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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 14-11B [Office of Planning - Text Amendment
to the Zoning Regulations: Subtitle B, Definitions;
Subtitle D, Zones R-3, R-13, R-17, and R-20; and
Subtitle E, RF Zones.]

5:16 p.m. to 6:46 p.m.

Thursday, November 17, 2016

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

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JENNIFER STEINGASSER

12 JOEL LAWSON

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

2 MR. MILLER: Okay. I think we're ready to
3 get started.

4 Good evening, ladies and gentlemen. This is
5 a public hearing of the Zoning Commission for the
6 District of Columbia on -- what day are we?
7 Thursday, November 17, 2016.

8 My name is Robert Miller, Vice Chair of the
9 Zoning Commission. We may soon be joined by Anthony
10 Hood, our Chairman. But joining me this evening are
11 Vice -- or, not Vice Chair -- are Commissioners Peter
12 May and Michael Turnbull. We are also joined by
13 Office of Zoning staff, Sharon Schellin, Office of
14 Planning staff, Jennifer Steingasser and Joel Lawson.

15 And this proceeding is being recorded by a
16 court reporter and also webcast live. Accordingly,
17 we must ask you refrain from any disruptive noises or
18 action in the hearing room, which is very heavily
19 attended.

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

23 This hearing will be conducted in accordance
24 with the provisions of Subtitle 2, Chapter 5 of the
25 Zoning Regulations as follows: preliminary matters,

1 presentation by the petition, which is the Office of
2 Planning tonight, reports of other government
3 agencies if any, report of the -- any reports of
4 ANCs, organizations and persons in support,
5 organization and persons in opposition.

6 Staff are available to anybody who attends to
7 discuss any procedural questions they have. At this
8 time the Commission will consider any preliminary
9 matters. Does the staff have any preliminary
10 matters?

11 MS. SCHELLIN: No, sir.

12 MR. MILLER: Okay. I would then call upon
13 the Office of Planning to present the text amendment
14 that is the subject of tonight's public hearing.

15 MS. STEINGASSER: Thank you, Chairman. The
16 recommended text amendment addresses concerns that
17 were raised in the original case, 14-11, about
18 disproportionate rear additions to adjoining row
19 houses. The text reflects the 10-foot standard
20 approved by the Zoning Commission, excuse me, in
21 March of this year, regarding special exception
22 requirements for conversion.

23 This text addresses the matter of right
24 additions and maintains that same limitation. It
25 allows for more than 10 feet by special exception.

1 In addition to that language the Zoning
2 Administrator has provided some administrative
3 clarification language that has been provided to you
4 and is highlighted in blue in the report, and it has
5 to do with just clarifying the language regarding how
6 he reviews rooftop additions and solar panels. And
7 with that the staff would recommend that the
8 Commission adopt the language as proposed and include
9 the Zoning Commission -- the Zoning Administrator's
10 clarifying language. Thank you.

11 MR. MILLER: Thank you, Ms. Steingasser, for
12 the Office of Planning's report and proposal. Are
13 there any public witnesses who wish to testify, or
14 any other government witnesses who wish to present
15 anything?

16 Seeing none, do the members of this -- my
17 fellow colleagues, have any questions or comments;
18 questions to the Office of Planning or any comments
19 about this case?

20 MR. TURNBULL: I think, Vice Chair, I think
21 this basically represents all the things we've talked
22 about previously. I mean, I think it just reinforces
23 what we had set down with the 10-foot regulation.
24 And then for the matter of right I am perfectly
25 satisfied with this.

1 MR. MILLER: Thank you, Commissioner
2 Turnbull. Yeah, I would agree with you that -- I
3 would echo everything you've said and I think that a
4 lot of it is just clarification, but the most
5 important element is that 10-foot extension for other
6 types of additions in the residential flat zone.

7 Commissioner May, did you have some comments?

8 MR. MAY: Yeah, I had a question about the --
9 I'm seeing it in 301.2G. The minimum for a solar
10 energy system of two kilowatts. So, I'm wondering
11 where that came from and how that translates. It
12 also appears in subsequent sections, the parallel
13 language.

14 And I've, you know, I've already forgotten
15 how large my own solar panel system is but it's
16 fairly normal for a rowhouse and I don't think it's
17 much more than two. It might be like 2.6. I don't
18 know. I mean, where did that standard come from?

19 MS. STEINGASSER: The Zoning Administrator
20 reached out to one of the environmental inspectors
21 and they provided this technical clarification for
22 them as what was a standard roof.

23 MR. MAY: So, the idea is that it's -- that's
24 a standard rowhouse roof system is going to be about
25 two or a little over two, or something like that?

1 MS. STEINGASSER: Yes, sir.

2 MR. MAY: Okay. It would be helpful to me
3 before we take final action on this to know what that
4 means in terms of the square footage or the number of
5 panels. I mean, the panels are typically three foot
6 by five foot. So, you know, it's easy enough to do
7 the math one way or the other, and relating that to
8 the total size of a roof because, you know, that
9 threshold shouldn't be too high.

10 And when you say an environmental inspector,
11 who is that? Is that a DCRA inspector of solar
12 systems?

13 MS. STEINGASSER: DCRA. Yes, sir.

14 MR. MAY: I didn't even know they had them.

15 MS. STEINGASSER: Yes.

16 MR. MAY: I thought that the whole thing --
17 everything was just farmed out to third-party
18 inspectors.

19 MS. STEINGASSER: They have green building
20 code inspectors that are certified and --

21 MR. MAY: Excellent. Okay. Yeah, so I think
22 clarification on that would be helpful to me to
23 understand what we think is the threshold of impact,
24 because I wouldn't want it to, you know, by virtue of
25 something like that, wind up, you know, ruling out

1 impacts to, you know, 80 percent of the solar systems
2 that have been installed. Hopefully, it's a much
3 smaller number.

4 In fact, actually, there probably are
5 statistics that they have on how many systems have
6 been installed and what size they were.

7 MS. STEINGASSER: I suspect they do, and
8 we'll find that out.

9 MR. MAY: Yeah, if they have that, that would
10 be a great thing to know as well.

11 MR. MILLER: Thank you, Commissioner May. I
12 would note that we also do have a letter in the
13 record from ANC 6B, dated November 10th, 2016. It's
14 the only public comment we have in the record
15 indicating that on November 9th with a quorum of six
16 commissioners present, with a quorum present, ANC 6B
17 voted 10, to zero, to zero to support this case.

18 I'll just read their paragraph because then
19 I'll ask OP a question after that.

20 ANC 6B appreciates the clarifications on the
21 rear yard addition requirements that affects Capitol
22 Hill zones. We also strongly support clarifying
23 language around non-residential conversions, and to
24 the specific provisions for potential addition
25 impacts to solar systems and to vents and chimneys.

1 If anything, we are concerned that the vent chimney
2 provisions continue to be ambiguous and open to
3 interpretation. For example, what constitutes a work
4 vent chimney, which they say would complicate housing
5 development in the RF zones.

6 We support any additional clarification OP
7 and the Zoning Commission can provide on how to
8 interpret property agency-based restrictions.

9 So, I guess before final, if there's anything
10 that OP wants to comment on in reaction to the ANC 6B
11 comment, in addition to the clarification and
12 information that Commissioner May is seeking before
13 final, we would welcome that.

14 MS. STEINGASSER: Yes, sir.

15 MR. TURNBULL: I just had a rather -- looking
16 at the ANC 6B report, just a -- it says they have a
17 quorum of six commissioners present, but the vote was
18 10 to zero. Do they take absentee ballots ahead of
19 time? I mean, if there was a quorum of six and they
20 voted 10 to zero --

21 MR. MILLER: I know. That's why I hesitated
22 when I was reading it, but I think maybe they mean a
23 minimum of six because that would be the quorum.

24 MR. TURNBULL: Well, that's what I would
25 think. So, it just -- the way it was phrased, it

1 looked --

2 MR. MILLER: Yeah, that's why I left that out
3 when I was reading, quoting the letter.

4 MR. TURNBULL: Yeah.

5 MR. MAY: No, I read it. Yeah, I've seen
6 that language before. I mean, they're stating that a
7 quorum is six.

8 MR. TURNBULL: Six.

9 MR. MAY: And there were at least six
10 present.

11 MR. TURNBULL: Present.

12 MR. MAY: As evidenced in the vote of 10 to
13 nothing.

14 MR. TURNBULL: Yeah, I mean, it says, with a
15 quorum of -- yeah. It's just when you first look at
16 it, it's like, do they really mean that? Yeah. But
17 it could have been better phrased I guess. But --

18 MR. MILLER: So, is the Commission prepared
19 to take proposed action tonight?

20 MR. TURNBULL: Yes.

21 MR. MILLER: Does anyone want to make a
22 motion?

23 MR. TURNBULL: Oh well, Vice Chair, I would
24 move that we take proposed action on Zoning Case 14-
25 11B, Office of Planning text amendment to the Zoning

1 Regulations, Subtitle B, definitions Subtitle D,
2 Zones R-3, R-13, R-17, and R-20, and Subtitle E, RF
3 zones, and look for a second.

4 MR. MAY: Second.

5 MR. MILLER: Any further discussion?

6 [Vote taken.]

7 MR. MILLER: Ms. Schellin.

8 MS. SCHELLIN: Staff records the vote three,
9 to zero, to two to approve proposed action in Zoning
10 Commission Case No. 14-11B, Commissioner Turnbull
11 moving, Commissioner May seconding, Commissioner
12 Miller in support, Commissioner Hood not present, not
13 voting, and the third mayoral appointee position
14 vacant, not voting.

15 MR. MILLER: Thank you, Ms. Schellin. Do we
16 have anything else before us this evening?

17 MS. SCHELLIN: That's it.

18 MR. MILLER: Thank you all for your
19 participation tonight. This hearing is adjourned.

20 [Hearing adjourned at 6:46 p.m.]

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