your testimony, right? So, we do have it?

MR. RICHARDS: Yes, yes.

CHAIRMAN HOOD: Okay, good. Any questions, Commissioners?

VICE CHAIR COHEN: No.

CHAIRMAN HOOD: Okay, thank you very much.

MR. RICHARDS: Okay, thank you.

CHAIRMAN HOOD: Appreciate your testimony.

MR. RICHARDS: Thank you for allowing me to testify.

CHAIRMAN HOOD: All right, thanks. Okay, that's all we have. Ms. Schellin, do we have anything else?

MS. SCHELLIN: Just this, the record closes.

CHAIRMAN HOOD: Okay, the record closes September 15th at 5:00 p.m. Anything else, Commissioners?

(No audible response.)

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CHAIRMAN HOOD: Director Bardin,
do you have anything?

Okay, thank you, everyone, for
their attendance. This hearing is adjourned.

(Whereupon, the above-entitled
matter went off the record at 7:25 p.m.)