

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Zoning Commission

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Special Public Meeting
1420th Meeting Session (20th of 2015)

Monday, November 16, 2015
6:20 p.m. to 9:40 p.m.

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, Vice-Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON S. SCHELLIN, Secretary

10

11 Office of Planning:

12 ESTHER BUSHMAN

13 STEVE COCHRAN

14 JOEL LAWSON

15 JENNIFER L. STEINGASSER

16 ELISA VITALE

17

18 Other:

19 SARA BARDIN, Director

20 ALAN BERGSTEIN, ESQ.

21 ZEE HILL

22

23

24

25

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

2 CHAIRMAN HOOD: Good evening, ladies
3 and gentlemen. This is a special public
4 meeting of the Zoning Commission for November
5 the 16th, 2015. Tonight the Zoning Commission
6 will be discussing Zoning Commission case
7 numbers 08-06A and 08-06B, and may have a few
8 comments on 08-06C.

9 My name is Anthony Hood, joining me are
10 Vice-Chair Cohen, Commission Miller,
11 Commissioner May, and Commissioner Turnbull.

12 We're also joined by the office
13 director here in the Office of Zoning, Ms. Sara
14 Bardin, also Ms. Sharon Schellin, as well as
15 Zellin -- I call her Zee, so forgive me. Zee
16 was her last name.

17 MS. HILL: Hill.

18 CHAIRMAN HOOD: Hill, Hill, okay, I
19 should know. I'm used to calling -- maybe
20 that's a bad. Maybe I'll start calling you Ms.
21 Hill so I won't forget.

22 Office of the Attorney General, Mr.
23 Bergstein, as well as Office of Zoning staff,
24 also Ms. Bushman hiding out on the side from
25 me. Office of Planning, Ms. Steingasser, Ms.

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1 Vitale, and Mr. Cochran and Mr. Lawson.

2 Again, we want to welcome everyone in
3 the audience and all those who are watching us
4 live stream. We do not take any public
5 testimony or comments during our proceedings
6 and our discussion tonight.

7 Since the Zoning Commission has not or
8 the zoning has not had a major overhaul since
9 1958, this is the first time that I've been
10 involved, and I'm sure all of us in this room
11 for the most part, and during a full rewrite.

12 So as we move forward, what I would
13 like to do first is just to give a few ground
14 rules, colleagues. We will not hear from the
15 Office of Planning, Office of Zoning, Office of
16 Attorney General unless we have a specific
17 question.

18 The dialogue will be between us and us
19 only, okay. But if you have a question, we
20 might need to go to them for clarification on
21 some comments.

22 And what I would like to use is the
23 record in which we have established as well as
24 some documents that are here in front of us
25 tonight. So we're not using any specific

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1 documents from any specific entity.

2 We will go by some, which was outlined,
3 which we had requested from the Office of
4 Planning, but we will also be using the record,
5 as well as some of our comments.

6 What I would also like to ask
7 colleagues is that we do 20-minute rounds. If
8 you don't have 20 minutes, then we can move
9 forward.

10 And then after that we can ask our
11 questions, and we go by subtitle, okay. And we
12 probably will have some questions of the Office
13 of Planning as well as the Office of Zoning
14 right off. So any questions or comments on
15 that?

16 The other thing is, I'm going to open
17 it up with opening comments, but before I do
18 that, Ms. Schellin, do we have any preliminary
19 matters?

20 MS. SCHELLIN: Yes, sir, a couple.
21 First, we received three ANC reports: 8E, 7F,
22 and 5B. They all three, the letters are
23 substantially the same. I just wanted to point
24 out, they are Exhibits 1094, 1095, and 1096.

25 The one thing that I wanted to point

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1 out specifically is that they are all seeking
2 an extension of time of no less than three
3 months, so OP may deliver the information that
4 they are seeking in their reports. I wanted to
5 point those out.

6 And then there's one other preliminary
7 matter -- two others, rather. At Exhibit 1098,
8 the Committee of 100 submitted a request asking
9 that the record be reopened. They would like
10 to submit a letter regarding third-party
11 review. If the Commission would like to reopen
12 the record, I have the letter for that.

13 CHAIRMAN HOOD: So we need to open the
14 record for the three ANCs, is that --

15 MS. SCHELLIN: No, those letters are
16 already in there because they are ANCs -- it's
17 their resolutions. It's included within their
18 resolution. I just wanted to point those out
19 to you that they are making that request.

20 CHAIRMAN HOOD: Okay, 8E. Colleagues,
21 I have seen 8E's letter. I'm sure we all have,
22 and I think that the response that I see is
23 that the Zoning Commission voted five to zero
24 at a September 21st meeting.

25 I don't think the Zoning Commission

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1 action, that had nothing to do with the Office
2 of Planning going out to 8E's meeting or --
3 what were the other ANC's?

4 MS. SCHELLIN: 7F and 5B.

5 CHAIRMAN HOOD: They were requesting
6 that Office of Planning come out to their
7 meeting, am I correct? That was part of their
8 request.

9 MS. SCHELLIN: They were actually --
10 let's see. They were asking for development
11 standard comparison matrix and --

12 CHAIRMAN HOOD: Well, anyway, let me do
13 this. Let the record reflect that our vote on
14 September the 21st had nothing to do with
15 whether the Office of Planning goes out there
16 or not.

17 They can still go out there and still
18 help that community understand exactly what's
19 going on. I notice it's some years later.
20 They probably have some new ANC commissioners
21 in at least the 5B that I know of.

22 So Office of Planning, as far as we're
23 concerned, the Zoning Commission is concerned,
24 is more than welcome to go out there and try to
25 explain to them what has been done or what is

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1 in the process of being done.

2 Anything else Ms. Schellin?

3 MS. SCHELLIN: Then the request to
4 reopen the record from the Commission of 100.
5 They are, as I said, they would like to submit
6 a letter regarding the Commission not taking
7 final action until a third party reviews the
8 proposed zoning regulations.

9 CHAIRMAN HOOD: I actually have no
10 objection in accepting opening that up and
11 letting that come in because we typically do in
12 this particular case. Any objections?

13 Okay, so we'll accept it.

14 MR. MILLER: I'm sorry. Just to allow
15 it into the record but not -- you're not
16 responding to the actual substance of the --

17 CHAIRMAN HOOD: I have not seen the
18 requests, so --

19 MR. MILLER: I'm just seeing it for the
20 first time.

21 CHAIRMAN HOOD: That's what I'm saying.
22 So we open the record. I don't necessarily
23 know if we'll be responding. I have not seen
24 the question.

25 MR. MILLER: Okay.

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1 CHAIRMAN HOOD: What did you say the
2 request was? The opening request is to open
3 the record.

4 MR. MILLER: To reopen the record to
5 allow a third-party independent review of the
6 entire zoning regulations.

7 MS. SCHELLIN: The request is to reopen
8 the record to accept their letter regarding --
9 so the request is to reopen the record to
10 accept their letter. The letter is regarding a
11 third-party review.

12 CHAIRMAN HOOD: Okay.

13 MR. MILLER: I have no problem of
14 reopening the record, but I do have a problem
15 with subjecting this to an independent third-
16 party review.

17 CHAIRMAN HOOD: Okay. So let me just
18 say that that sounds -- I don't know where that
19 came from, but I will tell you this. That
20 that's something that I have mentioned numerous
21 times from the dais.

22 I will be inclined. I wouldn't mind
23 looking to see what their recommendation is. I
24 do have a concern, and that's one of the things
25 that I will raise tonight, how that third-party

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1 review is done. I'm not sure, but at the end
2 of the day -- I wouldn't get into that. But
3 first let's open the record. Any objections to
4 opening the record?

5 Not seeing any, so the record will be
6 open. Give us a moment to review the letter.

7 (Whereupon, there was a review of the
8 letter.)

9 CHAIRMAN HOOD: Any other questions on
10 this letter? This letter is simply something
11 brought up from the dais on a number of
12 occasions. They also put in here about seeking
13 funding. Let's just see how that goes.

14 But I can tell you that I have already
15 had my mind set on a third party or some type
16 of review, not taking anything away from
17 anyone. But that's just kind of where I am on
18 this. That's this commissioner's opinion.

19 Any other comments?

20 MR. MILLER: Are you going to take that
21 up later?

22 CHAIRMAN HOOD: Yeah, I'm going to
23 bring it up. I brought it up before, so
24 actually the only thing different in this
25 letter, what I think if you check the record, I

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1 brought this up before early on. The only
2 difference in this letter is they're asking me
3 to seek funding from the council. I don't know
4 if I can do that.

5 MR. MILLER: And the timing of it. I
6 mean, it might have been -- if you were going
7 to do that, it might have been at the time of
8 proposed rulemaking, which was almost one year
9 ago.

10 CHAIRMAN HOOD: Well, actually I
11 brought it up -- I actually have brought this
12 up, Commission Miller, years ago, and I brought
13 it up on more than --

14 MR. MILLER: I'm just saying if we were
15 going to do it, there was time to have done it.

16 CHAIRMAN HOOD: Well, there was time to
17 have done it, but now we have -- well,
18 supposedly we have a final document or close to
19 final. And simply my understanding or the way
20 I'm thinking about this, and I've thought about
21 this this weekend anyway.

22 But my thinking is that the document
23 would not necessarily go tit for tat or going
24 specifically to try to look and identify and
25 make sure that we're not creating any

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1 conflicts.

2 And I'm sure that the Office of
3 Planning, they're planners. They know how to
4 write regulations with the Office of the
5 Attorney General.

6 But when your eye has been on something
7 for so long, there are things that you miss.
8 I'm not discrediting anyone, I just know -- and
9 maybe I'm the only one that does that. But
10 anyway, that's something that we can talk
11 about. If there's no concurrence with it, then
12 we'll move forward.

13 Because here's the other thing. We,
14 too, have to live with this document. We, too,
15 are doing it -- we're not doing it for the
16 District of Columbia, we're doing it also for
17 ourselves because we live here.

18 So, you know, 10 to 12 years from now
19 when I'm off the Commission, I don't want to be
20 the one who chaired the Commission and messed
21 up the whole zoning in the whole city. I've
22 got to live with that.

23 I can't move nowhere. I can't move
24 back to Mississippi. I'm right here, and I've
25 got live with that. So that's why I'm

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1 proceeding like I'm proceeding. That's why I
2 would think we need a third party.

3 I'm sure others are involved in this
4 also, but I think it's also good to have an
5 extra pair of optics on this whole equation.

6 But what I'd like to do before we get
7 into all that is open it up for opening
8 comments. You don't necessarily have to
9 comment on anything I've said, but any
10 comments? Any opening comments? Vice-Chair
11 Cohen.

12 MS. COHEN: Thank you, Mr. Chairman.

13 First of all, I am very pleased that we
14 are coming to the end of the zoning rewrite. I
15 have my own personal reasons to state that, but
16 I have been involved with this rewrite for four
17 years.

18 I want to really thank many, many
19 people for coming out and testifying on this
20 document and submitting comments. I want to
21 compliment all the ANCs who have taken this
22 very seriously and have submitted comments
23 throughout.

24 There are many, many people involved.
25 I went back and started looking through my tons

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1 of -- as well as on the computer -- documents
2 that have been submitted by the public, and I
3 think it's time now for us to actually take
4 action.

5 I want to really commend the Committee
6 of 100 for their unbelievable review of
7 technical corrections that they have submitted.
8 And that's why I really do believe that with
9 all the public involvement, not only receiving
10 it, but also when the Office of Planning went
11 out and gave some talks about the documents,
12 not everybody will -- is a professional zoning
13 person and will read these documents
14 thoroughly.

15 They will hopefully, though, go for
16 training and continue to keep up to date as
17 much as possible so that their comments can be
18 given great weight, if they're ANCs. So I just
19 want to thank everybody who has been involved.
20 It is a vast undertaking.

21 And I don't know if this is the proper
22 time, but I think the professionalism of our
23 Office of Planning is highly underrated, and
24 that's unfortunate, since much of their work
25 has been studied by many cities, and their work

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1 has been adopted.

2 So I want to thank them: DDOT, DDEE --
3 it's not OE, it's D-D-E-E I think now -- for
4 all of their work. And those are my opening
5 comments. Thank you.

6 CHAIRMAN HOOD: Anybody else? Any
7 other opening comments? Commissioner Miller.

8 MR. MILLER: Thank you, Mr. Chairman.
9 I'll be very brief. I just wanted to also
10 extend my thanks to the public Office of
11 Assistance Associations and organizations for
12 all the input over the last eight years of this
13 effort to rewrite or reform the District zoning
14 regulations.

15 And also thank the Office of Planning
16 and our Office of Zoning. There's been an
17 enormous amount of work that's been done by
18 both staffs in each of those offices, and
19 making -- and all the outreach that's been done
20 to the community.

21 And thank you, Mr. Chairman, for
22 leading this effort and encouraging us to go
23 back to the community not once, not twice, but
24 many times to make sure we got all the
25 appropriate public input.

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1 You know, none of us agrees with
2 everything that's in the regulations. We went
3 meticulously through issue by issue here over
4 several nights, I believe, and there were --
5 all the votes obviously were not unanimous.
6 There were some very close votes.

7 But I think as a result of all the
8 public input and the input from our Office of
9 Zoning, Office of Planning, and the Office of
10 the Attorney General, I neglected to say all
11 the work that they've done, we really
12 appreciate that.

13 I think we do have a better document
14 because of all the review and input, and I'm
15 pleased that we have reached this milestone
16 tonight.

17 CHAIRMAN HOOD: Any other comments?
18 Mr. Turnbull.

19 MR. TURNBULL: I would just concur with
20 my colleagues and agree that the tremendous
21 input that we've had over eight-plus years now.

22 And I want to thank also the past
23 members who are no longer with us who served
24 getting us here, not only the Zoning
25 Commission, but in the Office of Planning. I

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1 know they've lost some key players early.

2 But I also want to thank the Board of
3 Zoning Adjustment for their input. I don't
4 think we've had much to say about them, but
5 they did provide us a lot of comments.

6 And the Zoning Administrator's office,
7 we've had inputs from them, and so I think
8 we've had a lot of input by a lot of people in
9 the city. I think it's been very well rounded.
10 I think it's been -- as I see it, I think we've
11 been as thorough and as articulate as we can in
12 expressing what we have received and commenting
13 on it.

14 And I would agree that we're at a
15 point, and I think we've come a long way. And
16 I think we're ready to proceed.

17 CHAIRMAN HOOD: Okay. Commissioner
18 May.

19 MR. MAY: Thank you. So I guess, you
20 know, I wrote a really long speech, but now I
21 have to go and do a short one because
22 everybody's staying brief.

23 I would also echo the comments of my
24 fellow commissioners thanking everybody's who's
25 participated in the process. It has been an

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1 extensive process. We are very close to being
2 done, just a few more issues I think to
3 resolve.

4 I would thank everybody who's
5 participated in the process, including the
6 many, many third-party reviewers who've already
7 looked at this, the members of the public and
8 then various institutions and agencies and
9 citizen associations, ANCs, etcetera. We
10 appreciate everybody's effort.

11 And I want to thank the Office of
12 Planning, the Office of Zoning, the Office of
13 the Attorney General, other agencies who
14 participated.

15 It's true, we have not agreed on
16 everything, but I think that we've gotten a
17 pretty consensus document, and it has certainly
18 evolved from where it started.

19 Even when we were looking at the
20 initial direction on things, when we first
21 started voting on those sorts of issues, I
22 don't know, four or five years ago and started
23 to give the Office of Planning directions on
24 text. And it has certainly changed since what
25 was first presented to us in a draft in the

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1 middle of 2013.

2 And I think that, you know, I'm very
3 pleased to reach this point. I think this has
4 been a -- I mean, it has been a very long
5 process, but it's also been a very involved
6 process. And I think it has been extremely
7 thorough with the number of work group
8 meetings, task force meetings, Zoning
9 Commission public hearings, Office of Planning
10 presentations to ANCs to other community
11 groups.

12 All of the deliberations that we've
13 had, the public -- the marathon public hearings
14 that we had, and then actually the ones where
15 we went out offsite and solicited more public
16 comment.

17 So I think that everybody has had a
18 good chance to talk to us on it and included
19 this most recent round where we got a couple
20 hundred more comments on something like, you
21 know, 800 discrete statements within them.

22 It's been a lot to review, but I
23 appreciate everybody's effort, and I appreciate
24 the efforts of my fellow commissioners working
25 through this, including those who are not

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1 around to vote, but certainly played a role.

2 So back to you, Mr. Chairman.

3 CHAIRMAN HOOD: Okay. And I'm going to
4 just read a statement.

5 "Tonight the Zoning Commission will
6 begin the final phase of the zoning regulation
7 review. Throughout the process that began in
8 2007, the Zoning Commission has heard
9 significant input from both the OP (Office of
10 Planning), civic groups, constant users of the
11 code, anybody who wanted" --

12 And one of the things we did, we
13 listened to anybody who wanted to participate.
14 I think that is key. Even visited each ward in
15 the city to make sure we got everyone's
16 opportunity -- gave everyone the opportunity to
17 be heard, and I think some of that has already
18 been mentioned. So you stole a little thunder
19 of my written notes here.

20 Again, "Tonight we will not revisit the
21 process tonight, but we should be mindful of
22 why we are doing this. The first time the
23 zoning regulations have been comprehensively or
24 revisited since 1958 with many amendments to
25 bring consistency to the zoning code, the

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1 comprehensive plan directs. The zoning
2 regulation needs substantial revision and
3 reorganization, arrange for new definitions to
4 update it, development design standards, and
5 even new zones.

6 "To meet the need of changing
7 demographics in the city according to the
8 Office of Planning's statistics, 78 percent of
9 the current residents are younger than our
10 current zoning code," and I would like to say
11 that I'm one of them.

12 "As the Commission begins its
13 deliberations, let's keep in mind why we are
14 reviewing the zoning regulations and make sure
15 our decision will accomplish intended outcomes
16 and hopefully will stand the test of time.

17 "Remember, it's not personal, so don't
18 take it the way."

19 And I will tell you that I am very
20 nervous because one of the things I try to do,
21 I always try to achieve -- and it'll be years
22 from now that this zoning code -- I'll look
23 back and say that I had something to do with
24 it.

25 You'd be surprised how that impacts a

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1 person, especially if it doesn't work out as
2 well. I want this to work like everyone else
3 does.

4 And I know I'm going to do my thank
5 yous later because I know a lot of work has
6 been put into -- from community groups as well
7 as the Office of Planning, the Office of
8 Zoning, the Office of Attorney General.

9 And a lot of people, including my
10 colleagues who have already been mentioned.
11 But I'm going to thank everybody later because
12 for me we're still in the game. We haven't
13 finished yet.

14 And when we finish, when we get to the
15 finish line, then I will feel better, but I
16 won't even feel better than. I won't feel
17 better until this is actually in operation and
18 it's working. Then I'll probably rest.

19 I may be long gone from the Zoning
20 Commission by then, but can you imagine having
21 to walk into Costco and know that you were the
22 chair of a commission who messed up the zoning
23 code or who -- now, if I did a very good job, I
24 might stand out in front of Costco, and that's
25 what I'm hoping I'm able to do.

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1 So I can tell you, I'm very nervous
2 about what we're doing. It's a major
3 undertaking, and I'm glad -- I hope everybody
4 else is calm. Maybe I'm the only one nervous.
5 But since I am, let's proceed.

6 So we're going to take 20 minutes on
7 this -- 20-minute rounds for any discussions.

8 What I would like to do really is go by
9 subtitle, but let's start off with 20-minute
10 rounds and see how that goes. And then we have
11 a few sheets that we can follow the merits of
12 the case as well as the diagram we asked for
13 from the Office of Planning.

14 So somebody like to get us started?

15 MR. MAY: Mr. Chairman, are you
16 suggesting 20-minute rounds per commission on
17 each subtitle?

18 CHAIRMAN HOOD: No, no. Twenty-minute
19 rounds to get started, and then we can go down
20 the subtitles.

21 MR. MAY: Oh.

22 CHAIRMAN HOOD: You know, like if you
23 have anything that's out there that may be in a
24 subtitle.

25 MR. MAY: You know, a more general.

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1 CHAIRMAN HOOD: Yeah, general. If you
2 have something you might want to go back to the
3 Office of Planning, Office of Zoning, --

4 MR. MAY: I mean, I thought we'd go
5 through, you know, do we have any comments on
6 Section A, and then we can sort of bring them
7 up.

8 CHAIRMAN HOOD: But some of the
9 comments that you might have come from some of
10 the merits that I believe we may have missed.
11 I mean, you know, I think that we need to --

12 If you don't take the first -- the
13 whole 20 minutes, if you have any general
14 comments of things we might want to ask each
15 other to see if each other may want to go that
16 way or any changes we may want to make, let's
17 do that first, and then let's go down subtitles
18 A, B, C, or whatever in that order.

19 MR. MAY: Okay, I confused a little
20 bit. Let me gather my -- because I was
21 prepared to go through this subtitle by
22 subtitle. I don't think I need a 20-minute
23 round. Let's talk about subtitle A, and then
24 I'll have a few comments.

25 CHAIRMAN HOOD: Well, maybe I need to

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1 do -- maybe I'll flush mine out the way that I
2 have it flushed out, --

3 MR. MAY: Okay.

4 CHAIRMAN HOOD: -- and then we can do
5 subtitle. There are some things that we may
6 have visited, I want to revisit, and I didn't
7 flush mine out a lot by subtitle. And I don't
8 have a whole lot, a few clarifications.

9 In subtitle -- you know what, I did
10 sometime do a subtitle. I can say "Y" and "X."
11 Okay. Hold on one second.

12 Okay. Since nobody has any openings
13 like that, why don't we just go down subtitle.
14 I'll do it like that. That may be easier. And
15 I will tell you that if I ask my questions that
16 are not in the subtitle, so be it, we'll still
17 ask it.

18 Okay, let's go to subtitle A. This
19 subtitle is Authority Applicability of the
20 Zoning Code, Title XI. This is what's being
21 proposed. Anybody have any issues with
22 subtitle A or any concerns? Mr. Miller.

23 MR. MILLER: Mr. Chairman, I hesitate
24 to bring this up, but subtitle A I believe is
25 where the effective date, the applicability is

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1 addressed, and I'm prepared to propose one
2 option and see if there's any consensus among
3 us. But if you prefer to wait till the end to
4 do that. But it is in subtitle A, I believe.

5 CHAIRMAN HOOD: I would prefer that we
6 put that in the parking lot, unless you feel
7 strongly about it. I want to --

8 MR. MILLER: I just want to get through
9 it one way or the other.

10 CHAIRMAN HOOD: Yeah, we can come back
11 to that.

12 MR. MILLER: Okay. That was my only
13 issue with it. I was prepared to propose a --
14 well, I'll leave it until when you want to talk
15 about it.

16 CHAIRMAN HOOD: Okay.

17 MR. MAY: So, Mr. Chairman, I had that,
18 too, but the only other thing I had for
19 subtitle A had to do with the yards question,
20 yards versus setbacks, but that's discussed
21 more thoroughly in later sections. I mean,
22 there's a reference to it in subtitle A, but I
23 think it's more appropriate to discuss that
24 later.

25 CHAIRMAN HOOD: I thought, colleagues -

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1 - thank you. I thought, colleagues, that 304
2 deviations and modifications permitted by the
3 Zoning Administrator's rulings, I thought we
4 had took a lot of that out of the new code.

5 And I'm trying to figure out, am I
6 looking at an old version, or did we not agree
7 to take out the deviations? I thought we said
8 we would take out that two-percent deviation,
9 which seems to give us a sorry mess.

10 Here, I was hoping he wouldn't hear me
11 say this, but it seems to be giving us a lot of
12 appeals, and I thought that we had -- no point
13 intended to him, but, you know, I just think
14 that I thought that that was making things a
15 little more difficult for our Zoning
16 Administrator.

17 I thought that we had decided to take
18 that out? Does anybody else recall that or am
19 I the only one? Maybe it's because I wanted it
20 out.

21 MR. MILLER: I don't recall that.

22 MS. COHEN: I recall that it was
23 mentioned, but I think we should retain it so
24 that we don't get inundated with very, very
25 minor changes. That was my recollection of the

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1 discussion.

2 CHAIRMAN HOOD: But it seems like we do
3 get inundated with those changes because a lot
4 of them on the BZA become appeals, and I'm not
5 sure if we need to be more specific or what the
6 case is.

7 But, you know, this is one of the
8 things that I thought that we were taking out
9 that two percent. I know that flexibility is
10 needed, but either we need to be more specific.

11 "Deviations not to exceed two percent
12 of the area requirements governing minimum lot
13 area, lot occupancy, and areas of courts and
14 roof structures;

15 "Deviations not to exceed the greater
16 of two percent or 12 inches of the linear
17 requirements governing minimum lot;

18 "Deviations not to exceed the greater
19 of ten percent or 12 inches of the linear
20 requirement" --

21 I thought we had dealt with some of
22 this? I thought this was supposed to come out?

23 "Deviations not to exceed two percent
24 of the linear frontage limitations for eating
25 and drinking establishments in subtitle K-

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1 11.7."

2 Am I the only one -- I guess I'm the
3 only one recalling the mention about taking
4 that out. Is anyone open to that?

5 MR. TURNBULL: Why do you want to take
6 it out?

7 CHAIRMAN HOOD: Well, it seems as
8 though -- the way I read it, it seems as though
9 if you look at what we've been having with the
10 BZA, all the cases of appeals and everything,
11 it seems as though it's discretionary.

12 And it causes -- to me it causes
13 conflicts on when an interpretation is kind of
14 open. I don't know, maybe we need to make it
15 more specific, and I don't --

16 You know, I'm not the zoning guru to
17 make it more specific, but maybe we need to
18 find some way to make it more specified of the
19 two percent of what he's looking at. Maybe we
20 can go into more detail.

21 And I know nobody wants to get more
22 pages because that's where we are now, but I
23 think that that has been an issue with all
24 these appeals, especially when it comes to the
25 question of the Zoning Administrator's

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1 deviation.

2 I'm not just talking about -- I'm not
3 talking about one person, I'm not talking about
4 Matt Le Grant. I'm talking about any zoning
5 administration. At some point in time he's
6 probably going to move on, somebody else may
7 there, but I'm just saying this needs to stand
8 the test of time.

9 What he believes may be one thing, what
10 his predecessors believe was something else,
11 and who comes after him may believe something
12 else. That two percent to me is not specific.

13 MR. TURNBULL: Yeah, but if you don't
14 have anything, then I think the ZA would be the
15 first one to tell you that he'll be procured to
16 do all kinds of things. So I think he needs
17 some kind of guidelines to direct him as to
18 what he can and cannot go to change something.

19 CHAIRMAN HOOD: Well, I guess where I'm
20 going is, what is --

21 MR. TURNBULL: There should be no
22 deviation from anything.

23 CHAIRMAN HOOD: Either come back or we
24 need to be specific. What is the two percent?
25 Two percent -- what does the two percent go to?

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1 What two percent are we talking about?

2 That's among interpretation. What is
3 two percent? It needs to be specified. His
4 two percent is different from my two percent.

5 MR. TURNBULL: Well, the two percent, I
6 mean, what they're calling for in the four
7 areas is two percent of the area, or it's two
8 percent of the linear requirements, or it's ten
9 percent or 12 inches of the linear requirements
10 or two percent of the linear frontage.

11 I mean, if you want to get it tighter,
12 we can always make it tighter.

13 CHAIRMAN HOOD: And that's kind of
14 where I'm going. Now, I just think that may
15 help and it may not help. I'm not sure if
16 that's what we did as we went along, but that
17 was something that was mentioned, and I'm not
18 sure that was done.

19 MR. TURNBULL: Uh-huh.

20 MS. COHEN: Mr. Chairman?

21 CHAIRMAN HOOD: Yes.

22 MS. COHEN: I can't compare my, you
23 know, tenure to your tenure. It's like three
24 times or four times more. But the appeals that
25 I've sat through are really questions that are

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1 much more substantive, and that I believe when
2 we attempted in the rewrite itself to address.

3 So the two percent I believe is
4 regarding lots of measurements, and I really
5 think that we're going to have appeals period
6 because people look at things just differently.
7 And they wanted to get to the final board to
8 continue to appeal to whatever higher standard
9 or place that exists for them to make their
10 appeal.

11 So I think two percent is really a
12 modest number, and I think when I've sat on
13 appeals, they have been really much more
14 substantive than a small challenge to that two-
15 percent rule.

16 CHAIRMAN HOOD: Okay. Commissioner
17 Miller, did you want to add something to that?
18 It's obvious I have no support for trying to --
19 I just wanted us to be more specific.

20 MR. MILLER: I was just going to ask --
21 I tend to agree with the Vice-Chair is what I
22 was going to ask either the Office of Zoning or
23 Office of Planning staff if there was any
24 testimony in the record or deliberations among
25 us on this issue because I just don't recall

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1 it.

2 CHAIRMAN HOOD: Ms. Steingasser, can
3 you help us with this?

4 MS. STEINGASSER: I believe so. You
5 didn't take the two-percent flexibility out of
6 the prerogative of the Zoning Administrator for
7 the R-4 conversions. That's where we were
8 getting a lot of push back, so that has been
9 removed.

10 It's not reflected here because that
11 case was heard after proposed action was -- was
12 decided after proposed action was already
13 taken. But it will be reflected. So there is a
14 limitation on that R-4 two percent.

15 MR. MILLER: Thank you for that answer.

16 CHAIRMAN HOOD: And you don't think us
17 dealing with it in our fork could carry over to
18 some of this what we have in 304.1? And I'm
19 asking you, Ms. Steingasser.

20 MS. STEINGASSER: I believe I would
21 look to the Office of Attorney General, but it
22 wasn't advertised or set down, so I think it
23 might be an extension of what was considered.

24 CHAIRMAN HOOD: Okay.

25 MR. BERGSTEIN: I'm not talking unless

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1 I'm asked. Am I being asked?

2 CHAIRMAN HOOD: I'm not sure if I want
3 to ask you.

4 MR. MAY: Yeah, I don't think that's
5 really the key question because whether we had
6 discussed it before, and I'm, you know, I'm
7 racking my brain and looking through my notes
8 and looking through the past drafts of the
9 regs, and I'm not seeing substantive discussion
10 of it previously.

11 And, I mean, I guess it's something
12 that we could discuss. It wasn't -- I guess
13 I'm a little at a loss because I don't know
14 that it was really identified as one of the
15 issues we were trying to tackle up front.

16 But I don't -- I mean, was that
17 something that was ever part of where you came
18 to us for a recommendation or rather looking
19 for guidance about what to do with that area?

20 MS. STEINGASSER: No, sir. It was not
21 an issue the Office of Planning raised.

22 CHAIRMAN HOOD: Was that an issue that
23 was ever raised? I think -- for some reason I
24 remember saying it myself, and I don't
25 necessarily -- meaning it was just germane to

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1 the R-4. So I don't know.

2 There was no support for looking at
3 this, and if it wasn't, it's not like we can't
4 propose it and then put it out there. I'm not
5 sure if y'all -- do I have any support on this?
6 Not hearing any, let's keep moving.

7 MR. TURNBULL: I mean, Mr. Chairman, I
8 just had one other item, and are we still on
9 subtitle A?

10 CHAIRMAN HOOD: Yes.

11 MR. TURNBULL: And maybe that can be --
12 it's probably a parking lot item, too, but the
13 other item that's in here, there's another
14 date.

15 It's in Section 205.1, which is the
16 zoning map. So that's going to be put in the
17 parking lot -- we're not dealing with the map
18 tonight, I believe. I don't think we're
19 dealing with that.

20 But 205.1 is looking at -- it has a
21 place for a date, so we need to come back and
22 maybe coincide that with the other date.

23 My only question is, there were a
24 couple of comments that came in dealing with
25 maps from real estate attorneys pointing out

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1 that to date there's been some changes to the
2 date.

3 They've seen some contradictions
4 between what was -- we don't have a map issued,
5 but the maps that we've shown, the areas, the
6 boundaries that we've shown, don't correspond
7 with some of the text that we've got, so I'm
8 not sure how we're going to handle that or how
9 that gets addressed.

10 And I know we got this whole issue of
11 whether text supercedes the map, the map
12 supercedes, and that there's a conflict. So
13 I'm wondering if the Office of Planning could
14 maybe just comment a bit on the map issue and
15 the coordination of text and map?

16 MS. STEINGASSER: Is there a specific
17 section? Our intent was not to rezone outside
18 of what was advertised in downtown areas. You
19 know, we changed some zone names, but the
20 boundaries of those zones were not intended to
21 be changed.

22 MR. TURNBULL: Well, I was just
23 looking, and there was an exhibit by Holland
24 and Knight and I think -- which was number 18
25 or -- and Goulston and Storrs had one.

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1 They're talking -- on our thing here it
2 says Exhibit Number 20 and Exhibit Number 17,
3 but that doesn't correspondent with what we
4 really --

5 MS. STEINGASSER: It's case number C.

6 MR. TURNBULL: Yeah, it's under case
7 number C. It's one of the later ones. It's
8 like one of the last three exhibits that was
9 entered into our documents.

10 They're talking about -- I mean,
11 they've included some things that I'm sure
12 you're going to look at it, but some things
13 that were CM-1 and they're talking about how
14 the way we're talking about things it doesn't
15 really match with what we've been --

16 They mention some of them. And then
17 the Goulston and Storrs talks about certain
18 specific squares. They're talking about the
19 textural instructions. They're talking about
20 square 435, part of L'Enfant Plaza, and then
21 they go back and we look at some of these.

22 They're just looking -- they're
23 mentioning them, and I don't want to get into
24 the weeds, but they're talking about some
25 inconsistencies that they've seen with text and

1 the way they see that things are beginning to
2 be mapped.

3 I mean, we're not going to be dealing
4 with map tonight, but I just wanted -- I mean,
5 I don't know if you had a chance to go through
6 those and look at them.

7 MS. STEINGASSER: I apologize. We
8 didn't bring our case file for C with us this
9 evening.

10 MR. TURNBULL: Yeah, I mean, but so
11 that's something that they brought out when
12 it's with mapping. But I don't know if some of
13 that then overlaps with text.

14 I didn't go through and get into the
15 weeds and nitpick everything and go through it
16 all and relate one to the other. But I just
17 saw those exhibits talking about mapping. And
18 although we're not dealing with mapping, but
19 how that's going to be --

20 MS. STEINGASSER: As I stated, we will
21 absolutely check that first thing in the
22 morning. We are not intending to rezone or
23 change zones --

24 MR. TURNBULL: What we had already set.

25 MS. STEINGASSER: -- beyond what we'd

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1 already set. Now, in this COME zones, there
2 was some change to the FARs, --

3 MR. TURNBULL: Right.

4 MS. STEINGASSER: -- and through the
5 text, but the zones themselves were not
6 intended to be changed.

7 MR. TURNBULL: Okay.

8 CHAIRMAN HOOD: Anything else, subtitle
9 A? And here's the thing, if you think of
10 something, we can always come back.

11 Okay, all right. Let's go to B. I
12 read somewhere, I thought that we were taking
13 the definition of "hotel" out of the
14 regulations, but I see it's still here.

15 So, Ms. Steingasser, we're going to
16 have to call your help to remember some things.
17 So we are keeping the definition of "hotel" in
18 the regulations, correct?

19 MS. STEINGASSER: Yes, sir. I believe
20 the request was to include the definition of
21 "inn" -- I-N-N -- so that there was -- it
22 mirrored the existing code where there's less
23 transient accommodations --

24 CHAIRMAN HOOD: Okay.

25 MS. STEINGASSER: -- less than 30 days,

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1 more than 30 rooms.

2 CHAIRMAN HOOD: Okay. So in the
3 version we have, we have not added that back in
4 yet, though. Okay, okay. All right. That was
5 all I had on B. Anybody else?

6 MS. COHEN: Mr. Chairman?

7 CHAIRMAN HOOD: Yes.

8 MS. COHEN: I just want to confirm with
9 OP that we're keeping the definitions, the
10 existing definitions of "finished grade" and
11 "natural grade"; is that correct?

12 MS. STEINGASSER: Yes, ma'am. We've
13 not proposed any change. As you can see, we
14 have comments both to change from "finished" to
15 "natural."

16 MS. COHEN: And natural. So that's
17 what confused me as to --

18 MS. STEINGASSER: Consider that in the
19 last ten years and it's a difficult issue.

20 MS. COHEN: But we're not. Thank you.

21 CHAIRMAN HOOD: You know, I do have an
22 issue that was brought up, and I may have
23 missed this. And so this may be something we
24 have to rehash, but I know it was on the table.

25 We had a lot of comments about we're

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1 making I think the number was 175 items now are
2 going to be matter of right versus what you
3 used to have some type of zoning.

4 Ms. Steingasser, can you point me where
5 I can find those 175 things that are now matter
6 of right in which we're making matter of right
7 which at one time needed a -- we're taking away
8 public hearing? Can you point me to that?

9 MS. STEINGASSER: We did add a list
10 prior to proposed action, and it's not just
11 that things have gone from special exception to
12 matter of right.

13 But matter of right -- I'm sorry.
14 Things have gone also from variance to special
15 exception so that there's still an increase --
16 or there's still an opportunity for weigh in;
17 it's just no longer required as a variance.

18 So there were things like theaters in
19 residential zones, in the churches, and
20 community centers, the issue of conversions.
21 And the way we dealt with everything but the
22 900 square feet that moved from a variance to a
23 special exception.

24 I don't have the full list with me, but
25 it was entered into the record prior to

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1 proposed action.

2 CHAIRMAN HOOD: Okay. Well, forgive
3 me. I don't remember everything unfortunately.
4 I don't do zoning all day, I actually work on
5 facilities and do printing. So forgive me.

6 I do have a full-time job, so I may
7 have missed some stuff. I try to spend a lot
8 of time with this because I think it's
9 important. So I need to really see that list
10 again. If you don't mind helping me, direct me
11 in that position, I would appreciate it.

12 But the key is, we're not taking away
13 the public input.

14 MS. STEINGASSER: No, sir.

15 CHAIRMAN HOOD: Okay.

16 MS. STEINGASSER: No, sir.

17 CHAIRMAN HOOD: Okay. Because when I
18 read that, I said I must have really missed
19 that. So let the record reflect, we will not
20 be taking away public input, but I would like
21 to know exactly what that is.

22 And I would ask Ms. Bardin and Ms.
23 Schellin to keep a list for us, some things
24 that I would like to see -- we would like to
25 see.

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1 Okay, Commissioner Miller.

2 MR. MILLER: I just wanted to add, I
3 don't recall the specific categories on that
4 list, either, but I think we should also
5 include on it things that are currently matter
6 of right that now will have a special exception
7 or variance or some kind of public input.

8 Just one comes to my mind. Maybe there
9 is only one, but the large retailer, especially
10 in the downtown area, have some comments
11 against that.

12 But it's not something that -- I think
13 there are other things that I think may fall
14 into that category of things that have gone
15 from matter of right to having a public hearing
16 or input process.

17 CHAIRMAN HOOD: Okay, that's good. So
18 it's both ways. So some things were a matter
19 or right, now it's a public process, and some
20 things -- well, anyway, I'll leave it alone. I
21 like that. I didn't think of it both ways.

22 Okay. Anything else in subtitle B?

23 MR. MAY: Yeah. I have a couple things
24 to mention. One is that the definition of a
25 courtyard was, the Office of Planning is

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1 suggesting some alteration, and this is in
2 response to a comment that I believe came from
3 Goulston and Storrs.

4 "A court shall not include an
5 indentation, recess, or decorative
6 architectural
7 treatment of the exterior wall of a building
8 which opens onto a street, yard,
9 alley, or court."

10 And initially the Office of Planning
11 was -- said they'd take it under study, but
12 then have subsequently, as I understand it,
13 you've added that to your recommended changes.

14 And I understand "indentation" and
15 "decorative architectural treatment," but I
16 don't understand a "recess." And I'm afraid
17 that that opens things up to --

18 I mean, a recess could be a small
19 recess or it could be a very large recess, and
20 so I understand this was trying to capture what
21 might have previously been called the "court
22 niche," but I'm afraid we're throwing the door
23 too far open.

24 So I guess if you have anything to say
25 in response to that, do I understand correctly

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1 what you're recommending at this point?

2 MS. STEINGASSER: You are correct. We
3 were trying to recapture the concept of the
4 court niche. And if it's too broad, we'll be
5 happy to bring that back down.

6 MR. MAY: Yeah. I mean, I think
7 indentation and decorative architectural
8 treatment make sense, but I think the word
9 "recess" is just too broad.

10 Then the second area, I mean, there was
11 a lot of discussion of definition of mezzanine
12 and everything from, you know, mezzanine should
13 be a story no matter what.

14 And then also the suggestion that
15 mezzanine should be the only area where there's
16 be a restriction on -- or rather the only area
17 where a mezzanine would be considered to be a
18 story is on buildings 40 feet or less, and when
19 it's above the third floor. That would be
20 considered a story. Right, I mean, something
21 like that.

22 But it was also suggested that any --
23 you know, that this is something that applies
24 anytime a building is below 40 feet. And I'm
25 wondering why -- what you're thinking was in

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1 sticking essentially with the, I guess, the
2 definition that came out of the R-4 case? Was
3 it the R-4 case? Yeah, it was R-4 case.

4 MS. STEINGASSER: We did stay with the
5 definitions that came out of the R-4 case,
6 since the Commission had just decided that and
7 that discussion had just happened. That was
8 basically it.

9 MR. MAY: Okay, all right. So I
10 thought it all the way through.

11 MS. STEINGASSER: Yes.

12 MR. MAY: Okay. So then the only other
13 question I have about that is that the
14 definition seems to be including the
15 restriction, and I know that we've tried to
16 avoid that, right, and we wanted to have
17 definitions be definitions and then
18 restrictions occur in other parts of the code.

19 So, I mean, did you just -- was this
20 the fastest way to address it or is it
21 something that could actually be --

22 MS. STEINGASSER: We could take another
23 look at separating the two. There were several
24 definitions that were defined by their rule.

25 MR. MAY: Right.

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1 MS. STEINGASSER: Building measure --
2 heights of buildings was one where we had a
3 really hard time separating the definition from
4 that aspect of it that was a rule.

5 MR. MAY: Right. I mean, I would think
6 though that since we're narrowly defining the
7 application of a mezzanine being considered a
8 story to what will be RF zones, that maybe in
9 the RF zone section there would be a way to
10 incorporate that.

11 So there are all sorts of definitions
12 associated with the change from yard to
13 setback. Do we want to get into that? Is this
14 the right time to get into that discussion? I
15 think it is actually, yeah.

16 CHAIRMAN HOOD: Subtitle B?

17 MR. MAY: It's in subtitle B. So,
18 again, I mean, this is mostly a question for
19 the Office of Planning, but if anybody on the
20 Commission has thoughts on this, please chime
21 in.

22 You know, I understand we're just --
23 part of it is just the change in the word,
24 right? We're getting rid of the word
25 "setback," we're using the word "yard" again.

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1 MS. STEINGASSER: It also has a
2 different measuring means of being measured.

3 MR. MAY: Yeah, and I was going to get
4 to that. I mean, that's the more substantive
5 thing. I mean, I think there are a couple of
6 things that need to be addressed in the way
7 these have now changed.

8 First of all, it's now clear for me in
9 the way the definitions are now that -- maybe
10 it wasn't clear when they were called setbacks.
11 But the front yard is from the front-lot line
12 to the front face of the building extended all
13 the way to the side-lot lines, right?

14 MS. STEINGASSER: Well, there is no
15 front yard in the current regulations. In the
16 CRR proposal we did, that is the proposal.

17 MR. MAY: Right. Well, I'm talking
18 about the proposed language.

19 MS. STEINGASSER: Okay, yes.

20 MR. MAY: Okay. So it's not totally
21 clear to me in the reading of the language that
22 it's the front face of the building extended
23 all the way to the side-lot lines. Because I
24 know that came up in a parking case or
25 something like that, right? I think that

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1 should be clear.

2 The other -- okay. So then the other
3 real issue goes to the question of how we
4 measure, and I know that we were of a mind that
5 you should be measuring from the lot line
6 toward the building as opposed to from the
7 building outward.

8 And I saw a lot of testimony from
9 knowledgeable land-use attorneys who said that
10 no, it's always traditionally been from the
11 building out and that's the way it's been
12 regarded, and that's actually more consistent
13 with the zoning law or the zoning act.

14 Okay, I can understand all that. But
15 it still doesn't get to the essential problem
16 which I think is the possibility of structures
17 in yards, you know, basically things above four
18 feet.

19 The thing that pops into mind
20 immediately for me is retaining walls; that can
21 be above. And if you have your required yard
22 that means that you have your required yard out
23 to where you're building your platform with
24 your very high retaining wall.

25 And it's that sort of a circumstance

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1 that I think we're trying to avoid. So can we
2 couple this treatment of yards with a
3 restriction on such structures in the entire
4 yard and not just in the required yards,
5 because that was always the sticking point?

6 MS. STEINGASSER: I think we can.

7 MR. MAY: Okay.

8 MS. STEINGASSER: I mean, I know we
9 can. Whether it would require readvertisement,
10 we'd have to --

11 MR. MAY: Okay. We're not making our
12 decisions based on whether we advertise or not.
13 But I think that that's something that should
14 be addressed, because that was what I thought
15 we were trying to get to from measuring from
16 where the lot line is.

17 Because that's really where the impact
18 or the importance of yard to the neighboring
19 properties is. It's between the lot line --
20 measuring from the lot line to the house or to
21 the building.

22 And I think that's something that we
23 have to try to take on. I mean, would others
24 agree with that?

25 CHAIRMAN HOOD: I would agree. Let's

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1 put that in. Whatever lot we want to put it in
2 parking lot or lot for us to relook at.

3 MS. COHEN: I have a question.

4 CHAIRMAN HOOD: Yes.

5 MS. COHEN: So your concern is that the
6 retaining wall would be beyond the lot?

7 MR. MAY: Beyond the required rear yard
8 measuring from the building out. So if you
9 have to have a 20-foot yard but you actually
10 have a 40-foot yard, you know, you could have a
11 retaining wall 20 feet away from the house, but
12 20 feet away from the rear property line. And
13 it could be as tall as you want it or something
14 like that.

15 MS. COHEN: Yeah, so that's an
16 important concern because I think that has been
17 done --

18 MR. MAY: Yes, --

19 MS. COHEN: -- before.

20 MR. MAY: -- and it was a very notable
21 case about that. And there have been
22 subsequent cases where this issue has come up,
23 and that's the way the hairs were split was
24 that, well, this retaining wall is not in the
25 required rear yard.

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1 MS. COHEN: Yeah.

2 MR. MAY: As to whether that needs to
3 be advertised, I mean, I think that since we
4 had previously advertised measuring the other
5 way, we're not really introducing new impact or
6 new requirement. It's just -- you know, we're
7 changing the definition slightly, but I think
8 that we're capturing that potential impact.

9 CHAIRMAN HOOD: So as we understand, I
10 think it was already on the table.

11 MR. MAY: In my view, it's already on
12 the table, but, you know, eventually we'll get
13 an opinion on that.

14 CHAIRMAN HOOD: Okay. Commissioner
15 May, what definition was that you just
16 mentioned? Was it front lot?

17 MR. MAY: It had to do with yards, so
18 hold on a second. 313 to 324 is where the
19 yards are defined, I think.

20 CHAIRMAN HOOD: Right, okay. And I'm
21 not sure if this is what I've read. Was there
22 -- is this code, and I'm trying to remember
23 where I read it from.

24 Are we saying now that the applicant
25 can determine -- and this may go to something

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1 that you dealt with a case, Mr. Turnbull, or I
2 might be getting it mixed up. Where the
3 applicant can determine where the measurement
4 point is -- oh, no, where the front.

5 Is the front the main street? Does
6 anybody recall that where the applicant can
7 determine -- I read that somewhere.

8 MS. COHEN: I believe you're calling
9 that which street -- there was some concerns
10 about why should you have the choice, if it's
11 bordering on one street, but there are other
12 streets that it impacts. It was a recent UD.

13 CHAIRMAN HOOD: Yeah. But I think it's
14 also addressed here in the code. Mr. Turnbull?

15 MR. TURNBULL: I think you were
16 referring back to many, many years ago there
17 was a BZA case, and Mr. Le Grant was -- we had
18 a what determined the side yard and the rear
19 yard and where it could go.

20 And there was one ZA gave one opinion
21 and then the BCA overruled that in an appeal,
22 and we changed it to what I believe is now what
23 the consistent way that Office of Planning is
24 looking at, how you figure or determine what a
25 rear yard is.

1 It had to do with an angled street
2 coming together and how much play you had to
3 determine where a rear yard can go on, how you
4 label the rear and side yard.

5 CHAIRMAN HOOD: Okay. And I just want
6 to note, I just remember reading. I read so
7 much, now it's starting to run together. But I
8 just want to make sure, Ms. Steingasser, that
9 it was addressed. And can you right off the
10 cuff tell me where we addressed it at? If not,
11 I'll just put that in the parking lot.

12 MS. STEINGASSER: I believe, Chairman
13 Hood, you're talking about an applicant's right
14 to choose where they measure height, and it's
15 referred to in the public comments as a mix and
16 match.

17 I think two different submittals talked
18 about it, and the mix and match comes right out
19 of the Height Act.

20 CHAIRMAN HOOD: Okay.

21 MS. STEINGASSER: Or the Height Act
22 actually says you shall choose the wider
23 street, and so that is reflected in this --

24 CHAIRMAN HOOD: Okay. So we didn't
25 make any adjustments on that. They're using

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1 the wider street to measure the height.

2 MS. STEINGASSER: Yes, sir.

3 CHAIRMAN HOOD: Okay. So if it's 90,
4 then go 90.

5 MS. STEINGASSER: Yes, sir.

6 CHAIRMAN HOOD: Okay, all right.

7 MR. TURNBULL: Yeah. What I was
8 talking about has nothing to do with height.
9 It had to deal with what determined the front
10 of the building and then what then determined
11 the rear of the building.

12 CHAIRMAN HOOD: Well, actually that was
13 good because I want to make sure we get that
14 straight because I remember that case.

15 MR. TURNBULL: Yeah.

16 CHAIRMAN HOOD: And then that was my
17 question, which Ms. Steingasser asked, because
18 I thought I saw it where they can pick which
19 street. But naturally you're going to pick the
20 wider street anyway.

21 Anything else on this? I do have some
22 notes here that I wrote. I'm sure Ms. Kay Low
23 will probably agree with this, but I think it's
24 far too late, seven years too late to agree
25 with the red line.

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1 And then when, you know, I looked at
2 all those things that have been said at council
3 hearings and in front of us. When I flip back
4 and forth trying to understand the new
5 regulations, because I have to learn it myself
6 as well.

7 Since I've got to do a lot of flipping,
8 I've heard that. A red line would have been
9 nice, but I don't think a red line would have
10 been successful, at least the way I read it.

11 And I'm just putting these things on
12 the record as those are some of the comments
13 we've gotten over the years, and we have not
14 been able to express ourselves.

15 But I know that a red line was an
16 issue. A red line may have been helpful
17 earlier on, but at this point now the -- this
18 has already left. And way this is written, it
19 seems like it flows, but still trying to
20 understand it, some of it, you know, maybe it
21 takes getting used to.

22 I hear people say, "Well, it's new.
23 You've got to get used to the change." And I
24 understand that. I'm all for change. But,
25 again, I'll go back to my earlier comment.

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1 This is not in B, this is just me digressing to
2 some of the notes that I've made.

3 One of the other things I did want to
4 ask colleagues, and I'm trying to figure out.
5 I guess when I get to the subtitles, and I know
6 we talked about overlays.

7 And I will tell you, Ms. Steingasser,
8 you and I went back and forth on the Langdon
9 Overlay, the Langdon Overlay, the Langdon --

10 I have not understood in here how the
11 overlay is going to work, and I don't know if
12 my colleagues are up to -- and this is on the
13 table -- putting the overlays back into the
14 regulations the way it was.

15 I don't know if we're up to that.
16 Maybe it's just that I don't understand how it
17 is here because I know a lot of stuff went into
18 overlays. And I'm not saying -- that may be
19 the bad word for night and who wants to put
20 overlays back into the regulations.

21 But I can tell you, Anthony Hood does
22 not understand the way overlays are put into
23 this regulation, and I've been going back and
24 forth, the tree and slope, trying to figure
25 this out.

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1 And I don't know if it still carries
2 the same weight as we had previously. Probably
3 it might, but I don't see it, so.

4 I don't know if anyone wants to
5 entertain that, or we can put that in the
6 parking lot and have that discussion later,
7 because I don't think it comes up under B.
8 Okay, well, put that in the parking lot for
9 later. That's why I decide to mention that.

10 Okay. Anything else on B?

11 MR. MAY: Mr. Chairman, I have two
12 other questions on yards, sorry.

13 CHAIRMAN HOOD: Sure.

14 MR. MAY: One was the definitions. Now
15 I'm looking at the OP's November 6th report. A
16 yard is generically defined as an exterior
17 space with particular characteristics. And
18 then there are, again, there are restrictions
19 that are written into that definition, and I
20 know that maybe that's unavoidable in this
21 circumstance.

22 But one of the things that seem to have
23 been lost in the rewriting the definitions is
24 open from the ground to the sky in several, if
25 not all, of those definitions of yard: front

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1 yard, rear yard, side yard. And I'm wondering
2 if that's intentional or is there a reason why
3 that's not needed?

4 MR. LAWSON: I think the intent here is
5 that we include it in the more generic
6 definition of a yard, so that --

7 MR. MAY: Oh, I see, right. It is in
8 that generic definition. Okay.

9 MR. LAWSON: Right. So then it would
10 apply to all of those subsequent ones.

11 MR. MAY: Got it. So then along those
12 same lines, a front yard is referred to as an
13 exterior space, whereas the other definitions,
14 rear yard and side yard, are defined as a yard.

15 MS. VITALE: Since front yard is a new
16 definition, I think we can take a look at that
17 and make sure that they all flow together and
18 read the same thing.

19 MR. MAY: They're consistent, yeah.
20 Okay.

21 MS. VITALE: Yeah.

22 MR. MAY: Okay. I think that answers
23 all my questions about yards.

24 Oh, and my concern about, you know, a
25 front yard being continuous from lot line to

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1 lot line, I assume that also applies on rear
2 yards; is that correct? Is a rear yard defined
3 all the way back to that face, or is some of
4 that a side yard?

5 MR. LAWSON: We can certainly check and
6 make sure that the language is really clear on
7 that, but certainly my understanding is it
8 applies from the side yard to the side yard.

9 We worked closely with the Zoning
10 Administrator on the issue of rear yards to
11 come up with a series of diagrams and
12 explanations of how to help people I guess
13 define what the rear yard is because it tends
14 to be difficult to determine sometimes because
15 our lots were so oddly shaped.

16 But certainly typically it goes from
17 the, you know, where there are two side yards,
18 --

19 MR. MAY: Right.

20 MR. LAWSON: -- it goes from side yard
21 to side yard.

22 MR. MAY: Yeah. I'm not trying to
23 imagine all the circumstances that have to be
24 taken into consideration. I'm hoping that
25 that'll get straight. But it's in the basic

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1 rectangular lot it ought to be crystal clear,
2 and it wasn't on my reading. Thanks.

3 CHAIRMAN HOOD: Okay. I, too, need to
4 go back to the Office of Planning. There were
5 a number of things in the handouts that you
6 have that says, "OP will examine."

7 Were these things examined or what is
8 the status on -- and I don't want to go through
9 it. There are a number of them here on page 12
10 of 76, for example. Were those things
11 examined?

12 MS. STEINGASSER: Yes, sir, we did do a
13 review of those after we filed that, the
14 spreadsheet, and most of that is captured in
15 the memorandum dated November 6th, --

16 CHAIRMAN HOOD: Okay.

17 MS. STEINGASSER: -- the smaller
18 tables.

19 CHAIRMAN HOOD: Okay, all right.
20 Anything else on B? Let's go to C, subtitle C.
21 Ms. Steingasser or Ms. Vitale or whoever could
22 help me?

23 In section 401, Tree Protection
24 Regulations, does that come from the Tree and
25 Slope Overlay; am I correct? The Tree

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1 Protection, a lot of this came out of the Tree
2 and Slope Overlay. I'm in the proposed code.

3 MS. STEINGASSER: Yes, sir, I believe
4 that's correct.

5 CHAIRMAN HOOD: Okay. And in one of
6 the overlays -- and I guess it's probably in
7 another subtitle, I guess, but it talks about
8 specific squares and lots that it's germane
9 to.

10 But I thought that when we made
11 overlays germane to the city that we wouldn't
12 necessarily be particularly to any square or
13 lot. And I'm not sure if this was the overlay,
14 but I want to have that discussion now about
15 overlays.

16 I don't know which overlay it was. Oh,
17 let me see. It might have been Reed-Cooke.
18 No, it wasn't Reed-Cooke.

19 MS. STEINGASSER: It's Langston. It
20 was the industrial standard requirement and the
21 setback requirements.

22 CHAIRMAN HOOD: Langdon?

23 MS. STEINGASSER: I mean, Langdon.

24 CHAIRMAN HOOD: Okay, Langdon Overlay.
25 Well, let's go to it. That's the one I'm most

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1 familiar with. Let's talk about that again.

2 Help me understand. Can you guide me
3 through the Langdon Overlay, and I know we've
4 probably been through this 100 times, but
5 again, forgive me if I'm asking you again.

6 I don't do this every day -- I mean,
7 all day every day. But let's go back to the
8 Langdon Overlay. Help me -- show me how that
9 works. And then I want to go back to the Tree
10 Protection.

11 MS. STEINGASSER: So the Langdon
12 Overlay is reflected in subtitle J, which is
13 the PDR (Production, Distribution, and Repair).

14 CHAIRMAN HOOD: OKAY.

15 MS. STEINGASSER: It's embodied in Zone
16 P-1. And the Langdon Overlay is a CM-1/LO is
17 the current zoning. The provisions of the
18 Langdon Overlay have been extended beyond just
19 the area in the current codes that identified
20 as the Langdon Overlay to all industrial zones.

21 So all of the issues of external
22 effect, all of the setback and spacing between
23 the residential, the buffering, that's been
24 applied to all, not just the Langdon Overlay.

25 So I guess the way to think about it is

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1 it was so good for Langdon, we decided to
2 extend it citywide, so it's no longer just
3 unique to that area. It applies -- so you'll
4 see there's some figures in subtitle J that
5 represent that separation and buffer.

6 CHAIRMAN HOOD: And one of the things
7 that I do look for, Ms. Steingasser, and if you
8 could point me right to the words "external
9 effects"?

10 MS. STEINGASSER: I believe those are -
11 -

12 CHAIRMAN HOOD: I mean, if we need time
13 to help me. I'm sure it's in here somewhere, I
14 just don't see it.

15 Okay, colleagues, while we're looking -
16 - I'm looking also for it, and I didn't see it.
17 But anyway, if somebody else has another
18 question or comment. And I know I jumped. I'm
19 in J. Well, I'm in J for the issue. We're
20 going to go back to C.

21 MR. MILLER: I do have a question with
22 C, but I don't want to distract the people who
23 need to answer the question in J.

24 CHAIRMAN HOOD: Well, if you want to
25 help us look for external effect.

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1 I'll tell you what, we're not going to
2 hold up time.

3 MS. STEINGASSER: I can --

4 CHAIRMAN HOOD: It's in the uses.

5 MS. STEINGASSER: It's in the uses?

6 CHAIRMAN HOOD: Okay, okay. I thought,
7 the way I understood it, if we're going to
8 capture the Langdon Overlay and we're talking
9 about external effects, it should be where the
10 Langdon Overlay is supposed to be exhibited in
11 the PDR, and that's where we had it in the
12 hearing.

13 And now I'm being told something else,
14 so let's put that in the parking lot because I
15 don't know if that -- because that's an
16 important piece to the Langdon Overlay,
17 external effects.

18 MS. STEINGASSER: It is, yes, sir. And
19 all of the industrial uses are embodied in
20 subtitle U, all the uses from residential
21 through industrial. And so because that is a
22 use-related standard, it's also with those
23 uses.

24 CHAIRMAN HOOD: Okay. I see it here in
25 F. "The use shall meet the standards of

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1 external effects to subtitle U." But in the
2 original it was where -- external effects was
3 associated with the overlay.

4 MS. STEINGASSER: Well, we could put a
5 reference to it in subtitle J so that there is
6 no opportunity for that confusion from an
7 applicant. But it's tied to the uses, and the
8 uses are all in U.

9 CHAIRMAN HOOD: Right. I understand
10 where the uses are.

11 MS. STEINGASSER: Right.

12 CHAIRMAN HOOD: I'm more concerned
13 about the not-so-everyday user --

14 MS. STEINGASSER: Uh-huh.

15 CHAIRMAN HOOD: -- because we're
16 supposed to make this easier. And I'm not
17 saying we didn't.

18 So, again, as my opening statements
19 were, I'm not throwing any stones. I'm just
20 trying to walk through this, and then I'm
21 getting my 101 in which I asked for some years
22 ago. I'm getting it now, and I knew it was
23 going to be time and I'd get it when we have
24 all the text.

25 So we need to make sure that that's

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1 there, even though I do see it, and I thank
2 y'all for pointing it out to me. But when I
3 look at overlays and I'm wondering about the
4 other overlays that people have worked on.

5 Has it moved to another section, and
6 maybe that's part of the learning curve. But
7 we want to make sure that if this code is
8 adopted that people understand how to maneuver
9 and how to work through it so it does not
10 become a confusing code.

11 But I know there's a learning curve
12 that we're all going to have, even including
13 commissioners as well as everyone else, so.

14 Okay. Anything else on exhibit -- I
15 mean subtitle C?

16 MR. MILLER: I had a question, Mr.
17 Chairman.

18 CHAIRMAN HOOD: Yes.

19 MR. MILLER: So we had a comment -- I
20 guess this one's from Holland and Knight about
21 long-time bicycle parking. It says:

22 "The provisions related to the quantity
23 of long-term bicycle parking within office
24 buildings should be reduced from the proposed I
25 believe one space per 2500 square feet to one

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1 space per 7500 square."

2 This is the summary. It says, if we're
3 going on a typical 300,000 square foot office
4 building, 120 bike spaces is excessive. And OP
5 is not recommending any change to that
6 standard.

7 And I want just to get some more -- and
8 I'm not sure that it should be changed, but I
9 just wanted to get a better understanding of
10 what the existing requirement for long term
11 bicycle is.

12 And why you don't think that something
13 in between the 2500 and maybe the 7500 or maybe
14 5,000 square feet might make more sense if 88
15 bike spaces would be required in that example I
16 guess instead of the 120. But maybe if we
17 tried just a bit of the rationale.

18 MS. VITALE: Sure. This is actually
19 the long-term requirement for something like an
20 office building is new. There are residential
21 requirements on the books now. We've
22 coordinated closely with DDOT on those
23 standards.

24 This comment was submitted previously,
25 and we did take a look at other comparable bike

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1 parking regulations in other cities and
2 coordinated with DDOT again on the proposal.

3 And I think we determined we were
4 comfortable with the 7500 square foot, you
5 know, with the requirement as proposed, and
6 that's why we hadn't suggested to change it.

7 MR. MILLER: And do you recall what the
8 existing requirement is for long-term bicycle -
9 - per office buildings, what the number would
10 be?

11 MS. VITALE: No, I'm saying that
12 doesn't exist not.

13 MR. MILLER: It doesn't exist now.

14 MS. STEINGASSER: This would be a new
15 requirement.

16 MR. MILLER: It doesn't exist now,
17 okay. All right, thank you.

18 MR. TURNBULL: Yeah. Mr. Chairman, I
19 just had one question for OP. In their list of
20 changes on page 6 under Waterfront, 1102.3
21 where it talks about where there's no L'Enfant
22 grid.

23 Originally it was down to 500 feet and
24 it's now been changed to no building can be
25 longer than 300 feet. I'm okay with that. I'm

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1 just wondering, well, how did we get to the 300
2 feet? I can't remember.

3 MS. STEINGASSER: We did a survey of
4 average and typical block lengths along the
5 waterfront within the L'Enfant plan and then
6 just carried that down.

7 MR. TURNBULL: Then carried it down,
8 okay. That makes sense. All right, thank you.

9 CHAIRMAN HOOD: Okay. Anything else on
10 C?

11 MR. MAY: Yes.

12 CHAIRMAN HOOD: Okay, Commissioner May.

13 MR. MAY: So there was discussion in
14 the comments about private streets, theoretical
15 subdivision, etcetera, etcetera. And, I mean,
16 it was a little hard to follow exactly what was
17 being objected to.

18 I think, you know, just to try to
19 simplify things for those of us here who are
20 interested in it. I just want to make sure
21 that when we are evaluating or when we're
22 considering calculations like FAR, lot
23 occupancy, and what not on a development that
24 includes private streets.

25 So the private streets will not be

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1 included in that calculation as they would not
2 be, if it were a public street.

3 MS. STEINGASSER: That is our full
4 intention, and the Zoning Commission has
5 already done a text amendment, and we'll make
6 sure that's reflected.

7 MR. MAY: Right, okay. Because it's --
8 I mean, so what we're talking about here is
9 just fussing about some of the particulars of
10 the language and reconciling it with the
11 process for establishing, you know, streets,
12 you know, and council approval, and all that
13 sort of stuff. It's that kind of coordination
14 that they're talking about.

15 MS. STEINGASSER: Yes, sir.

16 MR. MAY: Okay. Just wanted to make
17 sure I was clear on that. Okay, I think that
18 answers my questions.

19 MS. COHEN: I have one question. On
20 loading, we seem to not need, except for maybe
21 grocery stores and large retail stores of 55-
22 foot truck loading.

23 And I'm wondering, why haven't we
24 looked at adjusting that 55-foot requirement
25 for all projects? Because we're always in PUDs

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1 saying, you know, 30-foot is acceptable.

2 It's Chapter 7. You're looking.

3 MS. STEINGASSER: I'm going to speak
4 off the cuff, but we thought we had removed
5 that requirement.

6 MR. LAWSON: That's what I've been
7 looking up as well because I think -- I thought
8 that we had made that change as well. So I was
9 just kind of looking through to see if maybe
10 that wasn't.

11 MS. COHEN: Just confirm that then. I
12 don't need you to confirm it tonight.

13 MR. LAWSON: Actually, it's in Section
14 905.

15 MS. COHEN: You did remove it then.

16 MR. LAWSON: Well, there is still a
17 loading requirement, but the loading
18 requirement is for a minimum depth of 30 feet.

19 MS. COHEN: Okay, actually that's fine,
20 yeah.

21 MR. LAWSON: Which I think was what you
22 were asking about.

23 MS. COHEN: Yes, that's what I was.
24 Thank you.

25 MR. LAWSON: So I think it's reflected.

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1 CHAIRMAN HOOD: Any other questions in
2 C? And if you don't say anything, we can
3 always come back. Anybody else in C?

4 Okay, let's go to D. I'm actually
5 looking for something in particular. Maybe
6 when I get there. It's these use categories,
7 which takes me back to the use, which takes me
8 back to subtitle U. But I haven't got to the
9 subtitle of that question that I have, so
10 that's what my -- one of my issues is.

11 Anything in D? Anyone else?

12 MR. MAY: Yeah.

13 CHAIRMAN HOOD: Commissioner May.

14 MR. MAY: So in some of the comments --
15 well, Penn Branch Civic Association and perhaps
16 others recommended adding the geographic
17 identifier to residential zone or maybe it's to
18 all zones.

19 And they cited the example, R-11 should
20 be listed in the table of contents as R-11 -
21 Naval Observatory/Tree and Slope Protection and
22 Residential House zone. I'm not sure if all
23 that's necessary.

24 But originally the Office of Planning
25 had simply stated they would defer to the

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1 Zoning Commission on it, but now you are -- I
2 guess if I read this correctly in your November
3 6th report -- you're recommending that we
4 actually do go ahead and add those geographic
5 identifiers.

6 And I would just like to hear from the
7 Office of Planning why you think that's
8 necessary, appropriate, recommended.

9 MS. STEINGASSER: It's not necessary,
10 but if it gives people familiarity, especially
11 as we transition from one to another, it
12 certainly doesn't distract from them.

13 MR. MAY: So then the generic, I guess
14 more generic zones will just simply stay what
15 they are or will they get some other kind of
16 descriptor?

17 MS. STEINGASSER: No, they would stay
18 what they are.

19 MR. MAY: Just R-1 would be R-1 and R-2
20 would be R-2, and then when you get up to R-11
21 that you wind up with all that extra language
22 or whatever --

23 MS. STEINGASSER: It basically reflects
24 those areas that were covered by --

25 MR. MAY: Overlays --

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1 MS. STEINGASSER: -- an overlay.

2 MR. MAY: -- previously. So it's sort
3 of half way back to overlays.

4 MS. STEINGASSER: It's not all back to
5 overlays. It just creates the comfort that
6 people understand that that is a particular
7 area.

8 MR. MAY: Okay. I'm all for the
9 comfort. Thanks.

10 CHAIRMAN HOOD: I would agree for the
11 comfort. Thank you for making that comfortable
12 so I can understand it.

13 Okay. Commission Miller.

14 MR. MILLER: Mr. Chairman, I was just
15 going to agree, also, that on the grounds of
16 user friendliness, including those of us up
17 here, it's user friendly to add that geographic
18 identifier.

19 CHAIRMAN HOOD: Okay, all right.

20 MR. TURNBULL: Yeah. I would just say
21 for long-time residents who are so familiar
22 with those names, I think it's a boon to have
23 that. I think it's a great plus to keep it.

24 MR. MAY: And that'll apply to the R
25 zones, the RF zones, the RA zones. What about

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1 MU, NC? It's really not downtown, but it's not
2 noted in MU and NC.

3 MS. STEINGASSER: NC I think it is in
4 the title of the zones because those are the
5 Neighborhood Commercial Overlay zones that
6 we've embodied into one subtitle.

7 MR. MAY: Okay.

8 MS. STEINGASSER: The NC stands. Yeah,
9 so Cleveland Park neighborhood mix uses and NC-
10 3, Tacoma neighborhood.

11 MR. MAY: But the entire neighborhood
12 name is listed in that zone. So you're already
13 doing it in the NC zone.

14 MS. STEINGASSER: Yes, sir.

15 MR. MAY: And the MU zones?

16 MS. STEINGASSER: I don't think we
17 captured it. We did not capture it in the MU
18 zones.

19 MR. MAY: So, I mean, is it something
20 that can be done in the MU zones? Yes, okay.
21 Thanks.

22 CHAIRMAN HOOD: So we can be
23 consistent. Okay. I did have a question last
24 night about NC-3, but I can't seem to find it.
25 Maybe that was when they kicked the field

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1 goals. But anyway.

2 Ms. Steingasser, let me just ask. NC-3
3 you just said just now was -- I know it's
4 neighborhood commercial 3 -- you said it's
5 Cleveland Park?

6 MS. STEINGASSER: Yes, sir.

7 CHAIRMAN HOOD: Okay. So what is NC-4,
8 if you have that right in front of you, what is
9 that?

10 MS. STEINGASSER: Woodley Park. And
11 Woodley Park is in two zones, so there's an NC-
12 4 and an NC-5.

13 CHAIRMAN HOOD: Okay. And I could
14 probably find -- now, where is that table? I
15 know I saw it, the NC, because I had a question
16 about the -- where can I find that in the
17 regulations?

18 MS. STEINGASSER: It's at the front of
19 subtitle H. They're indexed, and then it was
20 also as an independent document in the record.

21 CHAIRMAN HOOD: Okay. I actually used
22 the printed text that the Office of Zoning was
23 so nice to print out for me so I could try to -
24 - and I will tell you, I was getting confused
25 yesterday as I was going through.

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1 Because what I tried to do when I went
2 through this -- I know what we put in here --
3 was tried to understand like I do now in cases
4 if I read it, how do I find out what's going
5 on. And that's the way I approached it. At
6 least that's the way I approached it this
7 weekend.

8 NC-3 --

9 MS. STEINGASSER: Would be Chapter 5, -
10 -

11 CHAIRMAN HOOD: -- Chapter 3? Chapter
12 5?

13 MS. STEINGASSER: -- subtitle H.

14 CHAIRMAN HOOD: So what's in -- let me
15 ask you this. Yeah, I see it now. It's page
16 13. You might have another version.

17 500, Chapter 500, Purpose of Intent.

18 NC-3, Cleveland Park. So this will not pertain
19 to any other property or area in the city.

20 MS. STEINGASSER: No, sir. This is
21 limited to the -- in this particular case -- to
22 the NC-3 zones, which are the Cleveland Park
23 zones.

24 CHAIRMAN HOOD: Now, if I wanted to
25 find out -- this is my question. This might

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1 not be the appropriate time, but I'm going ask.
2 I have to ask questions when I think about
3 them.

4 If I wanted to find out in this code,
5 if I wanted to know what was a matter of right,
6 and maybe this might not be the right scenario.
7 But if I wanted to know what was a matter of
8 right and I go back to the use. I think it's
9 in the Use table. It had some numbers like R-
10 1, R-2, R-3, R-4, and it was a table.

11 MS. STEINGASSER: Well, for the
12 neighborhood commercial --

13 CHAIRMAN HOOD: Here it is, here it is.
14 Not to cut you off, but that way I can get my
15 question. I can stop thinking about it.
16 Subtitle U, even though I know we haven't got
17 there yet, General Use Provision.

18 Ms. Steingasser, help me understand
19 200.2. "Use groups for the R zones are as
20 follows: (a) R-Use Group A includes the R-1-A,
21 R-1-B, R-6, R-7," --

22 So the R-Use Group A -- hold on a
23 second. Matter-of-Right Uses - R-Use Groups A,
24 B, C, and D.

25 MS. STEINGASSER: Yes, sir.

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1 CHAIRMAN HOOD: How do I read that?
2 What do I do?

3 MS. STEINGASSER: So then you would go
4 down to Section 201, directly beneath the table
5 where it says Matter-of-Right Uses - R-Use
6 Groups A, B, C, and D.

7 And because each one of these use
8 groups reflects a different grouping or a
9 different type of overlay, it became easier to
10 group them this way. So every zone would now
11 fall within a residential use group as well as
12 its own zone.

13 CHAIRMAN HOOD: Okay. Just walk me
14 through this so I can understand. Maybe it'll
15 help some.

16 "A single-household principal dwelling
17 unit shall be permitted as follows: In the R-
18 1-A, R-1-B, and R-16 zones, the principal
19 dwelling unit shall be in a detached dwelling."

20 MS. STEINGASSER: Yes, sir. So what
21 those represent today would be the R-1-A, the
22 R-1-B, and the R -- the Sixteenth Street
23 Heights Overlay, R-1-B (sic).

24 CHAIRMAN HOOD: And how would I know?
25 I saw the cross -- when I went back and

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1 revisited the crosswalks, --

2 MS. STEINGASSER: Uh-huh.

3 CHAIRMAN HOOD: -- how would I know the
4 R-16 would be the Sixteenth Street Overlay? Is
5 there something identifying that to me?

6 MS. STEINGASSER: Well, you would have
7 -- the overlays are now married with the zones,
8 so you wouldn't go looking for the Sixteenth
9 Street Heights Overlay.

10 You would now refer to that zone, and
11 that zone would then tell you that these are
12 the purposes, these are the uses, these are the
13 limitations.

14 CHAIRMAN HOOD: But I'm saying, if I --
15 and I can tell you, we're going to be having
16 this discussion a little more. I'm just trying
17 to realize it and see.

18 Okay. If I want R-16, I'm reading
19 this. I'm in 201.1(a)(1), and I'm looking for
20 "the R-1-A, R-1-B, and R-16 zones, the
21 principal dwelling unit shall be in a detached
22 dwelling."

23 Other than -- okay. How would I find
24 out what the R-16 is? What do I do next?

25 MS. STEINGASSER: You would have that

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1 information from subtitle D where the
2 residential zones are described. And then that
3 is the comment that we just discussed about
4 adding that geographic identifier to the title.

5 So you would -- when you're in subtitle
6 D, you would know there that R-16 are the
7 Sixteenth Street Heights zones.

8 If you wanted to find out what uses are
9 permitted, there's a note in subtitle D that
10 says, "For use permissions, go to subtitle U,"
11 and then you would look for any of the use
12 permissions that pertain to the R-16 zone.

13 CHAIRMAN HOOD: So I would go back now
14 to what, subtitle D?

15 MS. STEINGASSER: Yeah. You'd be
16 working between subtitle D and subtitle U.

17 CHAIRMAN HOOD: Okay, and that's my
18 point. So I guess what I found myself doing,
19 and I wanted to know was that the intent?

20 And I guess, I don't know how much you
21 flipped in the old code, but it reads easier.
22 But I found myself flipping around to try to
23 find different things as I have been perusing
24 this document.

25 So I'm just trying to think of for the

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1 person who doesn't -- I'm always on the side
2 right now of the people that don't do this.
3 I'm not talking about the people in the
4 community that follow this day and night, I'm
5 not talking about them.

6 I'm talking about the people, folks I
7 hang around sometimes who don't necessarily do
8 this. I'm wondering how easy is this going to
9 be for them?

10 MS. STEINGASSER: Well, we actually
11 think it will be easier once people get
12 familiar with it. Right now to follow the
13 residential use zones, there's a lot of
14 flipping in the current code.

15 You're flipping back and forth between
16 Chapter 2, which has the R-1, Chapter 4, which
17 has your development standards, and then you
18 would go to the overlay, which I believe is in
19 Chapter 15, miscellaneous --

20 And you'd have to work between those
21 three zones just to understand the Sixteenth
22 Street Heights Overlay neighborhood.

23 CHAIRMAN HOOD: So if I go to R-16, I
24 need to go back now to what was it, subtitle D?

25 MS. STEINGASSER: And that would give

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1 you your development standards.

2 CHAIRMAN HOOD: Okay.

3 MS. STEINGASSER: Your, you know,
4 heights, your side yards, your things like
5 that, what we now see between Chapters 2 and
6 Chapter 4.

7 CHAIRMAN HOOD: Okay, so I'm in D.
8 Okay, all right. I'm going to do more study.
9 And for me the old code, because that's what I
10 learned. And I notice a learning curve, and
11 obviously I'm showing the public there's a
12 learning curve for us also.

13 Okay. Anyway, I guess my colleagues,
14 y'all got it. I can ask y'all while I'm up
15 here. Okay, where are we at, D? Are we on D?

16 MS. STEINGASSER: Yes.

17 CHAIRMAN HOOD: Okay. Any other
18 questions on D?

19 MR. TURNBULL: Yeah, Mr. Chairman. I
20 just had -- the Office of Planning is
21 recommending under Chapter 15, Alley Lots.
22 You're getting rid of the term "alley lots."
23 So how will -- and I understand your logic for
24 doing that, but not having the term, will that
25 be confusing to people?

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1 I mean, people are still going to call
2 it an alley lot because what I'm --

3 MS. STEINGASSER: I guess it's
4 confusion we created. We're not proposing to
5 get rid of the term "alley lot," we're
6 proposing to get rid of the matter of right
7 option to record an A&T lot into a lot of
8 record.

9 MR. TURNBULL: Oh, okay.

10 MS. STEINGASSER: And we've seen some
11 cases recently in the last -- since this was
12 originally set down and considered where those
13 lots, those A&T lots are unknown to the owner
14 of the record lot beneath, and they've been
15 bought out.

16 And so it creates a conflict in title,
17 it creates an unknown opportunity --
18 unpredictable opportunity for someone to build
19 a structure behind another property that didn't
20 even know that this lot existed.

21 So we're just --

22 MR. TURNBULL: Oh, okay.

23 MS. STEINGASSER: -- recommending that
24 that ability to convert an assessment and
25 taxation lot be removed from those alley lots.

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1 MR. TURNBULL: Okay. It wasn't quite
2 clear from what I was reading this that was
3 your intent. I don't know if you need to
4 tighten that up a bit or --

5 MS. STEINGASSER: I think so. We've
6 gotten a lot of calls about that.

7 MR. TURNBULL: Oh, okay. All right,
8 thank you.

9 CHAIRMAN HOOD: Let's keep moving.
10 Anything else on subtitle D? Let's go to
11 subtitle E. Okay, anything on that? I don't
12 have anything. Anybody? I don't have anything
13 yet. I might later.

14 Okay, let's go to F, subtitle F. Okay,
15 any questions on that? Okay. Let's go to
16 subtitle G. Any issues on subtitle G?

17 MS. COHEN: Yeah. It's really just,
18 again, a need for clarification. My concern
19 is, again, in mixed use zones.

20 I just want to make sure that we have
21 in place regulations that assure that let's say
22 a bank does not take up and, you know, have
23 blank windows along a mixed use -- you know, in
24 a mixed use zone.

25 That we have activity on the street as

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1 opposed to just, you know, like services along
2 the street, and there's no activity to look
3 into the windows. Do we have anything there to
4 protect?

5 I know that it exists in other like the
6 downtown zone, but --

7 MR. LAWSON: Well, that's kind of what
8 I was just going to get at. There are
9 certainly parts of the city where those kinds
10 of provisions do exist; in other words, where
11 there is specific planning in place for a
12 street to be an activated retail street.

13 So many parts of the city, Selfies
14 Photo Center, H Street, Georgia Avenue, I
15 believe, certainly many parts of the downtown,
16 those kind of provisions do exist where the
17 planning work was done to support that kind of
18 requirement.

19 So those have all been translated from
20 the current regulations into the new
21 regulations so they'd all still exist.

22 MS. COHEN: So I could assume that in G
23 we have something that will preclude that from
24 happening, or is it just by area? Is that what
25 you're saying?

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1 MR. LAWSON: It would be by zone.

2 MS. COHEN: By zone.

3 MR. LAWSON: There are zones that have
4 specific requirements, and there would be other
5 zones that don't have that requirement. But
6 those requirements don't exist in the existing
7 zones, either, and --

8 MS. COHEN: No, I understand that, but,
9 you know, as the city is being built out, I
10 just want to make sure that we don't have blank
11 spaces in commercial.

12 And when I say "blank," it's, you know,
13 like what we see today downtown with a lot of
14 store front -- I mean street fronts. It's a
15 huge bank is taking up space, and that's a very
16 uninteresting look on the streets. Boring.

17 MR. LAWSON: Right. And it's one of
18 the reasons why we have proposed the retail
19 requirements in so many areas of the city
20 because it helps to discourage those kind of
21 blank walls.

22 We've included I believe language to
23 that effect in PUD review as well, and through
24 the downtown, which you're going to be getting
25 to soon in subtitle I. There are additional

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1 streets where those kinds of requirements would
2 be placed.

3 MS. COHEN: So your answer is that
4 you're not going to put it in subtitle G as a
5 specific --

6 MR. LAWSON: No, my answer is that it
7 is in subtitle G --

8 MS. COHEN: Okay.

9 MR. LAWSON: -- in those zones where it
10 current exists.

11 MS. COHEN: Okay, thank you.

12 CHAIRMAN HOOD: You know, maybe one of
13 the things we can do is -- and it's without
14 having to flip through it, and maybe it's
15 sitting here in front of me. But you just
16 mentioned subtitle A or whatever, I, or
17 whatever it is is downtown.

18 Maybe we can index it in the front,
19 especially to make it easier so we know what
20 subtitle we need to go to. It may be here
21 somewhere, but it's not here in what I have
22 here in front of me.

23 And I noticed that yesterday when I was
24 reading through this, I had to really flip
25 through to find out. I had to do a lot of

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1 flipping.

2 And maybe it's something we can think
3 about, everyone to try to figure out a way to
4 make it easier so we know that even though,
5 other than the U being use permissions,
6 subtitle U, you know, those kind of things,
7 there may be some kind of way we can put
8 something in the front.

9 I know there's an index in the front of
10 each subtitle, something a little easier to let
11 you know what each subtitle is. Am I missing
12 that, Ms. Vitale, Ms. Steingasser? Is it here
13 or am I just missing it?

14 MS. VITALE: I believe that's outlined
15 in subtitle A. I don't have the exact page
16 number.

17 CHAIRMAN HOOD: I'm looking right at
18 subtitle A, because I was trying to see if I
19 was missing it. At least what I have here in
20 front of me.

21 MS. STEINGASSER: Are you talking about
22 perhaps something in the footer, so as you're
23 going --

24 CHAIRMAN HOOD: So it'd be easier so I
25 know exactly where to flip, because Mr. Lawson

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1 just said "downtown I." I would think to go to
2 D. I mean, you know, something --

3 MS. STEINGASSER: Oh, I see. Yeah, we
4 couldn't resist U being Uses, but --

5 CHAIRMAN HOOD: Well, yeah, I
6 understood that one. I mean, that wasn't -- I
7 didn't have to finish a whole lot of school to
8 know to go to U. But seriously, I think it
9 would be easier for people to navigate.

10 MR. LAWSON: We think that's an
11 excellent idea, and we'll make sure that
12 there's a really good index at the beginning of
13 the zoning regulations themselves that will
14 provide a lot of direction for people for where
15 they should be looking.

16 CHAIRMAN HOOD: Okay, good. Thank you.
17 Okay. What zone -- where are we at? We're on
18 H. Anything else in H? Oh, wait, I do have --
19 no, no, we were on G. Anything else on G?

20 Okay, now we're at H. Somebody else?
21 I do have one thing in H. Somebody else'd like
22 to go first? Nobody, okay. Again, this is
23 probably to help me clarify. Oh, to help me
24 clarify.

25 I'm sorry, if we're not speaking loud

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1 enough, just raise your hand and I'll get into
2 the mic.

3 Let's go to 1100. This is probably
4 what my original question was about NC, and
5 let's just walk through it again.

6 Now, NC-1 I need to go to subtitle
7 what, again, Ms. Vitale, to find out what the
8 use group is?

9 MS. VITALE: I'm not sure I'm following
10 your question.

11 CHAIRMAN HOOD: I think we talked about
12 this earlier, but now that I'm here to where I
13 really needed to be, 1100 NC-1 it says,
14 Neighborhood Use Groups A. Where would I need
15 to go to get that again?

16 MS. STEINGASSER: So in this case we
17 put the uses within the Neighborhood Commercial
18 Overlay zones because the purpose of those
19 overlays actually have such -- were so
20 intricately linked to uses.

21 So you would start with the table on
22 1100.8, which breaks the uses into use groups.

23 CHAIRMAN HOOD: And then go to uses
24 here.

25 MS. STEINGASSER: And then the uses

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1 would be here.

2 CHAIRMAN HOOD: 1102 and 1103.

3 MS. STEINGASSER: Yes.

4 CHAIRMAN HOOD: So we deviated from
5 what we did earlier. Earlier it was in the use
6 groups. Now, let me ask you. Would I find
7 these same use groups -- I guess not. I
8 probably answered my own question. It probably
9 is not in subtitle U.

10 MS. STEINGASSER: That is correct, it
11 is not. It is strictly to retain here.

12 CHAIRMAN HOOD: Okay. And we didn't
13 think that this was the best format for all of
14 it, for the whole code.

15 MS. STEINGASSER: Well, we did, but the
16 volume of pages, we were getting feedback that
17 it was resulting in too bulky a document
18 because it required subtitle U being repeated
19 several times.

20 CHAIRMAN HOOD: That's right because
21 the use is repeated -- oh, I got you, I got
22 you. Okay, and I think we talked about that.

23 So again, in what we're going to do up
24 front, if we can distinguish what we've done
25 here where those uses can be found as opposed

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1 to where they are in the other areas, --

2 MS. STEINGASSER: Yes, sir.

3 CHAIRMAN HOOD: -- I think that would
4 help out in the table of contents.

5 MS. STEINGASSER: I think you're right.

6 CHAIRMAN HOOD: Okay. I did have a
7 question about Exhibit 1091-A and C report 4-A,
8 but I think you answered that about the 175
9 matter of right new residential uses. I think
10 we talked about that. Yeah, that's where I got
11 the 175 number from, okay.

12 Anything else, colleagues, in Exhibit -
13 - I mean, subtitle H? What about subtitle I?
14 Subtitle I, anybody? Okay, we can move right
15 on.

16 MS. COHEN: No, I have --

17 CHAIRMAN HOOD: Okay, Commissioner
18 Cohen.

19 MS. COHEN: Again, I just want to make
20 sure that there is -- it's allowed to convert
21 an office building in downtown to residential;
22 is that correct, I'm understanding?

23 MR. COCHRAN: Yes.

24 MS. COHEN: Okay. And then does it
25 permit -- let's say, you know, this is the

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1 future and nobody knows what the future will
2 be. But because we're spreading out office
3 buildings throughout the city, we may end up
4 seeing some vacancies in the actual downtown.

5 Does it permit a, let's say, supporting
6 services such as a grocery store that's about
7 50,000 square feet?

8 MR. COCHRAN: Yes.

9 MS. COHEN: Thank you.

10 CHAIRMAN HOOD: Any other comments on
11 I? Mr. Miller.

12 MR. MILLER: Thank you, Mr. Chairman.
13 Well, just to follow-up on the last thing, the
14 last dialogue on grocery stores. Isn't it in
15 terms of permitting it, a 50,000 square-foot
16 grocery store would require a special exception
17 under the current proposal?

18 MR. COCHRAN: That is correct under a
19 section other than I.

20 MR. MILLER: Right.

21 MR. COCHRAN: That amount of square
22 footage would have to go through special
23 exception review.

24 MR. MILLER: I just wanted to clarify
25 that, and I don't know if anybody wants to

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1 revisit that, but I just wanted to clarify it.

2 MR. MAY: Mr. Chairman, I just have one
3 question for the Office of Planning from their
4 report having to do with subtitle I.

5 So Chapter 6, the Chinatown subarea,
6 and this is probably something that's just
7 straight out of the existing text, but it
8 struck me as odd.

9 "609.5 - A building or structure on a
10 lot with frontage on a designated primary
11 street
12 segment shall: Devote not less than 1.0 FAR of
13 the ground floor gross floor area to uses
14 identified in Subtitle I or to wholesaling
15 accessory to those uses."

16 So I'm just a little puzzled. I mean,
17 I guess maybe I should have looked at all of
18 the uses that are listed under 601.2, but I
19 didn't. It just caught my eye about how
20 difficult it is to get 1.0 FAR actually
21 physically on the ground floor. I mean,
22 basically, it's every square inch of the site,
23 right?

24 MR. COCHRAN: It was transferred from
25 the existing regulations.

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1 MR. MAY: Yeah. So, I mean, is that
2 actually physically possible?

3 MR. COCHRAN: I have not measured
4 enough to answer that with certainty.

5 MR. MAY: It's too bad Matt Le Grant is
6 not in the room anymore. It just struck me as
7 odd. I mean, it's 100 percent lot occupancy
8 and 100 percent devotion to the uses under
9 601.2. I mean, I guess I'll take another look
10 at those and see if it includes, you know,
11 everything that you would have.

12 But, I mean, if you have -- I don't
13 know, if there are any voids or anything like
14 that within the floor area, you wouldn't meet -
15 -

16 MR. COCHRAN: I think it's a good
17 question, but it hasn't come up since '15, so -
18 -

19 MR. MAY: I mean, that's just a more
20 technical thing that we probably ought to take
21 a look at at some point. And I don't think
22 it's pertinent to what we're doing here really.

23 CHAIRMAN HOOD: Okay. Commissioner
24 May, is that something you wanted to ask
25 someone or are you ready to move on?

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1 MR. MAY: No, we don't need to. It's a
2 small I think more technical issue, and it has
3 to do with what's in the existing regs, so I
4 don't think it really has to be resolved right
5 here and now.

6 CHAIRMAN HOOD: Okay. Ms. Steingasser,
7 I guess I'm going to call on you again or my
8 colleagues. There was something in this code
9 that said that the Zoning Commission would not
10 have design review.

11 I mean, I'm not advocating for it, but
12 I thought I read that in the code that we would
13 not have design review on something.

14 MR. COCHRAN: In fact, in at least in
15 anything for downtown, I'm sorry you will have
16 additional design review.

17 CHAIRMAN HOOD: Okay.

18 MR. COCHRAN: I've already --

19 CHAIRMAN HOOD: There's somewhere in
20 this code that said that we would not have
21 design review, and I --

22 MR. COCHRAN: There are also some
23 sections where some applications also get
24 referred to NCPC for comment. That's new, but
25 that does not undercut any design review that

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1 you already have or that is being additionally
2 proposed in this document.

3 CHAIRMAN HOOD: Okay.

4 MR. COCHRAN: At least in downtown. I
5 can't speak outside of subtitle I.

6 CHAIRMAN HOOD: Okay. Again, I may not
7 be in I, but I've read it somewhere. I believe
8 it was in the Title. Anyway, anything else in
9 subtitle I?

10 MR. TURNBULL: Yeah. Just getting
11 back, Mr. Cochran talked about NCPC review. Is
12 that in -- I mean, I know in the Independence
13 Avenue subarea, but where's that actually
14 reflected that it goes to NCPC?

15 MR. COCHRAN: It is in the subarea
16 regulations within Chapter 6. I can find the
17 exact reference if you would like that.

18 MR. TURNBULL: In Chapter 6, okay.
19 618, okay.

20 CHAIRMAN HOOD: Okay. Anything else in
21 subtitle I? Okay. Let me look at 200.4 right
22 quick. Anybody have anything else?

23 Okay, let's go to subtitle J. Subtitle
24 J, anybody?

25 MR. MAY: Yeah, so I have a question.

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1 In the Office of Planning's report they're
2 recommending under Chapter 8 -- no, I mean, not
3 in J. I jumped to K. Never mind. Call on me
4 when K comes up.

5 CHAIRMAN HOOD: Okay, let me go back to
6 I. It's noted that we did have a lot of
7 comments on I. A lot of it was a lot of
8 corrections, a lot of it was corrected, and I
9 didn't particularly see anything that raised
10 any question.

11 I know there were some questions about
12 whether some things are strict or whether
13 they're more meaningful. And when I read it
14 myself, I thought that it was fine as it was,
15 at least that was my humble opinion.

16 Okay. Anything else in I -- no, J?
17 Okay, what about K?

18 MR. MAY: Okay, Mr. Chairman, thank
19 you.

20 CHAIRMAN HOOD: Yes.

21 MR. MAY: Chapter 8. Under 811.6 there
22 is -- you inserted language to include retail
23 service general and service financial uses
24 "shall occupy no less than 50 percent of each
25 building."

1 And so I go back to the Vice-Chair's
2 comments about financial services and how
3 they're not necessarily the most desirable
4 retail uses in terms of their impact on street
5 life.

6 So I know that this was a clarification
7 or a comment that we had received from I'm not
8 sure who, but I remember seeing it at least
9 once. But I'm wondering about the logic that's
10 here.

11 Is it simply that there are enough
12 preferred uses that you're not worried about
13 the occasional bank, or you want to include the
14 possibility because bank people need banks too?
15 I mean, what is the rationale?

16 MR. LAWSON: That was certainly part of
17 the rationale. The other part of the rationale
18 was, you know, again, making sure that the
19 existing regulations are as -- for something
20 that's as specific as this or as consistent
21 with the current regulations.

22 And so mostly this was to reflect the
23 current regulations, although we did discuss
24 this, and we discussed whether or not this was
25 something that we should take a second look at.

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1 If, you know, at some point it's
2 decided to take a second look at it, we
3 certainly can. But to be honest right now, we
4 are actually pretty comfortable with financial
5 institutions being included as part of the arts
6 overlay.

7 MR. MAY: Okay, thank you.

8 MR. MILLER: On that, Mr. Chairman, are
9 those financial institutions part of the
10 preferred uses in some of our neighborhood --
11 are they included in the calculation for the
12 neighborhood commercial preferred uses?

13 MR. LAWSON: We would have to look that
14 one up.

15 MR. MILLER: Yeah.

16 MR. LAWSON: To be honest, the
17 preferred uses are different for each one of
18 these overlays --

19 MR. MILLER: Right.

20 MR. LAWSON: -- for the downtown, for
21 the arts, for the other different overlays.
22 We'd have to look at each specific one and just
23 see.

24 MR. MILLER: Yeah. I think it may be
25 outside of the context of the PDR might be

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1 worth a second look to see whether or not they
2 are included some of the preferred uses for the
3 reasons that the Vice-Chair brought up.

4 They take up a lot of space, and they
5 don't activate -- they're not getting at the
6 overall purposes if the purposes is to
7 activate. I mean, it's more active than if you
8 had a vacant space.

9 So that's -- we don't want to do
10 anything resulting in vacancies, but they do
11 take -- if they're used for the calculation for
12 preferred uses, I think I would share the
13 concern that they're not really the preferred
14 uses --

15 MS. COHEN: But one thing I'd like --

16 MR. MILLER: -- with the amount of
17 space that they take up.

18 MS. COHEN: One thing I'd like to add,
19 though, is that I'm aware that in Ward 8 at
20 least they did not have very many choices for
21 banking, and finally one of the credit unions
22 did open up a store.

23 So we have to be very careful with
24 regards to encouraging and discouraging,
25 especially with regard to certain neighborhoods

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1 where they don't exist. And I guess I'm really
2 throwing that comment out at OP.

3 MR. LAWSON: No, we appreciate that,
4 and we've already heard that in some of the
5 neighborhoods where we've done different kinds
6 of new zoning actions where our --

7 Maybe our initial thought would have
8 been to not include financial institutions.
9 And neighborhoods came forward and said, "You
10 know, we need some banks, you know, along these
11 streets."

12 So it would have to be done on a very
13 neighborhood by neighborhood, street by street
14 kind of a relook. But to some extent that, as
15 I said, that's already happened.

16 CHAIRMAN HOOD: Let's go to the --
17 let's go to 715.1. If I ask this, some of my
18 questions may sound redundant, but I'm going to
19 ask them so I can understand. And it's
20 probably helping others, too, hopefully.

21 Uses Not Permitted in Reed-Cooke Zones
22 (RC). Again, I keep going back to these
23 overlays, so I'm trying to understand how we --
24 now, this Reed-Cooke, it's just for the Reed-
25 Cooke. This goes -- basically we put the Reed-

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1 Cooke Overlay back at this point. It's back
2 into this code.

3 MS. STEINGASSER: We did the same with
4 the Reed-Cooke Overlay that we've done with the
5 Neighborhood Commercial Overlays, since we gave
6 it the special name Reed-Cooke so that there is
7 that familiarity.

8 And the reason Reed-Cooke is different
9 than the other is because it covers both
10 residential and commercial zones, and
11 everything else that has a geographic
12 identifier is either all residential or all
13 commercial.

14 CHAIRMAN HOOD: So does this overlay
15 apply citywide or is it just to that Reed-Cooke
16 area?

17 MS. STEINGASSER: No, sir, it's only to
18 the Reed-Cooke neighborhood as it is defined
19 today.

20 CHAIRMAN HOOD: Now, the Langdon
21 Overlay applies citywide.

22 MS. STEINGASSER: That will apply
23 citywide.

24 CHAIRMAN HOOD: So what are the only
25 overlays, the Tree and Slope -- what is it? I

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1 can't --

2 MS. STEINGASSER: Tree and Slope will
3 apply to Forest Hills, I think University
4 Terrace. But it'll apply to those same
5 boundaries that it applies today, and the
6 Office of the Attorney General has advised us
7 that we need to make that reference clear.
8 That it's not a citywide application.

9 CHAIRMAN HOOD: So we're going to do
10 that for -- we're going to notify -- that's
11 going to be noted in all the ones just for
12 those specific areas.

13 MS. STEINGASSER: Yes, sir.

14 CHAIRMAN HOOD: Okay. So that goes to
15 that thing we're going to do in the front.
16 Okay, good. All right. Anything else on K?

17 I probably can slip past U because I
18 asked so many questions already about U, but
19 let's open it. Any questions on U? And we can
20 always come back to any of them.

21 Now, what about W? And this is
22 probably where I was talking about the
23 different lots. And when I read through this,
24 this is being germane to specific lots and
25 squares, especially squares.

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1 And these were former overlays. So
2 what is the purpose of this section when we say
3 we've taken the overlays? Langdon's going to
4 be citywide. What about, well, Fort Totten is
5 unique. Can you help me understand the
6 rationale here, Ms. Steingasser, subtitle W?

7 MS. STEINGASSER: These geographic
8 boundaries were part of the original -- of the
9 1958 code, and so we brought that forward
10 again. It's reflected on the zoning map, which
11 is the official representation of these
12 boundaries.

13 It's also reflected in the orders of
14 the cases that these were created. But there
15 was comfort for people to see it within
16 subtitle W, so we incorporate it there.

17 CHAIRMAN HOOD: And so maybe I'm -- so
18 these are the overlays, right?

19 MS. STEINGASSER: These are the
20 boundaries of the original overlays.

21 CHAIRMAN HOOD: So is this just there
22 for reference purposes or is there actual use?
23 Because a lot of these are citywide, correct?

24 MS. STEINGASSER: They're not citywide.

25 CHAIRMAN HOOD: So the only one that's

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1 citywide is Langdon.

2 MS. STEINGASSER: Is Langdon.

3 CHAIRMAN HOOD: Okay.

4 MS. STEINGASSER: Yes, sir.

5 CHAIRMAN HOOD: So these still -- so
6 these are still in effect?

7 MS. STEINGASSER: Those boundaries are
8 still reflected within those zones, yes, sir.

9 CHAIRMAN HOOD: With the necessary
10 stipulations in place?

11 MS. STEINGASSER: Absolutely.

12 CHAIRMAN HOOD: So is it safe for me to
13 say we still have overlays?

14 MS. STEINGASSER: No, sir. We have
15 zones that are unique to those same boundaries
16 that have the same uses and protection. So for
17 something like my favorite is the Capitol Hill
18 DCHC/CAP/C-2-A.

19 That's a whole lot of overlays for a C-
20 2 zone, so we condensed all that and said this
21 zone, this is one zone. I think it's MU-12
22 perhaps.

23 And all of those conditions are in one
24 place now, so you don't have to go to two
25 separate overlays and a base zone to figure out

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1 what's going on.

2 CHAIRMAN HOOD: So on down the line if
3 the Zoning Commission had a request to add a
4 square to one of these zones, they can do that?

5 MS. STEINGASSER: Yes, sir.

6 CHAIRMAN HOOD: I don't want to sound
7 cocky, but the Zoning Commission pretty much
8 can do -- but the zoning -- I'm not asking.
9 I'm actually just trying to figure out what
10 happens as we go down the line.

11 So I want to add a square to the Dupont
12 Circle, even though it's not in Dupont Circle?

13 MS. STEINGASSER: Right. We will put
14 the associated name -- zone names with those
15 boundaries once the Commission gives us the go
16 ahead or not. We would put those zones in
17 there, and it would be just like any other map
18 after that.

19 CHAIRMAN HOOD: So it would have the
20 specific effects that happen in the Dupont
21 Circle zones, but it might not be over in
22 Dupont Circle? It'll have the effect of the
23 zone, but it will be in Cleveland -- I'm just
24 using that.

25 MS. STEINGASSER: No. It would be in

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1 MU-12. Let me get my notes. MU-26 is Dupont.

2 Oh, I'm sorry, that was your C-2-A.

3 So taking -- let me find. So Dupont,
4 let's say the Dupont C-2-A M-18, that zone M-18
5 could be an R-5-B zone could be rezoned into
6 that zone just like it is today. It would just
7 have the new name.

8 But it would just be a regular map and
9 then if that chapter remained -- that subtitle
10 remains in the zoning regs, we would add those
11 squares to that.

12 CHAIRMAN HOOD: Okay.

13 MR. MAY: But I think to Chairman
14 Hood's point, if somebody said, you know, "This
15 block of our neighborhood or these blocks of
16 our neighborhood should have the same
17 conditions that apply in MU-18."

18 Then it would conceivably create an MU
19 whatever the next number is with similar
20 conditions and bring it forward. I'm assuming
21 that, you know, use supported it.

22 MS. STEINGASSER: Or we could, if it
23 had the exact same conditions, we would just
24 map it as MU-18.

25 MR. MAY: Well, what if it was in

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1 Deanwood?

2 MS. STEINGASSER: It would stand the
3 same --

4 MR. MAY: It would be the same.

5 MS. STEINGASSER: -- as a C-2-A stands
6 --

7 MR. MAY: Okay.

8 MS. STEINGASSER: -- differently, you
9 know, throughout the city with the same
10 protections and permissions.

11 MR. MAY: But if we're adding the names
12 to them, it's very confusing.

13 MS. STEINGASSER: Well, I agree. And
14 that's an anomaly to Washington. I've never
15 worked where those are -- those geographic
16 boundaries exist outside the order as actually
17 part of the regulation. They're usually in the
18 order reflected on the map.

19 CHAIRMAN HOOD: The only thing I would
20 ask, Ms. Steingasser, because that's a lot of
21 knowledge for this section that you have,
22 you're carrying around in here.

23 We need to memorialize it as a footnote
24 somewhere so people coming far behind us will
25 know, "Okay, well, this is what they were

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1 thinking. And this is how we get there, and
2 this is what this interpretation of this is."

3 I think we need to be a little more
4 specific whether it be in a footnote. And I'm
5 not trying to add -- hopefully I didn't add but
6 maybe one or two more pages to what we already
7 have. But just a footnote explaining exactly
8 what you did here.

9 I think the concept is fine. I just
10 want to make sure it's memorialized for a while
11 and people understand how we got this.

12 Okay, anything else in subtitle W?
13 What about X? Let me do this. Can we take a
14 five-minute break? Let's take a five-minute
15 break.

16 (Whereupon, there was a brief recess
17 from 8:34 p.m. to 8:40 p.m.)

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