

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE 25-12

+ + + + +

MONDAY

NOVEMBER 3, 2025

+ + + + +

The Public Hearing of the District of Columbia Board of Zoning Adjustment convened via teleconference, pursuant to notice at 5:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. MILLER, Vice Chairperson
GWENDOLYN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, A/V Operations

OFFICE OF ZONING LEGAL DIVISION:

JACOB RITTING, Esquire
BRIAN LAMPERT, Esquire

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OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

OFFICE OF THE ATTORNEY GENERAL STAFF PRESENT :

NOELLE WURST

ALSO PRESENT:

MARK ECKENWILER, Commissioner, ANC 6C

DENNIS SANDROS, D.C. YIMBYs

AIDAN JONES, Committee of 100

WILL TEASS, D.C. Chapter, American Institute
Of Architects

STEPHANIE BOTHWELL, Citizens Association
of Georgetown

The transcript constitutes the minutes from the
Regular Public Hearing held on November 3, 2025.

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

(5:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. Joining me are Vice Chair Miller and Commissioner Wright. We're also joined by the Office of Zoning Staff Ms. Sharon Schellin and Mr. Paul Young. I'm not sure if Ms. Ackerman is here with us this evening. Okay. All right. And Mr. Young will be handling all of our virtual operations, as well as our Office of Zoning Legal Division, Mr. Jacob Ritting and Mr. Brian Lampert. We will ask all others to introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised this procedure is being recorded by a court reporter and is also webcast live via Webex and YouTube live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

Please state your name before providing oral testimony or on your presentation. Oral presentation should be limited to a summary of your most important points. When you are finished speaking, please mute your audio so that your microphone is no longer picking up sound or background noise. If you experience

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1 difficulty accessing Webex or with your telephone call-in, then
2 please call our OZ hotline number at 202-727-0789 to receive
3 Webex or login or call-in instructions or if you need assistance
4 to sign up to testify. All persons planning to testify either
5 in favor of opposition or undeclared must have signed up in
6 advance and will be called by name. If you wish to file written
7 testimony or additional supporting documents during the hearing,
8 then please request that the submission be entered into the record
9 and be prepared to describe at the time of your testimony.

10 Tonight, as you know, we we are hearing our omnibus
11 bill, which is a text amendment. This is Zoning commission Case
12 No. 25-12. There was so much volume that we broke it up, and we
13 heard from the public concerns. We had them ourselves, and we've
14 heard from others, and that's why we broke it up like this. Make
15 it easy on all of us. This case was originally advertised for a
16 single hearing. The Commission later decided to break it up as
17 I mentioned. The hearing for day two tonight will consist of
18 the following topics; balconies and gross floor area, GFA,
19 Subtitle B-304, balconies and lot occupancy, Subtitle B-312,
20 ground level decks and lot occupancy, Subtitle B-312, and 30 foot
21 lot frontage from for subdivisions for apartments, Subtitle C-
22 303.

23 Written testimony may be submitted at the time prior
24 to the close of the record. Witnesses at tonight's hearing must
25 limit their testimony to the specific text amendments under the

1 consideration for this evening, and all persons planning to
2 testify -- okay, then I will go ahead. The hearing will be
3 conducted in accordance with provisions of 11 DCMR Chapter 5 as
4 follows: preliminary matters, presentation tonight by the Office
5 of Planning, report of other government agencies, report of the
6 ANC, this is citywide. Then we have testimony by organizations
7 and individuals, organizations five minutes, individuals three
8 minutes respectively, and we'll hear from those in support,
9 opposition, undeclared. While the Commission reserves the right
10 to change the time limits for presentations if necessary, it
11 intends to adhere to the time limits as strictly as possible, no
12 single time shall be (indiscernible).

13 Ms. Schellin, do we have any -- I have a preliminary
14 matter. Let me see if I can find it. But, Ms. Schellin, do we
15 have a preliminary matters?

16 MS. SCHELLIN: I was just going to briefly give you an
17 update on the reports that have been received since you already
18 went through the subject matter of this evening's topics. The
19 OP hearing report at Exhibit 15 was updated at Exhibit 82, and
20 if there were any changes since the setdown, OP noted those. And
21 in this case for tonight, there were no changes made to any of
22 the provisions up for consideration. And then at Exhibit 10, you
23 guys have the ANC 5F report for consideration. They are in
24 support of the Amendments 5 through 8. ANC 5E at Exhibits 83
25 and 83A are in support also of this evening's topics.

1 You had Exhibit 75 from ANC 3/4G who had asked for
2 postponement. You guys already dealt with that. ANC 6C has
3 provided a report also, and they support the proposed text
4 amendments for this evening. However, they have made some,
5 recommendations for two out of the three, and I'm sure that Mr.
6 Eckenwiler will present those. Then DDOT at Exhibit 16 has no
7 objection. And Exhibit 17, the Office of the Attorney General
8 provided support for topics 5, 6, and 8.

9 And I will turn it back over to you, Chairman Hood.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 I think I have satisfied my preliminary matter, but I'm
12 going to ask Mr. Ritting to -- I didn't see it if it was sent to
13 me. Anyway, we're good, Mr. Ritting. Don't worry about it. I'm
14 going to ask the Office --

15 MR. RITTING: I'm sorry. I forgot to send it to you.

16 CHAIRPERSON HOOD: Don't worry about it. I'll deal
17 with it later. We'll deal with it later. I'm going to ask the
18 Office of Planning if they will come up and they can get started.

19 MR. LAWSON: There we go. Good evening, Mr. Chair,
20 members of the Commission and members of the public. Sorry. My
21 computer cut out just as you were speaking, but I think I'm back,
22 if you can hear me. So I'll proceed forward with my presentation.
23 If we can go to the presentation, Mr. Young, please. Great.
24 Thank you.

25 So once again, good afternoon or good evening. Joel

1 Lawson. I'm the Associate Director For Development Review here
2 at the D.C. Office of Planning. And as you mentioned, Mr. Chair,
3 we're here for the second of six hearings on the omnibus text
4 amendment case. I'm going to be going through a bit of an
5 introduction, which I've provided at the first presentation
6 because this hearing is broken up into multiple evenings and
7 different people may attend these different hearings, I think
8 it's important to make sure that people understand kind of where
9 we're coming from on this, but I will be very brief in my remarks.
10 However, the full, like I said, the full presentation will be
11 available on the Office of Zoning website. So next slide, please.

12 This slide simply provides the timeline to date. The
13 public portion began in June with ANC open house sessions and
14 continues through to the hearing tonight. Next slide, please.

15 This slide kind of highlights the objectives, what was
16 trying to be achieved through this omnibus text amendment. It's
17 intended to address comprehensive plan policy and objectives,
18 particularly ones to help address housing policy and equity
19 issues. It's intended to remove unnecessary barriers to housing,
20 including the provisions and processes for providing inclusionary
21 zoning units in all parts of D.C. It's intended to add clarity
22 to the zoning regulations, remove redundancies, and add
23 consistency of language to make it easier for residents and
24 designers to use, and also for staff to interpret and administer
25 consistent with their intent.

1 They're intended to ease administrative burdens, both
2 for homeowners and for property owners, as well as for the BZA,
3 the ANCs, and staff. You would do this by removing unnecessary
4 hurdles. This can decrease the considerable time and expense
5 that the approval process can take for homeowners. And finally,
6 it's intended to update the 2016 zoning regulations to current
7 regulations, standards, and practices within the City.

8 One of the things we tried to do, and I like to
9 emphasize this a little bit, is we tried to balance the desire
10 to protect neighborhood and community character with the needs
11 and aspirations of property owners, and with the needs and wishes
12 of homeowners to modernize their houses to current standards, or
13 update them to reflect changing housing needs, whether that be a
14 growing family, or aging in place, or intergenerational family
15 living so that our residents can remain within the community. As
16 the Office of Planning, we, of course, also try to consider
17 potential future residents of the City. Are we providing an
18 inviting and accessible opportunity for them as well? Next slide,
19 please.

20 As noted on this slide, the various amendments were
21 proposed by various different sources, including by the Zoning
22 Commission and BZA members yourselves, as well as from different
23 organizations, individuals, different agencies within the
24 District, architects and designers certainly, as well as
25 homeowners and members of the community providing comments often

1 through the review of BZA cases. Next slide.

2 As with any Zoning Commission case, the proposals in
3 this omnibus text amendment case must be considered not
4 inconsistent with the comprehensive plan, including when viewed
5 through a racial equity lens. The OP setdown report and the
6 hearing reports provides us analysis in some detail. The
7 proposals that we are bringing forward through this amendment do
8 not include any rezonings of property or substantial changes to
9 permitted use, height, or density beyond what is anticipated by
10 the existing zoning. While any one amendment could have a
11 significant impact on a particular proposal for an individual
12 homeowner, either in terms of regulation or in process, these are
13 not considered major moves.

14 They would address barriers to the provision of
15 housing, including the provision of affordable housing units
16 consistent with the IZ program and they would also reduce some
17 impediments to create a building design, the provision of outdoor
18 space valued by residents of all neighborhoods, and the provision
19 of services throughout the City. Finally, they would provide
20 additional clarity to aspects of the regulations and remove
21 unnecessary procedural hurdles for residents and property owners
22 in all parts of D.C. Next slide.

23 I'm not going to go through this in any detail, but the
24 OP report does discuss how the proposal would further specific
25 policy objectives of many of the area-wide elements, citywide

1 elements of the comprehensive plan. The proposals do not target
2 generally any specific part of the City or address any area
3 specific comp plan area element policy objectives or specific
4 guidance from approved smaller plans for individual
5 neighborhoods. Next slide.

6 With respect to review the comprehensive plan policy
7 through a racial equity lens, it is difficult to determine the
8 potential impacts of a series of discrete text amendments, which
9 do not significantly impact use or building type or form. In
10 general, they should not result in direct or indirect
11 displacement of residents or businesses, and in some cases may
12 make it easier for existing residents and property owners to use
13 or update their property in a way that is both consistent with
14 policy, consistent with the intent of the zoning, and consistent
15 with their desires to stay in their neighborhood. Additional
16 clarity and certainty to regulations will also be a benefit to
17 all residents of the City.

18 In summary, we do not anticipate that the proposal is
19 going to have a significant impact on the overall demographics
20 in the City or of any particular neighborhood or neighborhood
21 type. Overall, they should have some positive impact on equity
22 throughout the city. Next slide.

23 As I noted earlier, these proposals include ones that
24 respond to suggestions and comments made by multiple sources,
25 including members of the community, the ANCs, residents, business

1 groups, and individuals, often made through past BZA and Zoning
2 Commission cases. On June 24th and 26th, OP held virtual open
3 house meetings for all ANC members intended to provide advanced
4 awareness of the proposed text amendments to solicit early
5 feedback and to answer questions about the issues in the proposed
6 zoning. OP actually amended the proposal, as we discussed in our
7 set down report, based on discussions from those meetings. Some
8 ANCs subsequently contacted OP with an invitation to discuss the
9 proposals at a meeting of theirs, which OP accepted, or to discuss
10 specific proposals, you know, on the phone or in email.

11 OP held two additional ANC virtual open houses on
12 October 7, 2025. Again, a video of the meeting was posted on
13 the OP website along with the OP presentation to the ANCs. Since
14 then, there have been additional discussions with members of the
15 public and individual ANCs. At the time the OP hearing report
16 was drafted, some public comments had been added to the record
17 and OP tried to address those comments in the hearing report and
18 again, in a few cases recommended adjustments and additional
19 amendments based on those comments.

20 And subsequent to the hearing report being filed, there
21 have been additional discussions with members of the public and
22 ANCs right up to literally this afternoon with a meeting with one
23 of the ANCs in Ward 3. The record includes comments of support
24 from DDOT and OAG. Many public comments have been filed in
25 support, particularly the housing-related proposed changes, but

1 of others as well. Other comments offer support, opposition
2 and/or suggestions for changes to specific proposals. In some
3 cases, we'll try to note our response in our verbal testimony
4 tonight. Next slide, please.

5 So for the remainder of this presentation, I'll provide
6 a very quick overview of the four proposed text amendments on the
7 agenda tonight. The OP report once again provides additional
8 analysis for each of these proposals, including more information
9 on their origin, intent, potential or intended impact,
10 illustrations and analysis of past BZA cases where appropriate.
11 The report also notes other proposed technical or corrective
12 changes to regulations otherwise being amended such as reordering
13 or correcting references, which I typically will not address in
14 this verbal presentation. For those who have not read the report,
15 it is a real page turner, so we would recommend doing so to fully
16 understand each of the proposals. Next slide.

17 So the first proposal deals with balconies and how and
18 when an open balcony counts towards floor area ratio. This is
19 usually done through it being counted as part of the gross floor
20 area for the building. Under the current regulations, open
21 balconies inset in from the front facade of the building counts
22 toward FAR, and ones that extend out from the facade count if
23 they are more than six feet in depth. This serves as a very real
24 disincentive to their provision.

25 Balconies, especially result in less FAR square footage

1 available to be enclosed construction, so their provision
2 literally reduces the number of dwelling units or the number of
3 units of where those balconies are provided. Balconies can also
4 add expense to construction, so penalizing them in this way is
5 like a double blow. I'm not sure I could count the number of
6 times that the Zoning Commission and staff have tried to convince
7 applicants to provide more balconies, to provide amenity to
8 residents and provide greater building articulation, or the
9 number of times the Commission members have asked OP to provide
10 language to remove these disincentives to their provision. So
11 we are very happy to finally bring this one forward. Next slide.

12 Our proposal is pretty simple and direct, and that is
13 to exempt balconies whether inset in from or extending out from
14 the facade by 8 feet or less from gross floor area and therefore
15 FAR. OP has not proposed any substantive changes since setdown.
16 At setdown, we have made changes to address comments from some
17 ANC Commissioners and those remain in the proposed text. And
18 once again, the policy direction for this one is to clarify the
19 regulations, add certainty, promote ease of use and
20 administration, but mostly to remove disincentives to their
21 provision. Next slide.

22 With regard to lot occupancy, the second proposal deals
23 with what is likely to be the larger impediment right now to the
24 provision of balconies that extend out from the facade, and that's
25 that they count towards a lot occupancy for the building. For

1 residential buildings, a lot occupancy is typically limited to
2 somewhere between 60 and 80 percent of the lot area depending on
3 the zone. So this is less of a concern for non-residential
4 buildings, which tend to have a higher permitted lot occupancy,
5 or no lot occupancy limited at all in the mixed use zones. Again,
6 we're bringing this amendment forward as a long standing request
7 of the Zoning Commission to do so. As noted above, balconies
8 not only provide amenity to residents, but also add texture and
9 articulation to buildings and can contribute -- in a best case
10 scenario, can contribute to a sense of streetscape safety through
11 eyes on the street. Next slide.

12 Accordingly, OP is proposing to exempt open balconies
13 from lot occupancy, again, to a maximum depth of 8 feet from the
14 facade. This was chosen to match the provision related to FAR
15 and to make the regulations consistent and administration of the
16 provisions easier and further it comp plan policy and direction
17 to do so where possible.

18 With regards to community comments for the balcony
19 floor area ratio and lot occupancy proposals, there are comments
20 in support of this change from ANCs 5E and 5F, noting that the
21 regulations should not discourage balconies as they currently do
22 as they are an amenity to residents. There are also comments in
23 support from three of the land use firms. ANC 2C indicates
24 support for exempting inset balconies from FAR, but concerns
25 about applying the proposed exemption, particularly in the RF

1 zone, as the lots are smaller and tighter to each other. We
2 believe that the ANC means this to apply to both GFA as well as
3 lot occupancy. GFA, of course, right now, a balcony is already
4 exempt up to 6 feet, but we're proposing to change that to 8 feet
5 and that change was suggested by a different ANC, and which we
6 incorporated into our earlier reports.

7 There was also opposition from the Committee of 100.
8 I am looking forward to their testimony tonight during which they
9 might explain their position that the proposal would somehow
10 reduce IZ units in buildings. Our analysis shows just the
11 opposite. That by not including balconies in FAR, additional
12 square footage could be devoted to the provision of enclosed
13 space, which could include inclusionary units. This potentially
14 could result actually in more units in the building or larger
15 sized units for larger sized families.

16 The Committee of 100 also rightly points out that OP
17 staff are not architects, and they say that we should not be
18 designing buildings. OP is not designing buildings through this
19 provision. Zoning does not and cannot do that. Rather, the
20 intent is simply to remove an impediment to design by those who
21 do design buildings. If we follow through on that logic, there
22 would be virtually no zoning regulations at all since most zoning
23 regulations in some way impact building form and design. So no
24 height limits, no step setbacks, no step backs, no lot occupancy,
25 no ground floor activation standards, et cetera.

1 I'd also note that the feedback we've received from
2 actual real live working designers has been enthusiastically
3 supportive of this provision. It's also supported by the ANCs
4 that have provided comments and the proposed regulations would
5 continue to not require balconies. So we're not requiring that
6 the developer provide balconies on their building. We're just
7 proposing to remove impediments to their provision. So it
8 provides additional flexibility to designers if their clients
9 wish them to include them. Next slide.

10 The third proposal addresses ground floor decks and lot
11 occupancy. I'm sure I can hear members saying finally. Lot
12 occupancy is the amount of property covered with buildings and
13 structures. Generally, building elements that count towards
14 building area count towards a lot occupancy, although the
15 regulations do include a number of exemptions. Under the ZR58
16 regulations, any deck serving the main or ground floor of the
17 house, no matter how high that main or ground floor was above
18 the grade, did not count towards lot occupancy. It was exempt.
19 No limit on the size of this kind of deck.

20 In the ZR16 regulations, this was changed. Decks less
21 than 4 feet above grade at any point still do not contribute
22 towards lot occupancy, but a deck that is more than 4 feet above
23 grade does. This has led to many BZA cases for decks off the
24 main level of the house, as well as calls from both BZA and Zoning
25 Commission members, as well as from some owners and ANCs to

1 address this. As shown in -- oh, sorry. Next slide.

2 As shown in this slide, it may not result in
3 difficulties for owners of lots that are relatively flat and with
4 the main floor level close to grade level. But it's proven to
5 be a large issue on lots with even a smaller normal amount of
6 slope, particularly on smaller lots where area variance relief
7 could be required for a deck even when the deck would be small
8 and many other properties on the street already have existing
9 decks. Next slide.

10 To rectify this, OP is proposing another simple remedy,
11 exempt up to 200 square feet of deck space from lot occupancy
12 limits. This would particularly benefit owners of smaller lots
13 who want to provide this kind of reasonable amenity space on
14 their house. It would also, as noted above, particularly benefit
15 owners of sloping lots, and one where the rear yard is already
16 devoted to meeting parking requirements, providing outdoor space
17 in a situation like that without requiring the loss of the on-
18 site parking space. The Board has seen, like I said, many cases
19 like this.

20 As discussed in the report, we chose 200 square feet
21 as it seemed consistent with what many homeowners have requested
22 as part of BZA cases and should eliminate the majority of the
23 cases that homeowners have had to file. Any deck area more than
24 200 square feet would count towards lot occupancy, so proposals
25 would continue to be more restrictive than the ZR58 regulations.

1 Covered decks would also continue to count towards a lot
2 occupancy. OP is also proposing an additional modification to
3 address accessibility, kind of a minor change, but I want to
4 point it out, by adding outdoor lifts to increase ADA
5 accessibility to the list of items not included in building area
6 and therefore lot occupancy. Access ramps are already excluded
7 from this population. Once again, comments from ANC's 5E and 5F
8 are in support. The three law firms are also generally in support
9 with the recommendation that decks also be exempted from rear
10 yard and lot occupancy provisions. OP does not concur with that
11 change and is not proposing that change.

12 The Committee of 100 is again in opposition, indicating
13 the proposal would impact biodiversity and impact affordability.
14 A resident of Burleith also indicated opposition, noting
15 potential impacts on privacy as these decks could be located
16 above grade on sloping lots. And 2C has provided comments again,
17 interesting comments. They propose the limitations on the ground
18 floor deck exemption to reduce the exemption to 150 square feet,
19 provide a depth out from the building facade, and/or address
20 stair landings.

21 Once again, OP chose the 200 square foot exemption
22 based on our analysis of BZA cases as 200 square feet would seem
23 to address many of the cases that went to the BZA. Of those,
24 all but two variance cases were approved, mostly with OP and ANC
25 support. We've heard repeatedly in these cases that homeowners

1 and the vast majority of these cases were from homeowners, not
2 from developers, and that they desire this amenity as part of the
3 house often because many other people on their block already had
4 such decks. However, OP does think that the ANC raises some
5 interesting ideas, and we can take another look at this provision
6 to see if there are additional clarifications or modifications
7 that would make sense. And next slide, please.

8 The third, I think this -- oh, sorry. The final item
9 on the agenda tonight, sorry, is a little bit different in that
10 it does not deal with decks or balconies, but a rather unique
11 provision. It's a provision that applies to any RF and RA zone
12 which are common throughout D.C., and it's triggered only for a
13 new property subdivision or a new multifamily building, and it
14 provides a lot frontage requirement when that happens.

15 Lot frontage is the length of the property line along
16 the street. As shown in the diagram for a square rectangular
17 lot, lot width and lot frontage would be the same. But for an
18 irregular lot, because of the way that we calculate these things,
19 such as one where the side yards are not parallel, these two
20 measurements could be different. This provision actually was
21 carried forward with similar language from ZR58. OP is not
22 proposing to remove this requirement, but is proposing changes
23 to clarify where it's appropriate to be applied in the RF and RA
24 zones. And next slide, please.

25 So as I said, the proposal is to retain the requirement,

1 but to clarify where it would be applied so that it would not be
2 applied to the conversion of a long standing tax lot, one created
3 prior to the adoption of ZR58 to a record lot, or to a lot where
4 the existing building is being converted to a multifamily
5 building as anticipated in the RF zones. OP is also proposing
6 to add special exception relief provisions for cases where relief
7 may still be required. OP is not proposing to change the minimum
8 lot frontage requirement in the R zones for a one family dwelling,
9 which is currently 40 percent of the required lot width, but no
10 less than 14 feet. OP is also not proposing to amend the minimum
11 requirements for a lot width in any zone.

12 As for public comments on this one, ANCs 5E and F
13 indicated support as a way to reduce procedural burdens for the
14 provision of infill development. One recommended removal of this
15 requirement all together, which OP at this time could not support.
16 ANC 2C is in opposition, noting concerns about lots that could
17 be created, such as flag lots, and I look forward to their
18 testimony tonight. The intent of this provision is to not
19 unnecessarily disincentivize infill development, consistent with
20 comp plan policy. OP feels that proposed changes are consistent
21 with the comp plan and with the intent of the zones to allow new
22 multifamily buildings within them. Next slide.

23 And that's it for me for this time. Just a final
24 reminder of the four topics before the Zoning Commission tonight.
25 In summary, OP recommends these amendments as being consistent

1 with and furthering District policies outlined above and in more
2 detail in the OP reports.

3 Thank you. And I'm available for questions.

4 CHAIRPERSON HOOD: Thank you, Mr. Lawson. We
5 appreciate the succinctness and the format and the way that we're
6 moving from an organized process. So thank you and Office of
7 Planning for that.

8 Let me ask Mr. Ritting to come up. There's been some
9 changes and things that we asked for from our first meeting. I'm
10 going to ask Mr. Ritting to speak upon it, and we're doing this
11 because of staffing issues and some other things that we have
12 going on. Mr. Ritting?

13 MR. RITTING: Thank you, Mr. Hood.

14 After the hearing for the first night, Mr. Hood asked
15 me, and I consulted with Mr. Lawson, about what the sort of
16 procedural steps forward would be and we came up with a suggestion
17 which is the Commission consider proposed action on all of the
18 items at the public meeting on November 20th and that in
19 preparation for that decision and deliberation, the Office of
20 Zoning Legal Division will prepare a summary of the testimony and
21 the opposition points so you can consider them all in one place
22 and deliberate on them on the 20th.

23 And I also wanted to mention that that was in response
24 partially to Mr. Miller's request that the Office of Planning
25 prepare a decision matrix, and I think because of the schedule,

1 there just really isn't enough time for OP to do that. So this
2 is the alternative that we came up with.

3 Thank you.

4 CHAIRPERSON HOOD: All right. Commissioners, there's
5 three of us. Any issues with that format?

6 VICE CHAIRPERSON MILLER: I appreciate that procedure
7 going forward and OZLD providing that kind of a matrix, which I
8 think would be helpful and hopefully we can make that. I know
9 usually OZLD's comments to us are confidential attorney/client
10 privilege, but it might be helpful to have that as a public
11 document. We'll see what kind of information and advice to their
12 client is in that information. But I think it would be a helpful
13 document, not only for us, but for the public to have.

14 And so, thank you. Thank you, Chairman Hood, for
15 confirming with OZLD and coming up with that procedure.

16 CHAIRPERSON HOOD: So the thing about it though, Vice
17 Chair, if we had asked OP and others to do it, we wouldn't have
18 had that in a timely fashion. We probably might not gotten it
19 this year. So nothing against OP. They got their and, you know,
20 they're making changes. So with all that, we wanted to be
21 considered.

22 And also, I think for, I'm more concerned about our
23 discussion purposes as we move forward. But we'll see how things
24 go, and we'll just go from there. I don't know. I can tell you.
25 I want it discussed now. We're discussing now, but I want to

1 discuss about making the client/attorney stuff public because
2 there's no decisions in that. The public will hear the decisions
3 from us. So we can have that discussion and as far as putting
4 that in, we can discuss that. I can tell you right now, I have
5 some problems with that because if we start that, we'll start
6 doing that all the time. The public will know what the Zoning
7 Commission says because we will deliberate in public and they'll
8 be able to see what we end up with, contrary to what's given to
9 us. So with that, those are my comments on that.

10 Commissioner Wright, you have anything you want to add
11 or you're good?

12 COMMISSIONER WRIGHT: No. I mean, I think that is a
13 good (audio interference). I have to admit I am feeling a little
14 overwhelmed with the amount of zoning changes that we're going
15 to be considering and the fact that right after we take up a
16 decision on this omnibus, we immediately moved into the zoning
17 changes in Cleveland Park on Connecticut Avenue and in Friendship
18 Heights on Wisconsin Avenue.

19 So I have to admit, I'm feeling a little overwhelmed,
20 but, you know, we'll just take as much time as we need, I think,
21 to make the decisions. You know, I think it's important that we
22 are doing what we're doing and spreading this out over six
23 meetings, hearing from people, getting lots of testimony, trying
24 to absorb all of that and, you know, I just want to say, you
25 know, I think it may take me a little time to wrap my head around

1 things. So again, if the idea is we're going to take action on
2 everything on November 20th, I hope that will happen. I hope
3 that we're at a point where we feel ready to do that, but you
4 know, we shall see.

5 CHAIRPERSON HOOD: Thank you. But let me assure you,
6 Commissioner Wright, if I could predict the future, I would get
7 off this hearing right now and go down there and play as much
8 money as I had and play the number. So I never know what's going
9 to happen. It's not predictable. I know that we're saying the
10 20th, but that usually doesn't happen. You're right. There's a
11 lot of stuff we may have tweak it just like we did this six
12 nights. It took a while to get there. I'm not as far advanced
13 as you are as far as already looking at Cleveland Park and
14 whatever we're doing up there. I'm just trying to get through
15 this, but I get it. When we get, as we get closer to it, we may
16 make some changes. We can always do that. So I want to rest
17 assure, I want to make sure we're confident. There's only three
18 of us. We want to make sure we have a confident level as we vote
19 on stuff for the best interest of the City. So that's what I'm
20 looking at.

21 I'm going to now turn over to Vice Chair Miller to
22 start off with questions.

23 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
24 thank you, Joel Lawson, for that very comprehensive presentation,
25 and thank you for all of your community, your outreach. I know

1 you've had a long day and I think you've responded, I think it
2 was ANC 3/4G that wrote to you and us asking for your briefing
3 of them on the entire thing, and I guess you did that today based
4 upon what you referenced. You didn't say which ANC it was, but
5 I assume it might have been them. I didn't attend it. But so
6 thank you for all of your outreach to the community and
7 responsiveness to the community and to us.

8 And as you anticipated on these particular at least
9 three of the four amendments, balconies and decks, yes, I would
10 say, finally, thank you for bringing this forward. The number
11 of cases that I've sat on at BZA where homeowners are just, where
12 there's not a problem with what's being proposed, but they have
13 to go through this six-month process, sometimes hiring lawyers
14 and just to put a deck on their house, open deck. We're talking
15 about open decks. And so I think that's what drives people crazy
16 about zoning and regulatory processes. And if we can remove that
17 impediment, in addition to all the benefits of removing that
18 impediment, the outdoor amenity that's providing to the growing
19 families who are in these houses and the disincentive on the
20 balconies to the additional FAR and lot occupancy that creates
21 smaller units or just it's too expensive to do because they lose
22 that FAR and lot occupancy in the unit.

23 And so yes, I've been calling for that exemption on the
24 balconies for a long time. It's really, I don't think it's
25 creating an incentive, it's removing a disincentive that

1 currently exists and has existed in the zoning regulations, and
2 I appreciate you bringing it forward in this omnibus as part of
3 the omnibus text amendments.

4 On the comment that you're responding to from the
5 Committee of 100 and maybe others that would, I think you
6 appropriately responded that they were concerned that it was
7 reducing the GFA, the growth floor area, which is what
8 inclusionary zoning units are based on because the GFA of the
9 balcony of a larger balcony, if it's 8 rather than 6 feet is the
10 outside balcony or inside balcony wouldn't be included. So they
11 were concerned that there would be less inclusionary units. I
12 think you addressed that appropriately by saying, no, they now
13 can do more interior space. And I really actually, I had not
14 realized that until you said that. I mean, I realized that there
15 could be more interior space, but I didn't realize that it then
16 had that effect on the relationship with inclusionary zoning.

17 But so I was going to suggest, but I don't think it's
18 necessary based on your response, that the exemption to GFA and
19 the GFA not applied to inclusionary zoning. I don't know if
20 that's worth still considering based on the fact that there will
21 be more GFA in the -- or incentive to have more GFA interior.
22 But if you have a reaction, that was what I was thinking when I
23 read Committee of 100 before I heard your response to the
24 Committee of 100 on that affordable housing issue.

25 Do you think, is there any, I don't want to create

1 another disincentive to balconies, but is there any complication
2 or reaction to if we exempted -- did the exemption that you're
3 proposing, but not as it applies to the GFA for inclusionary
4 zoning? Is there any value to that, or is it not necessary? I
5 don't think it's necessary based on what you said. I hadn't
6 thought about it.

7 MR. LAWSON: Yes. I hadn't thought about your specific
8 question either. I think my off-the-cuff comment would be that
9 I don't think so. I think we have to remember that the existing
10 regulations are sufficient disincentive that people just don't
11 do that. You know, it's not like people are putting in inset
12 balconies that count, you know, and now they wouldn't count.
13 They're just not doing it, right? So it's not like we're swapping
14 one thing out for another. We're just losing enclosed square
15 footage. I think by allowing people to do the enclosed square
16 footage that the regulations anticipate, that would allow for
17 more square footage within the building, like I said, which would
18 contribute towards a higher amount of square footage through the
19 IZ program. And whether that would be enough to result in
20 additional units or whether that would be enough to result in
21 some larger sized units, I don't know. It would depend on the
22 building and the size of the building. But I think that by
23 removing this disincentive by exempting them, we're doing kind
24 of exactly what you're saying that we maybe should be thinking
25 about doing. And so I don't think that I would be proposing

1 amendments to the IZ program related to this.

2 VICE CHAIRPERSON MILLER: Well, thank you for that
3 response. I think I agree with that. I do agree.

4 On the balconies, when we've had those cases it's
5 mostly been, as I recall, on the balconies, not the decks,
6 multifamily buildings, apartment buildings, condominium
7 buildings that are multi-story. I really hadn't been thinking
8 about balconies on single-family houses or rowhouses and I think
9 there's one ANC who's going to, may be here tonight who's saying
10 it applies to RF zones and it should not apply to RF zones. I
11 don't know. Does it apply current -- does your proposal currently
12 apply to RF, to all R zones? I think it does, right?

13 MR. LAWSON: Yes. The proposal as it's currently
14 drafted is a broad one. It's in the basic provisions of the
15 regulation, so it applies broadly. It's not in the individual
16 zone chapters and we did that on purpose because we thought that
17 it should be consistent throughout the regulations, that we found
18 that -- we thought that would be fairer, and we thought that that
19 would also be much easier over time to administer by Department
20 of Buildings if it was consistent across zones.

21 I did read those comments really closely, and those are
22 the ones I thought there might be some merit to looking at how
23 this relates to the lower density zones. I thought, and again,
24 I think it'll be interesting to hear the Commissioner of (audio
25 interference). I haven't looked, but I'm sure he's here. Hear

1 his testimony because I think that we'd be interested in hearing
2 that and maybe taking a second look at how they would apply in
3 these low density zones.

4 VICE CHAIRPERSON MILLER: Yes. I appreciate that and
5 I think it is worth a second look for the RF zones. I happen to
6 be in an interior lot that is adjacent to seven other properties,
7 including a District of Columbia property. But one of those
8 single-family homes has a balcony. It's not a, I mean, the
9 single-family lot size is so large that we can hardly see the
10 balcony. You wouldn't even necessarily know that it was a
11 balcony. Anyway, that's just a non-record observation of my own
12 personal experience with a adjacent neighbor with a balcony.

13 MR. LAWSON: Well, and I think just to get to that
14 point, there is also a difference between RF and R and the R --

15 VICE CHAIRPERSON MILLER: Right. So I think the RF,
16 it might, but with the second look, but I don't know about the
17 lower density where the lot is so large that it's so far away
18 from the façade -- I mean, the facade is so far away from the
19 side yard or rear yard.

20 MR. LAWSON: Right. I was thinking more in terms of
21 use. Because the RF allows it flat, you know, an upper level
22 balcony could be the principal balcony for that unit, the
23 principal outdoor space. Typically on houses, an upper level
24 balcony is off a bedroom or off kind of a space that doesn't
25 generate as much activity. And so you know, again, we're happy

1 to take a look at that. Like I said, I think there's some merit
2 in there, and I'm looking forward to hearing the the
3 Commissioners' comments tonight. But this is very off the top
4 of my head, but that's kind of what I'm thinking right now.

5 VICE CHAIRPERSON MILLER: Right. Thank you. And I'm
6 looking forward to hearing all public comments as well. But I,
7 and my interest in the balcony issue was primarily generated from
8 all the cases that had multifamily buildings. I don't remember
9 really any within RF zones or Rs or lower, even lower single-
10 family zones but on the decks, though, so I'll give you another
11 personal experience. I hope I'm not violating rules, Mr.
12 Chairman, by bringing my own. We all bring our own personal
13 experiences in addition to the record and to our evaluation of
14 cases.

15 I happen to live in a block that is topographically
16 loses a lot. It has a lot of slope from the street to the end
17 of our backyard which is adjacent to a D.C. Recreation Department
18 playground. I think I could be 50, 60 feet. I mean, it's a
19 slope. So our deck that we put on was way above 4 feet, but it
20 was on the ground. When you entered the front door, basically,
21 it was on that level. But when you got to the back of the house,
22 it was above 4 feet. So it didn't affect our -- when we did the
23 deck, it didn't affect the lot occupancy. But we have a very
24 narrow but very long lot, so it wasn't an issue, but it had to
25 be evaluated as part of the evaluation by our architect, or the

1 contractor, or whether we were compliant with zoning regulations.
2 It's another thing that we put in front of homeowners when they
3 just want to put a deck on the back of their house.

4 So I appreciate you bringing it forward. I don't have
5 any -- I appreciate all the work you've done on the case generally
6 and on these specific amendments. I need to think a little bit
7 more about the whole frontage lot thing. I know we've heard --
8 I think there have been a good number of requests for exemptions
9 there as well, but I'm not sure I fully understand all the
10 ramifications there. I think it's a limited frontage exemption
11 that you're providing as you presented it tonight, which I think
12 may have been lost on some of the public comments that we got.
13 But I don't know if you have a reaction to some of the public
14 comments on the frontage, 30-foot frontage exemption situation.

15 MR. LAWSON: I went over just a little bit in my
16 testimony and, again, kind of said that I think it'll be
17 interesting to hear the testimony. I think that there are some
18 instances where it has been a real problem. One of them being
19 RF zones where the zoning anticipates conversions to multifamily
20 buildings, but the lots don't always provide that requirement,
21 that converting a tax lot to a record lot is considered a
22 subdivision. So relief is needed even though the building's
23 existing, even though whether they're proposing additions or not,
24 if they're converting from a tax lot to a record lot, that's
25 considered a subdivision.

1 I kind of, and I should let the ANC Commissioner speak
2 for himself, but I think that the concerns they have may be
3 broader than this, but some of the concerns seem to focus on
4 consolidation of lots, the ability, which is also a subdivision,
5 oddly enough. So when you combine lots, that's considered a
6 subdivision, which would trigger this requirement, even if you're
7 combining lots together, making them bigger. But I think I'll
8 just leave it at that at this point, but happy to provide more
9 comments later if that's appropriate.

10 VICE CHAIRPERSON MILLER: Okay. Thank you. I
11 appreciate that response. That's it, Mr. Chairman. I don't have
12 any more more questions at at this time. I'm sorry I took up so
13 much time. I look forward to hearing from Commissioner Wright.

14 CHAIRPERSON HOOD: Right, sure. I think that was very
15 good. I was listening. I'm sure the public was, and I already
16 listened when I make those live experiences that we, what I listen
17 for and even when I say, I make sure I always let people know, I
18 did get my permits and you said that. So good. Thank you very
19 much. We're going to lead by example. Okay.

20 Commissioner Wright?

21 COMMISSIONER WRIGHT: Yes. A lot of the questions that
22 Vice Chair Miller had were similar to some of the things that I
23 had questions about, and I do think it is probably important to
24 hear the rest of the testimony before we delve into some of these
25 issues.

1 I would say one of the things that I am concerned about
2 from the testimony from the ANC about the lot frontage is does
3 it actually increase the likelihood of having more flag lots?
4 Because I will share with you. I really have a thing against
5 flag lots. I am not a fan of flag lots. I think putting another
6 house in the backyard, you know, whole house in the backyard of
7 an existing house is not good planning. And so I wanted to more
8 fully understand, because from Mr. Lawson's presentation, it
9 really didn't seem like that was the goal or potentially would
10 be an issue. But I do want to understand if it could be an issue.

11 And I think that, again, before arriving tonight, I did
12 my own little bit of research from my old jurisdiction of
13 Montgomery County, and inset balconies are not counted as gross
14 floor area in Montgomery County. So this would be consistent.
15 And I think, again, every place is different, but I think
16 consistency is good because the same people who are building in
17 the District are also building in Montgomery County. If they
18 understand the rules are, you know, apply in one place, but also
19 apply in another place. I think that's -- you know, consistency
20 is a good thing. And so in terms of the inset balconies, I
21 certainly agree with consistency.

22 And I really take the point that Mr. Lawson said in
23 relation to the Committee of 100. Basically, right now, people
24 just aren't building the inset balconies because they -- and so
25 you aren't getting lots of extra IZ units because of inset

1 balconies. They're just not building the inset balconies. And
2 so, you know, in many ways, I think it would be sort of a bit of
3 a wash in terms of the number of IZ units provided. And I know
4 the Committee also talked about how balconies in general are more
5 expensive and raise the cost of units. But honestly, we don't
6 want people in the District, whether they're in a market rate or
7 an IZ unit to be in a square box that's a, you know, looks like
8 a barracks or something. We want people to have both IZ and
9 market rate, to have amenities, to have a little bit of outdoor
10 space.

11 It makes a huge difference when you're living in an
12 apartment to have a balcony where you can put a couple of chairs
13 or you know, have your morning coffee. And I think that it does
14 cost a little bit more money, but we aren't building Cabrini
15 Green here. We're talking about trying to create housing that
16 is actually, you know, really comfortable and lovely places to
17 live. And so I understand that concern saying, well, you know,
18 you're raising the cost of housing by requiring balconies, but
19 you're also raising the quality of housing and I think that's
20 something we don't want to lose sight of. So the, again, none
21 of those are really questions per se except the part about flag
22 lots, and we'll get to that, but just some reactions. And that's
23 it. Thank you.

24 CHAIRPERSON HOOD: Okay. Thank you. I don't think I
25 have any questions. I too want to hear from some of those who

1 have provided comments because I want to know where some of the
2 data is coming from. I can make a lot of assumptions about us
3 taking away affordable housing as increasing rents, but the
4 reality of it, that happens anyway without doing some of this.
5 And we want to really -- I think what the Office of Planning has
6 done and what has been done, this has been something over the
7 years, and I'm making a statement here when I look at these
8 changes.

9 I think the reason that we started doing this was to
10 try to have incentives and stop, as I think, Joel, you expounded
11 upon it very well when you said people know the rules, so they
12 just don't do it, you know, and that puts us at a stalemate. And
13 I don't know if I captured exactly right how you said it, but
14 it's been a minute since you said it so, hopefully, I got close
15 to it. But I think some of these amendments that we're doing in
16 this omnibus bill has been done over periods of time.

17 Now there may be a select few that may have some issues
18 and some may have, and I too agree with the RF. So there may be
19 a few that have some valid points that we need to revisit, and
20 I'm looking forward to hearing from the public. But a lot of
21 this stuff has been in the pipeline for years. We didn't just
22 start last week starting to make these changes. This has a track
23 record and that's the way I'm looking at. This is going to ease
24 the burden, make it better for people to do business in the city,
25 and accomplish some of the things that that have been impediments

1 as I already mentioned. So anyway, we can continue to have this
2 because I don't want get on a soapbox now. I'll wait until we
3 start deliberating. But let me see if there are any follow-up
4 questions. Not seeing any.

5 Ms. Schellin, can we go to the office -- Mr. Lawson,
6 thank you very much. We appreciate your presentation. Can we
7 go to the Office of Attorney General, please?

8 MS. SCHELLIN: I don't think they are on, but let's
9 check and see.

10 CHAIRPERSON HOOD: Yes, they are.

11 MS. SCHELLIN: There she is. I didn't see her signed
12 up for this evening, that's why. She's on.

13 CHAIRPERSON HOOD: All right. Ms. Wurst, you may begin.
14 You may begin.

15 MS. WURST: All right. So just to clarify, Mr. Young,
16 this presentation should be Exhibit 96 tonight. Perfect. All
17 right. Thank you.

18 So good evening, Chairman and members of the
19 Commission. My name is Noelle Wurst.

20 I am here again speaking on behalf of the Office of the
21 Attorney General for a second time throughout this series of
22 hearings. And I want to once more reiterate the two bases of
23 our support for the amendments that we will be discussing both
24 tonight and then in the future hearings of this series.

25 We're going to be speaking, you know, in support of

1 those amendments that we perceive to be especially supportive of
2 housing production, especially flexibility for affordable
3 housing, and also those amendments which reduce burdensome
4 regulations that impede housing, both of which achieve very
5 important competent goals and also promote, you know, as
6 Commissioner Wright was getting at earlier, the sense of
7 consistency for anyone from developers to the Commission to
8 landowners to residents. And next slide, please.

9 So tonight I'll be discussing briefly Amendments 4 and
10 5 read together, and also Amendment 7. Next, please.

11 All right. So Amendments 4 and 5 read together serve
12 to exempt both exterior and inset balconies from the calculations
13 of both GFA, sorry, of the calculations of a GFA up to a depth
14 of 8 feet and then, of course, exterior balconies from the
15 calculations of lot occupancy up to a depth of 8 feet. I've
16 provided a simplified and hypothetical diagram here showing the
17 difference between the current regulations under which all of
18 these interior and inset, or sorry, exterior and inset balconies
19 would end up being counted in GFA and law occupancy contrasted
20 with the proposed change which would, of course, exempt these.
21 This is quite a small hypothetical building here, but here we see
22 the amount of GFA that could be freed up as something ultimately
23 positive no matter the size of building. So in this case, that
24 could be extra square foot to make a couple of units larger. It
25 could provide for more accessible dimensions in the building

1 itself. And then, of course, on the scale of a much larger
2 multifamily building, that could possibly be a notable number of
3 new units entirely.

4 So OAG views these two amendments read together as
5 ultimately removing a disincentive to provide private outdoor
6 space in multifamily buildings, as OP put it very well earlier,
7 and also in facilitating an increase in the number or size of
8 dwelling units, regardless of the size of the building. And we'd
9 also like to note that some amount of cross-subsidization might
10 occur even if a building is able to provide either more market
11 rate units because of this freed up GFA, or additional units
12 featuring balconies that might collect higher rents. These can
13 be then used to cross-subsidize additional IZ units too in
14 addition to, of course, freeing up the GFA where it's used. So
15 we see this as a very positive development that's been quite in
16 the works for a while. So next, please.

17 As for the last amendment we'll cover tonight is
18 Amendment 7. And taking a careful read through, we detected that
19 in addition to having some positive impacts on the creation of
20 new apartment buildings, this could also effectively remove
21 current requirements on existing buildings to be converted to
22 apartments in the RF and RA zones and also for those existing
23 apartment buildings to be expanded, both of which would, as I
24 mentioned earlier, foster additional housing. Yes.

25 And touching on that second comp plan goal, of course,

1 this would eliminate an unnecessary and a bit, at times, confusing
2 burden on residential development on irregularly shaped lots.
3 And here I gave an example of a potential series of lots with a
4 bit of a L'Enfant plant structure. You're going to have a lot
5 of diagonals, a lot of rhombuses, if you will and OAG sees this
6 amendment as helping to keep these lots from going underutilized,
7 but also respecting the unique geometry of the District.

8 And that is the conclusion of, again, our very brief
9 testimony tonight. We will be returning three more times this
10 week, sorry, two more times, again, on Wednesday and Thursday.
11 But in the meantime, if you have any questions about these three
12 amendments and our stance on them, I would welcome them.

13 Thank you.

14 CHAIRPERSON HOOD: Thank you, Ms. Wurst.

15 I'm glad you corrected because when you said three more
16 times, you would have been here maybe by yourself. But thank
17 you all. We appreciate all the work that OAG is putting into
18 this as well and giving us advice and giving us testimony as
19 well. Let's see if have any questions for you.

20 Vice chair Miller?

21 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman. I
22 agree. It's good to see you again, Ms. Wurst, and we'll look
23 forward to seeing you again twice this week and in the future.
24 So I don't have any questions, but I appreciate all of your
25 comments, which I think I, again, agree with.

1 So thank you.

2 CHAIRPERSON HOOD: Okay. Commissioner Wright?

3 COMMISSIONER WRIGHT: Yes. No questions, but I think
4 that was a very good presentation and laid out a lot of the issues
5 very clearly. So I definitely appreciate that.

6 CHAIRPERSON HOOD: I do want to thank you again, Ms.
7 Wurst and we appreciate you. We'll see you those other two nights
8 and you come the third night we won't be here. But we'll see
9 you next week.

10 Thank you very much.

11 MS. WURST: Perhaps the next week, but thank you.

12 CHAIRPERSON HOOD: All right. Ms. Schellin, let's go
13 to ANCs like we did the other night. And Committee of 100, I
14 just want, I don't know who's representing the Committee, but I'm
15 waiting to get you because I have some questions for you. So
16 I'm chomping at the bit.

17 MS. SCHELLIN: The Committee of 100 is not signed up.

18 CHAIRPERSON HOOD: No. Let's go to --

19 MS. SCHELLIN: They're not signed up this evening.

20 CHAIRPERSON HOOD: They're not signed up?

21 MS. SCHELLIN: So for ANCs, I have, of course, Mark
22 Eckenwiler, and I have, Gwendolyn Lohse. Is she on? Let's see.
23 Mr. Young, do you see her, Ms. Lohse?

24 MR. YOUNG: She is not on.

25 MS. SCHELLIN: She is not on? Okay. And let's see.

1 That's it for ANCs.

2 CHAIRPERSON HOOD: Okay. Ms. Schellin, she has helped
3 me and Chairman Hill to pronounce it as [Lowe's], like the [Lows],
4 the department. She will tell you that in a minute. So I got
5 that, I got her name down pat, Ms. Lohse.

6 MS. SCHELLIN: Oh, I thought she said [Lous].

7 CHAIRPERSON HOOD: No. [Lows].

8 MS. SCHELLIN: [Lows].

9 CHAIRPERSON HOOD: And if I'm wrong I stand to be
10 corrected. Ms. Lohse. Okay.

11 MS. SCHELLIN: No problem.

12 CHAIRPERSON HOOD: All right. Let's go to Commissioner
13 Eckenwiler.

14 ANC COMMISSIONER ECKENWILER: Good evening, Mr.
15 Chairman, member of the Commission. Mark Eckeenwiler, Vice Chair
16 of ANC 6C here to present 6C's views. I will supplement with a
17 few personal observations. These were not things that the ANC
18 voted on, at least to the extent I have time. If Mr. Young can
19 pull up my slides. Thank you. Next slide, please.

20 So on the first point, with respect to inset balconies,
21 we support that. Because my time this evening is very short,
22 I'm not going to explain why. I'm happy to cover that in Q and
23 A, but I'd like to get to what I think are, for us, much more
24 important points. So next slide, please, Mr. Young.

25 So concerning exterior balconies, we recommend that RF

1 zones be excluded from this provision which would exclude those
2 exterior balconies up to 8 feet deep from building area and,
3 therefore, the computation of percentage of lot occupancy. As
4 someone said earlier this evening, I forget who it was, it might
5 even have been Mr. Lawson, those of us who live in rowhouse
6 neighborhoods live cheek by jowl and it's very, very different
7 having an exterior balcony. I'm not sure and I heard that earlier
8 colloquy on this, I don't know how much thought was given to the
9 potential implications of this in RF zones as opposed to MU or
10 RA, which is where I think this is more likely to present itself.
11 But we think it would raise significant privacy issues often
12 because floor levels are aligned.

13 So you've got this balcony that runs all the way over
14 to the lot line, and your next door neighbor's bedroom window
15 there is right next to where the balcony is and because the
16 balcony is 8 feet deep it would afford some views pretty far in
17 if there's no curtains or blinds.

18 And just to hammer on that point, if you look at OP's
19 hearing report, Exhibit 82 on page 21, this is not limited to
20 one balcony. You can have stacked balconies. So they have a
21 diagram showing this. So we think that would be highly
22 inappropriate in an RF zone and so our recommendation on this is
23 simply don't have this applicable in RF. Next slide, please.

24 Okay. On decks, and I want to say I think this was
25 sort of described somewhat inaccurately when these items were

1 broken out into different evenings, this is not about ground
2 level decks. This is about elevated decks and the proposed
3 inclusion of 200 square feet from building area. So we are not
4 wholly opposed to this, but we do recommend strongly that the
5 exclusion be scaled back to the smaller of 150 square feet or 8
6 feet or less from the rear facade.

7 So let me walk through briefly what some of the concerns
8 are here. First, as with balconies, this would implicate
9 substantial neighbor privacy issues. I think more importantly,
10 200 square feet is really, that's a party deck. That is a very,
11 very big deck. While I was listening to the earlier testimony,
12 I mentioned my living room. My living room, which can hold a
13 couple dozen people at the holidays is 20 by 10, and that's a
14 lot of space. So if the goal here is to create a safety valve
15 for people who want to have some measure of outdoor space, and
16 next slide.

17 Again, just as an example, my rear deck is almost
18 exactly 100 square feet, and without going into all the details,
19 you can see the bullet points here, you can do a lot. That is
20 plenty for a family to sit outdoors at dinner. That is plenty
21 for a couple to have a few friends over for dinner. 200 square
22 feet is, we think, way too much and so we would urge you to bring
23 this in, I would say, across the board that especially in RF
24 zones. Next slide, please.

25 Also, and this has been something of a bugbear for me

1 for a number of years. As you may know, the current definition
2 of building area excludes landings, and it's at B-312.4(e), but
3 that term is not defined anywhere and we have seen in quite a
4 number of cases that applicants are trying to smuggle in what are
5 really decks. They put the door off the rear at one side of the
6 house, and then the stairs are way over on the other side, and
7 there's a big long thing that's a deck, especially if you make
8 the doors French doors that swing out. Well, it needs to be 5
9 or 6 or however deep, and that's not a landing, we think.

10 So our recommendation here is and, Mr. Chairman, I
11 apologize once again. I'm over my five minutes. If it's okay
12 with you, if you'll indulge me, I'll keep going.

13 CHAIRPERSON HOOD: Yes. Commissioner Eckinwiler, keep
14 going. You're the only person right now, but just keep going
15 with your report. You're fine.

16 ANC COMMISSIONER ECKENWILER: Okay. All right. Thank
17 you very much.

18 So as I say, we have seen this repeatedly and,
19 unfortunately, you know, I think OP has, at at least in one case
20 that I'm recalling, was not particularly sympathetic to the
21 concern about this being an end around the lot of occupancy
22 restrictions. I mean, you know, a stairway landing that's 3 feet
23 by 3 feet, which I believe is what the Building Code requires,
24 that seems fine. That's not what we're talking about here.

25 And so our recommendation in addition to limiting the

1 overall size of the deck, 150 square feet or 8 feet back from
2 the rear facade, is that an applicant should not be able to double
3 deck. They should not be able to take advantage of both whatever
4 deck exclusion the Commission, you know, ultimately approves, and
5 the landing exclusion because that just means that the maximum
6 that you set is not really the maximum. You know, there's going
7 to be some funny business, I'll say. So I'll leave it at that.
8 Happy to elaborate more if you wish. Next slide, please.

9 All right. Thirty-foot frontage requirements for new
10 record lots. We are strongly opposed to this. Let me begin by
11 saying this is only about creating new record lots. This has no
12 bearing whatsoever. If someone owns a funny-shaped lot and they
13 want to convert, you know, a non-apartment residential building
14 or a non-residential building to an apartment house, assuming
15 they've got the requisite square footage, 900 square feet per
16 unit in RF zones, then this this doesn't come in. Nobody's
17 creating a new lot. This is about subdivision, and typically I
18 think that's going to mean the combination of two lots to create
19 a new lot.

20 So OP's proposal and with all respect to Mr. Lawson,
21 he sort of, I think, undersold this as a the modest change. This
22 is not a modest change. Right now, this requirement for the
23 creation of a new lot applies across all zones. So the first
24 change that's being made here is, and I find this kind of
25 extraordinary, it would only be made applicable in RF and RA

1 zones. It wouldn't apply in, you know, a downtown zone. It
2 wouldn't apply in an MU zone, which seems to me a little reverse.
3 But, you know, put that aside. So that's one significant cutback
4 here.

5 And then in addition to that, creates several
6 exceptions which effectively swallow the rule. And beyond that,
7 you know, even if something doesn't fall within one of those
8 exceptions, we now allow for special exception relief with no
9 enumerated criteria. It would just be the general special
10 exception criteria in Subtitle X as opposed to what's required
11 today in an area variance and, as you know, while an area variance
12 does have, there's a certain threshold, that is not as heavy a
13 lift as a use variance. And we are similarly opposed to the drop
14 down from the use variance to a special exception.

15 I do, you know, as we're looking at these exceptions,
16 what's curious to me about the first set of exceptions -- so this
17 is in, 303.4 proposed (a)(1). So I was talking about an existing
18 building being converted into an apartment house pursuant to
19 certain things in Subtitle U, Chapter 3, that's RF zones. So
20 what this has is the reverse result that you would encourage in
21 RF zones, but not in RA zones, more exemptions from this 30-foot
22 requirement. So the RA zones are for apartment buildings. RF
23 zones are -- I can't quite figure out why that is, you know,
24 supposed to be the way it is.

25 As an aside, and this is not a point that ANC 6C voted

1 on, but I'll give you a little teaser. As I was looking this
2 over in preparation for the hearing, I found some very, very low
3 hanging fruit. If what we want to do is encourage the creation
4 of apartment buildings, I have a great suggestion for you, not
5 suggesting at this late date that it be rolled into 25-12, but
6 to further the goals that OAG talked about and OP talked about,
7 I've got a really easy one for you that jumped out at me in
8 reviewing this. So again, come to that in Q and A though. Next
9 slide, please.

10 So today, let's say we're talking about a bunch of
11 empty lots. So here we have Lot A facing onto a street and Lot
12 B. The rule today would prohibit the combination of Lot A and
13 Lot B into a new record lot for the purpose of building an
14 apartment house. And as I read the OP amendment, that would
15 still be true although only in the RF and RA zones. If all we're
16 talking about are empty lots, you would still need 30 feet if
17 we're simply talking about taking two existing record lots and
18 combining them, you'd have to get relief for that. But, next
19 slide, please.

20 What is prohibited by the current rule and allowed in
21 quite a number of cases by the proposed rule is if there is a
22 structure, and by the way, the structure doesn't have to be on
23 the street facing lot, there could be a small, you know, a shed,
24 a garage, some sort of outbuilding that's in a great big alley
25 lot at the back. It doesn't even have to be an alley lot, right?

1 It could be a fully enclosed lot. As long as there is some
2 structure somewhere, then one of these exceptions here in
3 303.4(a)(1) in the RF zones would allow those two lots to be
4 combined -- and I've drawn -- I mean, pardon my lack of artistic
5 skill here -- this is a fairly straightforward example of what
6 could be created. But the possibilities here for what can be
7 created are too numerous for me to possibly illustrate.

8 So what we have here is let's imagine an existing
9 rowhouse, and somebody wants to construct one of these big long
10 corridors to connect it to a great big building in the back, and
11 that would be allowed, that would be exempt from this 30-foot
12 requirement under OP's proposal and it doesn't have to be regular
13 in shape, you know, any of those things. It just means it's
14 going to fall out entirely, and some of these provisions deal
15 with non-residential buildings. Some of them deal with the
16 conversion of residential buildings. So it is pretty sweeping
17 and you may think that I'm being fanciful here, you know, showing
18 this big long corridor that's not habitable space, but that is
19 taken directly from a case -- next slide, please -- that we
20 opposed, an application we opposed, before BZA not long ago. Mr.
21 Young, can you get me to the next slide, please? Thank you.

22 So, as I said, the OP proposal imposes no, I want to
23 emphasize that, no street frontage or at least to be clear, it
24 completely eliminates this 30-foot street frontage requirement
25 in a huge number of cases. First of all, outside of RF and RA,

1 the two, even within RF, the exceptions basically will follow the
2 rule as long as there is some building somewhere on one of those
3 lots that are to be combined.

4 And I think I may be done. Mr. Young, do I have any
5 more slides or does that, I think that's it, right? Yes. Okay.
6 That concludes my testimony. I'd be more than happy to answer
7 questions from the Commission.

8 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
9 Eckenwiler. Let's see if we have any questions. So if there
10 are any questions, even have any questions that the Commissioners
11 asked us to flag them with or they've come back with questions.

12 So, Vice Chair Miller?

13 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman,
14 and thank you, Mark Eckenwiler, for your always thoughtful
15 testimony and your helpful artistic illustrations.

16 I think you showed the flag lot that Commissioner
17 Wright was, an example of what she was concerned about and I'll
18 let her talk about that further. You said you had, well, with
19 an exemption of taking RF zone out of some of these, the
20 applicability to RF zones of some of these proposals just if they
21 wouldn't apply to RF, would that address most of your concerns
22 both in the case of the frontage and in the case of the balconies?
23 And I guess that's (audio interference) --

24 ANC COMMISSIONER ECKENWILER: Yes.

25 VICE CHAIRPERSON MILLER: -- as well?

1 ANC COMMISSIONER ECKENWILER: Yes. So for balconies,
2 yes, our recommendation is just exclude RF zones. For the
3 creation of a new record lot for the purpose of constructing an
4 apartment building, our view is that that current requirement
5 serves a useful function. Maybe the Board wants to think about
6 whether it really needs to be 30 feet as opposed to 25. I don't
7 know that, I can't provide any sort of useful empirical data to
8 explain why one would be more appropriate than the other, but
9 it's been there for quite a number of years, and it does serve
10 to create a process for review to avoid the creation of these
11 franken (phonetic) lots.

12 So no, I wouldn't say let's try and just make it, you
13 know, that there aren't exceptions in RF zones because I think
14 the problem is much broader than that including, as I said, the
15 establishment of special exception relief that has no enumerated
16 criteria other than what's in the General Standards and Subtitle
17 X. So I hope that answers your question.

18 VICE CHAIRPERSON MILLER: Yes, it does. You said you
19 had -- you were inviting in the Q and A an easy solution to one
20 of the issues.

21 ANC COMMISSIONER ECKENWILER: Yes. So here's what's
22 interesting. If we look -- and I'm just looking on this, the
23 original notice of public hearing on page 10 where it sets forth
24 some of the exceptions to this already circumscribed new rule.
25 The requirement should not apply where, one, and then it lists

1 some of the conversion provisions in Subtitle U, Chapter 3 and,
2 again, that's just RF zones.

3 The second one of those, 320.2, if you are proceeding,
4 320.2, and 320 generally is a special exception provision. So
5 even if someone were to fall within that, they still need to go
6 get special exception relief. They wouldn't be subject to the
7 30-foot rule under this amendment. But let's talk about what
8 320.2 is. So it requires a special exception for the conversion
9 of a pre-1958 residential building or the renovation or expansion
10 of an existing apartment building to increase the number of units
11 and there are only two requirements: that IZ be applicable to a
12 certain percentage of the newly created units, and that there be
13 900 square feet per unit.

14 Why is that a special exception? Why can't DOB just
15 ascertain at the time of application whether or not those
16 criteria, I mean, that looks to me more like something that should
17 be matter-of-right as opposed to having to get a special
18 exception. And it's true that the general special exception
19 criteria in Subtitle X do talk about adverse impacts on adjacent
20 properties. But the reality is, I think, that a lot of that
21 weight will be borne by other provisions in the regs, like
22 exceeding lot occupancy, going over 60 percent in RF zone, going
23 more than 10 feet back as the rear wall. And same criteria there.
24 Adverse impacts on the adjacent residential properties.

25 So, and just to emphasize, this is not ANC 6C talking.

1 This is just me having had this sort of sudden flash of what
2 might be insight. Why is the stuff in 320.2 a special exception
3 at all? Why not just make that matter-of-right? And I'm sure
4 I know Mr. Lawson was with OP when this came through. My memory
5 does not serve to tell me whether this was part of ZR16 or whether
6 it came in before ZR16. I remember this is quite a complex set
7 of rules when it was adopted. I think it may have been separate
8 from the main part of ZR16. And so maybe there is a rationale
9 there for keeping that a special exception. I would feel very
10 enlightened to understand what that rationale would be because
11 it's not really apparent to me. So that's my freebie for you.

12 VICE CHAIRPERSON MILLER: Thank you for that freebie,
13 and we'll look forward to Mr. Lawson's response. He was looking
14 forward to your freebies and other insights as well.

15 So thank you, Mr. Chairman. That's it for me.

16 CHAIRPERSON HOOD: Thank you.

17 Commissioner Wright?

18 COMMISSIONER WRIGHT: So in relation to the lot
19 frontage issue. I do understand that the goal was to address
20 some odd-shaped lots, but I think you're right by simply getting
21 rid of the 30-foot entirely. It's opening up Pandora's box of
22 other problems. So, again, and this is really more for Mr.
23 Lawson, I'm wondering if there is a way to limit what the good
24 thing that you're trying to do to basically say only if a lot is
25 of a particularly unusual shape, or dimension, or size, or

1 whatever, that this can be exempted and not to sort of make it
2 an overall exemption. Yes? What do you think of that?

3 ANC COMMISSIONER ECKENWILER: So, just, and I know I
4 repeat myself, but I think this really does bear repeating. So
5 if we looked at OAG slides, for instance, they didn't talk about
6 lot combination. Their graphic showed you some lots with lot
7 lines going off in all different directions. And, boy, yes,
8 those absolutely do exist. We have lots of odd lots here in
9 Northeast, especially where the old train lines used to run
10 through.

11 But this is not about existing weird-shaped lots. If
12 you have an existing weird-shaped lot, the current 30-foot rule
13 has no application whatsoever as to what, whether what's on that
14 lot is going to be an apartment house or not. It just doesn't
15 apply. The 30-foot rule only applies for the creation of a new
16 record lot. And so I think it's really, really important to keep
17 in mind that if what we're envisioning here is an existing
18 anomalously-shaped lot, that's not even in the same ballpark.
19 Unless somebody wants to combine that with another lot and then,
20 yes. But the issue there is not, well, somebody has an anomalous
21 lot that's only got 25 feet of lot frontage. The 30-foot rule
22 doesn't apply if they're just going to work within the confines
23 of that existing lot, however unusual it is.

24 COMMISSIONER WRIGHT: Well, that is very helpful.
25 Thank you. You did say that before, and thank you for saying it

1 again. And I think that really is an issue that, again, maybe
2 we'd want to, I don't know, Joel, if you want to respond to that
3 now.

4 Let me get one other point in though that I also really
5 agreed about with the rear decks not double-dipping because
6 although I haven't been to as many BZA meetings as my colleagues,
7 I have seen examples of a landing for a staircase essentially
8 becoming a a full-blown deck. And so I think it is very, very
9 important to make sure, and I don't know the right words to enact
10 that surety, but I do think it's very important to make sure
11 there's no double-dipping.

12 I don't know. Joel, do you want to address the issue
13 about the frontage at all?

14 MR. LAWSON: There we go. Sorry. I prefer to address
15 questions after we hear from all testimony, which would be more
16 appropriate. Thank you.

17 COMMISSIONER WRIGHT: Okay. Great.

18 So I, again, I hear what Commissioner Eckenwiler is
19 saying about the 30-foot frontage, and I feel like he makes some
20 excellent points. I also agree about the not double-dipping.
21 I'm a little less -- I mean, I understand decks are a privacy
22 issue in rowhouse communities. I have also actually seen them
23 in, and this is in new rowhouse communities that have been
24 constructed, I have seen them as community building. People
25 actually talk to the people over the railing of their deck. They

1 develop relationships. I mean, if they want more privacy, they
2 plant vines on a trellis. But I certainly don't support the idea
3 of multiple decks on the back of a rowhouse and I think that
4 would be a concern, particularly if you're talking about
5 rowhouses then being split into individual units and every unit
6 wanting their own deck. That would be a disaster. But I don't
7 know that I'm absolutely convinced that some decks on the back
8 of rowhouses aren't necessarily a good thing. And Commissioner
9 Eckenwiler, what do you say to that?

10 ANC COMMISSIONER ECKENWILER: So this this may sound
11 odd. I'm going to stick up a little bit for OP here. My
12 understanding of this proposal is that it only would apply to
13 decks that are at or below the level of the parlor floor, the
14 main floor of the house. And so this does not contemplate the
15 creation of sleeping porches. Also, that's complicated because
16 then they'd be on the roof and so this has, this is about
17 unenclosed decks.

18 So my understanding is this is only about having one
19 deck and not layered decks at the back of a rowhouse, unless you
20 got one at the main floor and you're like my house and Vice Chair
21 Miller's where there's a pretty significant grade drive. I live
22 on the north side of Capitol Hill. So if you walk from my front
23 door to the back there's probably, like, a 6-foot grade change
24 there. And so one could have a deck, as I do, at the level of
25 the main floor and another deck lower down, but the deck lower

1 down is not the issue here. That I think is not really the
2 concern, especially if it's below 4 feet, and I mean that's just
3 a matter-of-right deck. So those are my thoughts in response to
4 what you just said.

5 COMMISSIONER WRIGHT: Okay. I think those are my only
6 comments at this moment. So, thank you.

7 CHAIRPERSON HOOD: Great. Thank you.

8 Commissioner Eckenwiler, I want to thank you because
9 I've been sitting here thinking and I've been watching your
10 testimony the other day and today, and I'm not throwing any
11 questions for you, I'm just going to make a statement of how I'm
12 thinking.

13 The broad brush of what we're doing here, while we are
14 attempting to solve one problem, I don't want to be creative of
15 another one, and especially when you talk about exempting the RF
16 zones. So I'm saying this actually for the Office of Planning,
17 Mr. Lawson. I would like for us to make sure, not just the RF
18 zones that Commissioner Eckenwiler has brought to our attention,
19 that broad brush sometimes can mess up, I want to make sure we're
20 not having any unintended consequences as I think that it's
21 already been brought to light, at least to me and I think other
22 my other Commissioner, my other colleagues, about RF zones maybe
23 being exempted. I think he has made his point, but I know we're
24 going to deliberate upon it, but I just think not just RF. You
25 know, it works over the MU-5, but it doesn't work in RF. I know

1 we have it in the general provisions, but we want to make sure
2 -- and I get that -- but we want to make sure we're not solving
3 a problem over here and creating ten problems over there. So
4 you don't have to answer, Mr. Lawson. As you said let's just
5 have that discussion as we get to the end and hear from others.

6 The other thing is I'm looking for a young lady,
7 Stephanie Bothwell. I'm calling Ms. Stephanie Bothwell. Are you
8 on because I know you're speaking for Commissioner Lohse. Ms.
9 Stephanie Bothwell? Okay. Ms. Schellin, I'm going to go ahead
10 on and move on. But, Ms. Bothwell, if you could hear me, could
11 you call our hotline number and make contact with them so we can
12 hear your testimony as well? All right.

13 ANC COMMISSIONER ECKENWILER: Mr. Chairman, thank you
14 very much. I just wanted to thank you for the opportunity to
15 testify this evening and for your very probing questions. And I
16 will see you next Monday.

17 VICE CHAIRPERSON MILLER: Mr. Chairman?

18 CHAIRPERSON HOOD: You're not going to join us
19 Wednesday?

20 ANC COMMISSIONER ECKENWILER: And also, while I join
21 you, I will not join you the rest of this week. When you see me
22 on Monday, I will be in full-throated support of every item on
23 the agenda on which we voted. Not, oh, you need to carve-out
24 here, you know, not just don't do this at all. We really do try
25 to think through these individually and not be knee jerk. So I

1 think my testimony will be much shorter next Monday.

2 CHAIRPERSON HOOD: Well, Mr. Eckenwiler, let me just
3 say we really appreciate your analyzing and discovery that you
4 do. It really helps us. It brings things to our attention as
5 well. So stay engaged, which I know you will, but we appreciate
6 it. Let me go to Vice Chair Miller. He may have something
7 questions.

8 Vice Chair Miller?

9 VICE CHAIRPERSON MILLER: Yes. Thank you, Mr.
10 Chairman.

11 I just wanted to follow-up on a couple things while Mr.
12 Eckenwiler is here. I think I may have characterized his
13 testimony as wanting to exempt all RF zones from all the
14 proposals, and that clearly is not what is the case of elevated
15 decks, he has specific scaling-back provisions that he's
16 recommended. So I just wanted to, I characterized it as, I just
17 speaking generally, I think, in the case of the lot frontage. I
18 think that's what you were asking for or something, come up with
19 something totally different. But so that was one thing.

20 He called for, and I appreciate the specific
21 recommendations for amendments, and if you had specific special
22 exception criteria on the other issue that only had general
23 criteria, if you want to take the time to come up with specific
24 criteria of adverse impacts, but I don't want to give you any
25 homework assignments. You got plenty to do as a ANC Commissioner

1 and your own life.

2 The other thing I just wanted to follow-up on was
3 Commissioner Wright's comment about community building on decks.
4 You can screen if you want to screen. We have screened from our
5 deck to the one of our many adjacent neighbors' decks. But when
6 we can see them, it does lead to communication that would not
7 otherwise happen, and it's a good thing. Communication and
8 community is a good thing. So I just wanted to echo her comment
9 on that. And you can have the screening as well, which we do.
10 So, that's it, Mr. Chairman.

11 CHAIRPERSON HOOD: Okay. Yes. It can lead to a good
12 thing, especially if you have a good relationship. So we got to
13 look at the other side of it. If it's not, then you got another
14 whole problem. So that's what those are --

15 VICE CHAIRPERSON MILLER: You need a lot of screening
16 then.

17 CHAIRPERSON HOOD: All right.

18 Well, again, thank you, Commissioner Eckenwiler. We
19 appreciate your testimony, and we'll see you next Monday.

20 All right. Ms. Bothwell didn't show up, right, Ms.
21 Schellin? I wanted to make sure I got Ms. Bothwell.

22 MS. SCHELLIN: That is correct. I had Mr. Young also
23 look and she's actually signed up to, this is really strange, she
24 signed up to represent CAG, the Citizens Association of
25 Georgetown in opposition also.

1 CHAIRPERSON HOOD: Okay. Well, she was doing both.

2 MS. SCHELLIN: And I do not see her.

3 CHAIRPERSON HOOD: We will keep moving. We do have
4 submissions from from the CAG, I think (indiscernible). So
5 anyway, let's keep moving. Let's go to --

6 MS. SCHELLIN: Yes, sir.

7 CHAIRPERSON HOOD: -- persons who are in support.

8 MS. SCHELLIN: Yes, sir. I have two names. Dennis
9 Sandros from D.C. YIMBYs and Will Teass. I believe I pronounced
10 it correctly this evening. So just two in support. I've only
11 got one in opposition if you'd like for me to bring him up, and
12 that will clear all of those testifying this evening if you'd
13 like to do that or not.

14 CHAIRPERSON HOOD: Yes, let's bring up everybody. I
15 see Ms. Bothwell has joined us.

16 MS. SCHELLIN: That's Mr. Jones, Aidan Jones.

17 CHAIRPERSON HOOD: Yes. But Ms. Bothwell has joined
18 us too.

19 MS. SCHELLIN: Oh, she has?

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: Okay. Ms. Bothwell would be the last
22 one, yes. For CAG.

23 CHAIRPERSON HOOD: Okay. We'll come to Ms. Bothwell
24 last.

25 MS. SCHELLIN: Yes.

1 CHAIRPERSON HOOD: Let's go to -- I don't see Mr. Teass.

2 MS. SCHELLIN: I did not earlier either, so I didn't
3 know if he had joined us later on or not. So that sounds about
4 right.

5 CHAIRPERSON HOOD: Let's go to Aidan Jones.

6 MS. SCHELLIN: The proponent was Mr. Sandros. Was he
7 not on?

8 CHAIRPERSON HOOD: Oh, Mr. Sandros? Okay. Let's go
9 to Mr. Sandros, and the we'll come to everybody.

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: Mr. Sandros? Dennis Sandros? You
12 may begin. I think you're on mute. Are you on mute? It doesn't
13 look like you're on mute.

14 MR. YOUNG: It does, and it looks like he might need
15 his microphone.

16 CHAIRPERSON HOOD: Yes. You might just change it over
17 to microphone.

18 MR. SANDROS: How about now?

19 CHAIRPERSON HOOD: Yes. We can hear you. Thank you.

20 MR. SANDROS: Sorry about that. But thank you, Chairman
21 Hood, members of the Commission. Really appreciate your time,
22 all your work on this. I represent D.C. YIMBYs. We are a
23 volunteer-led organization dedicated to solving the housing
24 shortage in D.C. by supplying more homes. And we see a lot of
25 the provisions proposed by OP in this omnibus as getting us to

1 that goal, and so we support all the provisions being discussed
2 today.

3 I do want to take a moment to speak on a couple of
4 them, specifically the balcony provisions. I think it's
5 interesting how much of our built environment is actually
6 determined by zoning regulations in a way that very few people
7 fully appreciate. I actually wondered for years why D.C. had so
8 few balconies compared to other cities. I used to visit Montreal
9 fairly regularly for personal reasons, and I was jealous of their
10 balconies. They're all over the City. But it also made me
11 puzzled by the lack of balconies in D.C. We have much nicer
12 weather than than Montreal, though. Certainly much more
13 conducive to being outside, despite a rather brutal summer. My
14 own apartment is an obvious candidate for a balcony. It overlooks
15 a garden in the interior of the property. A balcony would provide
16 some outdoor space away from traffic, but very, very few of the
17 units have balconies. And you know, learning more about our own
18 zoning regulations has maybe illuminated why that is.

19 I thought it was interesting that the Committee of 100
20 claimed that balconies would increase the cost of housing, and
21 so we shouldn't encourage them. But by this logic, we shouldn't
22 encourage the provision of parking either. And, of course, we
23 look forward to the Committee of 100's support for eliminating
24 parking requirements in D.C. But I want to really emphasize that
25 this is a great fix to make our city more livable, increase the

1 amount of housing, increase the amount of IZ units we can provide
2 all over the city.

3 On the other provisions here, we see them as good common
4 sense changes to reduce the burden for developers and homeowners,
5 especially the deck provision that's been much discussed here.
6 It's clear that there are a ton of cases coming before BZA that
7 just don't need to. It would reduce the burden for everybody to
8 just allow those to be built by-right instead of going through a
9 a burdensome and lengthy special exceptions process.

10 That concludes my testimony. Thank you so much for
11 your time.

12 CHAIRPERSON HOOD: So, Mr. Sandros, I want to make sure
13 I have the name and I'm looking here for your submission. I want
14 to make sure I have the name correct. What is the name of your
15 organization?

16 MR. SANDROS: It's D.C. YIMBYs. The YIMBYs stands for
17 Yes, in my Backyard.

18 CHAIRPERSON HOOD: Okay. I wonder, and that's the
19 first time I've heard of that. I usually hear not in my backyard.
20 So I just wanted to make sure I was correct. And let me see if
21 my colleagues have any questions of you before we go any further.

22 Any questions, Vice Chair Miller?

23 VICE CHAIRPERSON MILLER: No questions. Thank you, Mr.
24 Sandros, for your testimony. Appreciate it.

25 CHAIRPERSON HOOD: Okay. And Commissioner Wright?

1 COMMISSIONER WRIGHT: No questions. And I've heard
2 about YIMBYs for a long time, and thank you for your
3 participation.

4 CHAIRPERSON HOOD: And thank you too. I have not been
5 fortunate enough, and I've been here a while. I've always --
6 like I said, I've always hear mostly from other not in my
7 backyard. So thank you for yours. It's nice to know we always
8 have a balance. So thank you, Mr. Sandros. We appreciate you
9 taking time.

10 All right. Ms. Schellin, I think we go to Aidan Jones,
11 right?

12 MS. SCHELLIN: That is correct.

13 CHAIRPERSON HOOD: Okay. Aidan Jones?

14 MR. JONES: Yes. So, can you hear me?

15 CHAIRPERSON HOOD: Yes. We can hear you. Can't see
16 you, though, but we can hear you.

17 MR. JONES: Okay. Can you see me?

18 CHAIRPERSON HOOD: We can see you now.

19 MR. JONES: Okay. Okay. I can't see myself. So okay.
20 Well, first of all, I want to thank you for breaking this up. It
21 was a very hard job for any of us to work on this we. We,
22 Committee of 100, is a volunteer organization, and we wanted to
23 devote as much effort as we could to sorting through this and
24 saying those things, that we can support those things that we
25 thought were not appropriate to support.

1 Written testimony summarizes where we are in this and
2 basically, you know, we don't think that the proposals on
3 balconies help the affordable housing situation. They hurt it.
4 How much they hurt it, you know, it's going to depend on the size
5 of the building, et cetera. The changes go through. It's a
6 trade-off, but you have to think about that trade-off, and that's
7 what we're trying to get you to do on this. These two on numbers
8 4 and on 5. And frankly the balconies make buildings more
9 expensive. You know, everybody would like to have a balcony if
10 they could and whether or not they -- I don't think it's just
11 stupid that they're going to be more expensive units if they've
12 got balconies and if they don't.

13 But so that's something that you've got to decide, and
14 we respectfully understand that you sit through hearings and
15 special exceptions and sometimes on variances, and this would
16 reduce it. But there are reasons for regulations and the
17 questions we have to do with in part with whether eliminating
18 these or reducing these regulations in significant ways is what
19 you really ought to be doing.

20 With respect to the decks situation, this has to do
21 again with, you know, regulations are there for a reason. They
22 were in the revisions that were done and enacted in 2016. I
23 think you need to have a good reason for changing that. You've
24 got the expectations of neighbors about what could or should be
25 built when you've got really limited lot occupancy. And these

1 are going to affect not just the people that want to build the
2 decks, it's going to affect people who were living there before
3 the deck was built and before the obstruction was there.

4 So, you know, I don't think there's any question about
5 about the advantages of balconies and decks. They're nice things
6 to have. There's no question that you spend more time on special
7 exceptions than you want to. But the matter is, the real issue
8 is whether it's worth the trade-off that's been proposed by OP
9 here.

10 So I'm happy to try to take your questions.

11 CHAIRPERSON HOOD: Okay. Thank you, Mr. Jones. Let's
12 see if we have any questions of you.

13 Vice Chair Miller?

14 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.

15 No questions, Mr. Jones. Were you speaking on behalf
16 of the Committee of 100? Is that --

17 MR. JONES: Yes.

18 VICE CHAIRPERSON MILLER: -- what you said? Okay. I
19 just wanted to clarify that. Thank you for your testimony and
20 your written testimony as well.

21 MR. JONES: Thank you.

22 CHAIRPERSON HOOD: Thank you.

23 Commissioner Wright?

24 COMMISSIONER WRIGHT: I don't think I have any
25 questions at this time. You know, I know we've already had a

1 conversation about the value of incentivizing balconies and
2 trying to add a little more both architectural interest and the
3 amenity of having some outdoor space, both for market rate and
4 for IZ units. And that's something, you know, again, from a
5 design standpoint, I do feel strongly about.

6 Again, it's very hard when, again, if we disincentivize
7 balconies and, thus, they aren't being built and we're getting
8 the number of IZ units we're getting not including balconies, but
9 we're also getting box-like buildings that don't have much
10 exterior variation on their surfaces, on their facades. You
11 know, it's a challenge, but I think incentivizing balconies is a
12 good thing to do from a design standpoint and I also think it is
13 consistent with how they're treated in other nearby jurisdictions
14 like Montgomery County.

15 So, again, not a question, just some comments. Thank
16 you.

17 CHAIRPERSON HOOD: Thank you. Thank you, Mr. Jones.

18 And I appreciate all, I've always appreciated all the
19 Committee of 100's work. While the Committee, I'll tell you I
20 don't always agree, they don't always agree with me, I appreciate
21 always good at looking at all the sides and viewpoints.

22 But I was looking at the issue about the balconies and
23 the citywide policies concerning affordable housing and your,
24 well, the Committee's analysis is that it will reduce IZ units
25 and will increase rents. Is that just a hypothesis that you all

1 have made? Because I was looking through your submission, and
2 I'm sure you all have, or you just going by what you think your
3 experiences have been, or do you all have some data to provide
4 that that's maybe the outcome? What does the data say?

5 MR. JONES: Well, it's not a question of if the analysis
6 doesn't go to data necessarily, it goes to a calculation. The
7 calculation is how much are you reducing gross floor area for
8 purposes of computing inclusionary zoning? When you build a
9 building and then exempt, you know, a significant amount, you can
10 take a balcony. As I said, 12 feet by 8 feet, and you've got a
11 set number of units in the building, I mean, you could, by the
12 calculation that we express in our written statement, you can see
13 we're talking about 12 foot width balcony and then six times 12
14 is 72, and if you've got 480 square feet in the building or square
15 feet in the average apartment size in the building, the exemption
16 would result in about a 10 percent reduction from GFA for every
17 apartment. And if you multiply that by the number of apartments,
18 you've got a reduction instead of having 20, you've got three
19 apartments left. So I don't think it's, you know, it's not a
20 matter of data. It's a matter of the calculation having to do
21 with gross floor area and what the rules are about IZ.

22 VICE CHAIRPERSON MILLER: Mr. Chairman, if I could just
23 interject. But you did hear Mr. Lawson's comment that that gross
24 floor area of the balcony now can be applied to the unit, to a
25 larger unit, which would then trigger that same amount of IZ that

1 you're saying is lost by exempting the balcony. It creates an
2 incentive to have a larger unit, which a lot of people always
3 are asking for more family sized units. So that square footage
4 would be made up in the unit. That's why -- did you have a
5 reaction to the Mr. Lawson's statement about that?

6 MR. JONES: If you've got an interior balcony and it's
7 12 feet long and 6 feet deep, it's a 72 square foot balcony. If
8 it's an interior balcony, it's insetted, it's taking away square
9 footage from the floor area of the apartment.

10 VICE CHAIRPERSON MILLER: They can build the apartment
11 in a different way to go -- I don't see the logic of your
12 argument. I'm sorry. You can create a bigger apartment there.
13 That 72 foot would be made up for and it wouldn't, because it
14 wouldn't be counting toward the -- you can use it in that FAR in
15 the unit itself, not in one big (phonetic). So I don't see the
16 logic of your argument.

17 CHAIRPERSON HOOD: Okay. that's what I kind of, and I
18 know Mr. Jones said there's some data, so I was trying to figure
19 the delta and the nexus of what the Committee was saying because
20 changes do happen. Things don't always stay the same, but I just
21 don't get it. I can do anything with numbers. I thought maybe
22 they had some something they're data driven to show that this is
23 what how things happen. We can always look at the regulations
24 and interpret how we think they are. I can always come up with
25 calculations and math and twist it and come, and I'm not saying

1 that's what the Committee did. I was just trying to understand
2 nexus, Mr. Jones.

3 But you know what? I think I'm good with what you've
4 said. I will go back and look at what the Committee has written,
5 and go from there. I'm not going to ask you more questions
6 because I was, but I think that has been pulled out. I kind of
7 understand what the methodology of how the Committee has done and
8 how you all have come up with your analysis in your opposition
9 and the rationale behind it and why you are saying so. I get
10 it. I get it. So thank you.

11 All right. Any other questions, Mr. Jones? And thank
12 you for all the work that the Committee does as well, Mr. Jones.
13 We thank you.

14 MR. JONES: Well, thank you. We're volunteers too and
15 you guys are in a way. So, but we're acting in good faith and
16 try to do the best job we can of analyzing everything and looking
17 at these regulations and it made it a whole lot easier that you
18 broke this up. Thank you.

19 CHAIRPERSON HOOD: Thank you. It made it easier on all
20 us, but we appreciate all the work the Committee has done. I go
21 way back with the Committee, so thank you. Appreciate it.

22 All right. Ms. Schellin, I do see Mr. Teass here.
23 [Tez]. I think I pronounced his name wrong again. [Tez].

24 MS. SCHELLIN: I think it's [Taze]. Is he back up? Is
25 he on now?

1 CHAIRPERSON HOOD: Yes, he's on (indiscernible).

2 MS. SCHELLIN: And then he was in support. Yes. If
3 Mr. Young could bring him up.

4 CHAIRPERSON HOOD: And Ms. Bothwell will be doing the
5 Citizens of Georgetown, so we'll come to her after that, I
6 believe.

7 MS. SCHELLIN: Yes. She's in opposition.

8 CHAIRPERSON HOOD: Mr. Teass?

9 MR. TEASS: Is my video coming across now?

10 CHAIRPERSON HOOD: Yes. We can see you and we can hear
11 you.

12 MR. TEASS: Sorry. We had some IT challenges today.
13 Good evening, Commissioner Hood and members of the Board, or the
14 Zoning Commission. My name is Will Teass. I appreciate the
15 discussion about the correct pronunciation.

16 I did want to speak on behalf of the four issues before
17 the Board this evening, specifically the provisions to B-304 as
18 they pertain to balconies and gross floor area, B-312 balconies
19 and lot occupancy, B-312 ground level decks, and then C-303, the
20 proposed changes to the 30 foot rule.

21 As a member of the A.I.D.C.'s Advocacy Committee, I
22 wanted to speak in strong support of all of these. I think that
23 the zoning, at the end of the day, should incentivize design
24 flexibility. I think zoning should incentivize creating outdoor
25 space for residents, for people who own and live in buildings.

1 Balconies are not the same as enclosed space, and I think that
2 most developers prioritize enclosed space at the expense of
3 outdoor living, and this ultimately disincentivizes balconies.
4 And so I think, again, as I spoke previously, the changes that
5 are proposed give more flexibility for designers to design better
6 buildings that have better and more articulation.

7 Moving on to the balconies and lot occupancy. One of
8 the challenges we often see is that balconies are often
9 eliminated, particularly in small and mid-sized apartment
10 buildings, because they come in expense at the building area and
11 lot occupancy calculation. And I know there are some concerns
12 about having multi-story decks and rowhouses and potentially
13 excising the R District from the regulations. But at the end of
14 the day, our perspective remains the same in that the zoning
15 regulations should provide and promote outdoor living in multiple
16 places at the ground floor, upper levels, and apartments, and
17 small apartments, large apartments, et cetera. And again, I
18 think that these regulations provide needed design flexibility
19 for our communities.

20 Moving on to B-312, the idea of ground-level decks and
21 then making this distinction that, you know, if you have a deck
22 off the main level that there's some additional areas where you
23 can have a larger deck, and I think the balance there where you
24 limit that to 200 square feet when it's above lot occupancy, as
25 I understood it, strikes a good balance between the property

1 owner rights and adjacent neighbor concerns. So I commend the
2 Office of Planning and the process for for where it's taken us.

3 And then finally, we support the change to eliminate,
4 well, actually, I say we should support the change to the 30-
5 foot frontage rule and we actually agree with our colleagues at
6 Goulston & Storrs that this action should be removed in its
7 entirety. In our experience and the experience of our community
8 members, it rarely comes up, and I think OP, in their report,
9 have acknowledged a rather unique condition. And I think those
10 conditions where it does exist, it allows designers to create,
11 to come up with creative solutions to add density. I think one
12 of the things that we are trying to do is help our city grow and
13 I think providing tools within the zoning regulations to allow
14 for creative solutions on specifically these very unique lots.

15 So with that I will conclude my testimony this evening
16 and I'm available for any questions that the Commissioners might
17 have.

18 CHAIRPERSON HOOD: Thank you, Mr. Teass. We appreciate
19 you. And I think this is your second night. I appreciate all
20 the work that you all do as well. Let me see if my colleagues
21 have any questions.

22 Vice Chair Miller?

23 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman.
24 Yes. Thank you, Mr. Teass. I appreciate your testimony here
25 this evening and your participation in these hearings. I have

1 no questions.

2 CHAIRPERSON HOOD: Okay.

3 And Commissioner Wright?

4 COMMISSIONER WRIGHT: No questions. Just want to say
5 I absolutely agree that certain elements of flexibility
6 definitely improve building design and I think the issue we've
7 been talking about with balconies is a good example of that. So
8 thank you.

9 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Mr.
10 Teass. We appreciate you, and I'm sure we'll see you on another
11 night. So thank you very much.

12 MR. TEASS: Most definitely. Thank you so much.

13 CHAIRPERSON HOOD: Take care.

14 All right. I think the last person we have is Ms.
15 Bothwell. Okay. Ms. Bothwell, you may begin.

16 MS. BOTHWELL: Good evening. Thank you for having me.
17 My name is Stephanie Bothwell. I'm representing the Citizens
18 Association of Georgetown's Board.

19 I'm going to take that hat off for a minute though
20 because, Gwen Lohse (audio interference) meeting. So she sent
21 me her testimony and asked if I could read it to you. So if you
22 will bear with me, I will do that.

23 CHAIRPERSON HOOD: Let me ask you. Is her testimony
24 in the record?

25 MS. BOTHWELL: I have no idea. I imagine she was

1 writing this today, so I don't know.

2 MS. SCHELLIN: Chairman Hood?

3 CHAIRPERSON HOOD: Yes.

4 MS. SCHELLIN: Chairman Hood, if I may. She emailed
5 it to us. We could put it in the record. She emailed it to
6 Ella.

7 CHAIRPERSON HOOD: Okay. Let's go ahead and, let's go
8 ahead. So see the problem I have with that is we have no way of
9 asking her the questions.

10 MS. BOTHWELL: Oh, that's fair. Okay.

11 CHAIRPERSON HOOD: That's my issue. So, I mean, if you
12 give it, then you might be speaking for her and if my colleagues
13 ask, well, why don't we do this? To keep the record clean, and
14 you can tell Ms. Lohse I asked you to do this, if we have questions
15 then we'll ask her later on. We will accept it. Ms. Schellin,
16 if you can put it in the record. But we have no way to ask her
17 questions. So we'll just take it and absorb it and just tell
18 her that we will read her.

19 MS. BOTHWELL: Okay. So I'll put my Citizens
20 Association of Georgetown hat back on and say thank you very
21 much.

22 CHAIRPERSON HOOD: Before you do that, I hate to keep
23 running on, my colleague's fine with that or you all want her to
24 read it because we can't ask for questions?

25 VICE CHAIRPERSON MILLER: No, that's fine and we

1 probably will see Ms. Lohse at another evening at one of these
2 hearings.

3 COMMISSIONER WRIGHT: And we'll read what's been put
4 in the record for sure.

5 VICE CHAIRPERSON MILLER: Right.

6 CHAIRPERSON HOOD: All right. Just want to make sure
7 we are on the same page. Okay. Let's put your see your CAG hat
8 back on and let's begin. Sorry.

9 MS. BOTHWELL: Thanks. CAG hat doesn't sound very
10 romantic, does it? But anyway, thank you very much for this
11 time, and I was on from the beginning, but I think I was on
12 YouTube or the wrong link. I apologize. So in forthcoming
13 evenings, I will try and be a better participant. Of the
14 concerns, that Commissioner Lohse has presented, and as you
15 suggested, I'll put this into record and allow you to submit any
16 questions you might have with her.

17 I think as a historic district, we're very concerned
18 about the unintended consequences of many of these suggested
19 changes to the zoning regulation and as the week progresses, I
20 think you'll be hearing more from us about our concerns. So
21 thank you. With that, thank you very much, and I appreciate your
22 your time here and your work on this.

23 Thank you.

24 CHAIRPERSON HOOD: Okay. So I was looking here at your
25 letter. Okay.

1 MS. BOTHWELL: (Indiscernible).

2 CHAIRPERSON HOOD: Vice Chair Miller, do you have any
3 questions?

4 VICE CHAIRPERSON MILLER: No. Thank you, and the
5 Citizens Association of Georgetown for your participation and I
6 look forward to reading the written testimony of CAG and of ANC
7 2E.

8 MS. BOTHWELL: Thank you very much.

9 CHAIRPERSON HOOD: Okay.

10 And Commissioner Wright, do you have any questions of
11 Ms. Bothwell?

12 COMMISSIONER WRIGHT: No questions. I look forward to
13 reading the the testimony. Thank you.

14 CHAIRPERSON HOOD: Okay. Ms. Bothwell. I look forward
15 to continue your interaction with CAG as well as getting Ms.
16 Lohse's testimony. So thank you very much. We appreciate it.

17 MS. BOTHWELL: Thank you.

18 CHAIRPERSON HOOD: All right. Ms. Schellin, do we
19 have anyone else for tonight?

20 MS. SCHELLIN: No one else.

21 CHAIRPERSON HOOD: Okay.

22 So with that, we will continue again November the 5th
23 at 5:00 p.m. or close to it. Might be 5:30, we don't know. But
24 we're going to say we're going to start at 5. If not, we may be
25 a few minutes late because there are some scheduling issues that

1 we have to deal with.

2 Ms. Schellin, do we have anything else? Nothing else
3 for tonight, right?

4 MS. SCHELLIN: Nothing else.

5 VICE CHAIRPERSON MILLER: Do you want me to announce
6 what those four topics are on Wednesday night?

7 CHAIRPERSON HOOD: Go right ahead.

8 VICE CHAIRPERSON MILLER: Do you want Ms. Schellin to?
9 Just for public digestion.

10 MS. SCHELLIN: I think you have it. Go for it.

11 VICE CHAIRPERSON MILLER: Okay. I don't want to usurp
12 your role.

13 But on Wednesday, yes, we have four items again up for
14 consideration from this omnibus text amendment in 25-12. First
15 is pre-ZR16-approved vehicle parking requirements in Subtitle C,
16 Section 701. Second is priority corridor Metrobus route update
17 in Subtitle C, Section 702. Third is garage door height and
18 setback, Subtitle C, Section 711. And the fourth item is surface
19 parking screening along alleys, Subtitle C, Section 714.

20 Thank you.

21 COMMISSIONER WRIGHT: And I did want to report, if I
22 might, that I actually have been selected to serve on a jury and
23 I will participate, and then the trial may go through Wednesday,
24 but they claim that the latest that they let us out is 4:45. And
25 so I will figure out how to get from the courthouse to my house

1 to participate. I might be, like, 5:05 or something. I'm going
2 to, like, Uber right to my house. So I just will say that I did
3 get selected for jury duty, and so thank you for having changed
4 the times.

5 CHAIRPERSON HOOD: Okay. Thank you. Congratulations
6 on being selected.

7 VICE CHAIRPERSON MILLER: Congratulations,
8 Commissioner Wright, and I would say that if we were doing live
9 hearings, you could have just walked across the street where it
10 used to be. But we'll look forward to your participation.

11 CHAIRPERSON HOOD: So Commissioner Wright, whatever
12 time you get here, when you get straight and get ready, that's
13 what time we'll start. We'll just leave it there. Okay. Well,
14 we're still going to say 5, but if Commissioner Wright don't get
15 here until 5:30, that's when we'll start. We'll start once she
16 gets here and gets settled.

17 All right. Mr. Lampert, you turned your camera on.

18 MR. LAMPERT: Yes, Commissioners. And Mr. Ritting, let
19 me know if I'm out of order here, but I think earlier, some of
20 the commissioners had wanted to get a response from OP in response
21 to the submissions and comments that were in the record and that
22 OP was going to wait until sort of everything had been said. So
23 if there's an opportunity, if now is the time for OP to respond,
24 before we close out the hearing, I just wanted to remind everybody
25 that some folks were looking for some more info from OP in

1 response to everything.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr. Lampert. I
3 thought, Mr. Lawson, you're going to do it later or you want to
4 did you want to do that now?

5 MR. LAWSON: Hi. Thanks again. I'm still here.

6 I'm not sure that I have any additional comments to
7 make at this point. We definitely listened with interest to the
8 conversation with the people who testified. We've already said
9 that we're willing and we'll take a look at some of those
10 suggestions. I'll also want to discuss them with other staff.
11 So unless there was a specific question that the Zoning Commission
12 members have for me, which I'd be happy to take, I don't think I
13 have anything to add at this point.

14 CHAIRPERSON HOOD: Okay. Let me look at my colleagues.
15 Anybody have anything burning or can we wait until they go back
16 and have a discussion?

17 COMMISSIONER WRIGHT: Well, this is a simple --

18 CHAIRPERSON HOOD: Commissioner Wright?

19 COMMISSIONER WRIGHT: -- yes/no kind of question. Is
20 it accurate that the 30-foot frontage change that is included in
21 this package of text amendments only pertains to new lots that
22 are being created through some subdivision and do not pertain to
23 existing lots?

24 MR. LAWSON: It's not a yes/no answer. Sorry. But I
25 will make it really quick. It is in our report. It certainly

1 does include that. It would include, a subdivision includes
2 breaking up a property. A subdivision can encompass a
3 consolidation of lots, which is what the ANC Commissioner talked
4 about for some time. In D.C., a subdivision can also be the
5 conversion of a tax lot to a record lot.

6 So there is the situation of an existing building on
7 an existing lot that may be created in the 1800s, but to do
8 something on that lot would require its conversion to a record
9 lot, and that also is a subdivision. And that can be an issue
10 in the RF zone. But we could provide more information on that.

11 COMMISSIONER WRIGHT: Thank you.

12 VICE CHAIRPERSON MILLER: And I guess I had one
13 question, which I think is also answered in your report, Mr.
14 Lawson, on the deck proposal. Were most of the BZA cases that
15 were approved and had OP recommendation for approval and had ANC
16 support for approval, usually had it as I recall, the ones I sat
17 on, adjacent neighbor support and for approval. Were most of
18 those in the RF zone?

19 MR. LAWSON: Oh, to be honest I've got that data. I
20 don't have it on my (audio interference).

21 VICE CHAIRPERSON MILLER: Well, it might be useful to
22 have that since we were talking about how much this should apply
23 to the RF zone. Of course, Mr. Eckenwiler just proposes a scaling
24 back, not a total exemption of your proposal, exclusion of your
25 proposal to RF. So it just might be helpful to see that.

1 Thank you.

2 CHAIRPERSON HOOD: All right.

3 I think we got everything. We know what we're going
4 to deal with on November the 5th. Unless I hear anything else,
5 with that this hearing is adjourned, and we'll see everybody
6 November the 5th at 5:00 or a little thereafter.

7 Good night, and thanks, everybody.

8 VICE CHAIRPERSON MILLER: Good night.

9 (Whereupon, the above-entitled matter went off the
10 record at 7:15 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

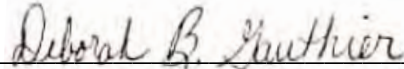
In the matter of: Public Hearing

Before: DC OZ

Date: 11-03-25

Place: Via Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah Gauthier