

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE 25-12

+ + + + +

THURSDAY

NOVEMBER 6, 2025

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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:

CAROL GRUNEWALD, ANC Commissioner 3/4G SMD 03

ELIZABETH NAGY, ANC Commissioner 3/4G SMD 07

MEG MAGUIRE, Committee of 100

The transcript constitutes the minutes from the
Regular Public Hearing held on November 6, 2025.

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Case 25-12

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

(5:22 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, joined by Vice Chair Miller and Commissioner Wright. We're also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Paul Young, who will be handling all of our virtual operations, and 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 that this proceeding 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 on your presentation. All presentations 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.

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

9 This evening, this case was originally advertised for
10 a single hearing. The Commission later decided to break up the
11 case up into six evenings of hearings. This is day four of six.
12 The hearing day four will consist of the following topics;
13 penthouse habitable space, affordable housing contributions
14 Subtitle C-1507, IZ opt-in provisions from R2, R3, and R4 zones,
15 Subtitle C-1001, B-201 and E-201, relief from the front setback
16 requirements Subtitles D-5201 and E-5201, and redundant building
17 form language, Subtitle U-201.

18 Written testimony may be submitted at the time prior
19 to the close of the record. Witnesses at tonight's hearing must
20 limit their testimony to the specific text amendments under
21 consideration for this evening. The hearing will be conducted
22 in accordance with provisions of 11-Z DCMR Chapter 5 as follows;
23 preliminary matters, presentation by the Petitioner, in this case
24 it's the Office of Planning, reports of other government
25 agencies, report of the ANC, testimony of organizations and

1 individuals -- organizations five minutes, individuals three
2 minutes -- and we'll hear in the order from those in support,
3 opposition, or undeclared. While the Commission reserves the
4 right to change the time limits for presentations if necessary,
5 it intends to adhere to the time limits as strictly as possible
6 and notes that no time shall be ceded.

7 At this time, the Commission will consider any
8 preliminary matters. Does the staff have any preliminary
9 matters?

10 MS. SCHELLIN: Just very briefly, just to update the
11 Commission with what we have in the record, and that is ANC 5F.
12 They support topics 13 through 16. 5E's report is at Exhibits
13 83 and 83A. They're in support also of all four topics. DDOT's
14 report, they have no objection. And OAG, they are here, and Ms.
15 Wurst is here to speak this evening, so I'm not going to try to
16 go into what they support or don't support. She will tell you,
17 and I'm going to turn it back over to you, Chairman Hood.

18 CHAIRPERSON HOOD: Okay.

19 Let's bring up the Office of Planning, Mr. Lawson, and
20 we can go right into it.

21 MR. LAWSON: Here we go. Good evening, Mr. Chair.

22 CHAIRPERSON HOOD: Good evening.

23 MR. LAWSON: And members of the public. Thanks again
24 for having me here tonight. You must be getting tired of seeing
25 me every night. We're here for the fourth of six hearings on

1 the omnibus text amendment case, and it's the last one for this
2 week.

3 This one deals with a variety of amendments, but
4 generally is intended to add clarity and consistency to the
5 regulations. Next slide, please.

6 So I am providing an introductory section to this
7 presentation. It's the same introduction that I'm making to each
8 of these presentations. We're providing it again because it, of
9 course, presents the basis of this initiative, and there may also
10 be many different members from the public attending each of these
11 hearings. However, I'm only going to be very brief in my summary
12 of the slides as part of this verbal presentation. This slide
13 provides the process to date, the public portion beginning in
14 June with ANC open house sessions, and continuing through to the
15 hearing tonight. Next slide, please.

16 The proposed text amendments generally address one or
17 more of these main objectives: to address comprehensive plan
18 policy and objectives, including housing policy and equity
19 issues, to remove unnecessary barriers to housing, including the
20 provisions and processes for IZ units in all parts of D.C., to
21 add clarity to the zoning regulations, remove redundancies and
22 add consistency of language to make them easier for residents and
23 designers to use, and for staff to interpret and administer
24 consistent with the intent, to ease administrative burdens for
25 homeowners and property owners, as well as the BZA, ANCs, and

1 staff, by removing unnecessary hurdles. This can decrease the
2 what can otherwise be considered the considerable time and
3 expense of the property owners required for obtaining permits.
4 And finally, to update the 2016 zoning regulations themselves to
5 be consistent with current requirements, regulation standards,
6 and practices throughout the City.

7 We've tried to balance the desire to protect
8 neighborhood or community character with the needs and
9 aspirations of property owners and the needs and wishes of
10 homeowners to modernize their houses to current standards or
11 update them to reflect changing family needs, whether that be a
12 growing family, aging in place, or an inter-generational family
13 living so that our residents can remain within their community.
14 As we are the Office of Planning, we also consider potential
15 future residents of the City. Are we providing an inviting and
16 accessible opportunity for them as well? Next slide.

17 Various proposals have been raised by different
18 sources, sometimes by multiple sources, including you, the Zoning
19 Commission, as well as the BZA, often as part of review BZA cases
20 or Zoning Commission cases. A lot of them have been suggested
21 by D.C. agencies, obviously including my agency, the Office of
22 Planning, as well as Department of Buildings, Department of
23 Transportation, Parks and Recreation, and Energy and Environment.
24 Architects, engineers, and builders have provided feedback to us
25 in suggestions for amendments. ANCs have provided suggestions

1 for amendments, and homeowners and the community often through
2 BZA reviews once again. Next slide.

3 As with any case before the Zoning Commission, the
4 proposals in this omnibus text amendment are not inconsistent
5 with the comprehensive plan, including when viewed through a
6 racial equity lens. The OP setdown and hearing reports provide
7 this analysis in detail. The proposals do not include any
8 rezonings of property or substantial changes to permitted use,
9 height, or density beyond what is anticipated by the existing
10 zones. While any one amendment could certainly have a significant
11 impact on a particular proposal for an individual property by an
12 individual homeowner, or property owner, either in terms of
13 regulation or process, these are not really considered major
14 moves in zoning. They would address barriers to the provision
15 of housing, including the provision of affordable housing units
16 consistent with the IZ program. 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. They provide additional clarity
20 to aspects of the regulations and remove unnecessary and
21 potentially costly procedural hurdles to residents and property
22 owners in all parts of D.C. Next slide.

23 Collectively and individually, the proposed amendments
24 would address policy statements for multiple citywide elements
25 of the comp plan. The proposals do not generally target any

1 specific part of the City or address any area -- specific comp
2 plan area element policy objectives, or specific guidance from
3 approved small area plans for individual neighborhoods. Next
4 slide.

5 With respect to a review of the comprehensive plan
6 through a racial equity lens, it can be difficult to determine
7 the potential impact of a discrete text amendment which does not
8 significantly impact the use or building type or form. In
9 general, these proposals should not result in direct or indirect
10 displacement of residents or businesses, and in some cases, may
11 make it easier for existing residents and property owners to use
12 and update their property in a way that is both consistent with
13 policy and consistent with the intent of the zone that they're
14 in. Adding clarity and certainty to regulations would also be a
15 benefit to all residents of the City.

16 In summary, we do not anticipate that proposals would
17 have a significant impact on overall demographics in the City or
18 any particular neighborhood or neighborhood type. Overall, they
19 could have some limited positive impact on equity throughout the
20 City. Next slide.

21 As noted earlier, these proposals include ones that
22 respond to suggestions and comments made by various groups, ANCs,
23 community and business groups, and individuals often made through
24 past BZA and Zoning Commission cases. On June 24th and June 26th
25 of this year, we held virtual open house meetings for ANC members

1 intended to provide advanced awareness of the text amendments to
2 solicit early feedback and to answer questions about the issues
3 and proposed zoning. OP amended the proposal as discussed as
4 part of the setdown report based on these discussions. We held
5 two additional ANC virtual open houses following setdown on
6 October 7th, 2025. Again, a video of the meeting was posted on
7 the OP website along with the OP presentation to the ANCs. Since
8 then, there have been additional discussions with members of the
9 public, and individual ANCs. At the time the OP hearing report
10 was drafted, some public comments had already been added to the
11 record, and OP tried to address those comments in the hearing
12 report and in some cases, have recommended adjustments and
13 additional amendments based on those comments.

14 Subsequent to the hearing report being filed, there
15 have been additional meetings and discussions with members of the
16 community and the ANCs. The record includes comments of support
17 from DDOT and OAG. Many public comments have been filed in
18 support, particularly of housing and transportation-related
19 changes. Others offer support, opposition, or suggestions for
20 changes to specific proposals. OP will note in our verbal
21 testimony tonight, sorry -- we will note a response to some of
22 these comments in our verbal testimony tonight and my apologies
23 in advance to witnesses if my summarization of your written
24 comments do not fully capture your issues. Next slide.

25 For the remainder of this presentation, I'll provide a

1 quick overview of the four proposed amendments on the agenda
2 tonight, which include various items. But in general, they're
3 intended to add clarity, certainty, and consistency in the
4 regulations themselves. The OP hearing report provides
5 additional analysis for each of these proposals, including more
6 information on their origin, on their intent, potential and
7 intended impact, illustrations, and analysis of past BZA cases
8 where appropriate. The report also notes other proposed
9 technical or corrective changes to regulations otherwise being
10 amended, such as reordering or correcting references, which I
11 typically will not address in this verbal presentation. Next
12 slide, please.

13 Okay. So here we go. The first proposal for this
14 evening deals with the details of the IZ related affordable
15 housing requirement for penthouse space and essentially what is
16 considered habitable space. The penthouse and rooftop structure
17 provisions were significantly amended ten years ago, about ten
18 years ago, in response to federal amendments to the 1910 Height
19 Act to permit habitable space within a penthouse and counseled
20 direction to implement this change in zoning. As this was
21 considered bonus space not previously permitted, a contribution
22 towards the provision of affordable housing was required. This
23 could be either the provision of affordable housing units
24 consistent with the IZ program within the residential building
25 or contribution to the D.C. Housing Production Trust Fund,

1 typically for a non-residential building.

2 The program has actually been pretty successful. The
3 last estimate I received from DHCD was about \$10 million in
4 contributions generated, and that would be in addition to the
5 additional or large IZ units provided within the building as a
6 result of the penthouse space requirement. The proposals
7 specifically relate to service spaces such as shafts for stairs
8 and elevators. The proposal is consistent with the intent of the
9 provisions and, again, is in line with current practice and
10 interpretation. Next slide.

11 I think we can go to the next slide, actually. I think
12 I just talked about the proposal. Sorry about that.

13 This slide includes simple illustrations and a table
14 of what is and is not included in the calculation. This was also
15 provided in the OP hearing report. Dwelling units and any office
16 or office-related commercial space are always included in the
17 calculations. Mechanical space is not included in any of these
18 three scenarios, and amenity space remains not counted for
19 residential buildings consistent with the Zoning Commission
20 direction. Service spaces and corridor and circulation spaces
21 are counted depending on the use of the building, you know, and
22 the penthouse. And again, these proposals we brought forward
23 tonight for changes to the regulations are in line with what are
24 the current practices and have been for these calculations for
25 some time.

1 There are comments generally in support from the ANC
2 in the record right now. There are comments generally in support
3 from ANCs 5E and 5F and from land use law firms. The Committee
4 of 100 is in opposition and notes that this would lower the amount
5 of square footage that can be used to calculate the affordable
6 housing requirement. The memo appears to advocate for the
7 inclusion of roof decks, pools, community rooms, and other
8 penthouse amenity space in these calculations. This is not part
9 of the OP proposal in this case. The Zoning Commission
10 established the exemption for these spaces as part of the original
11 IZ approval with the stated intent of not wanting to
12 disincentivize the provision of rooftop amenity space. OP's
13 received no indication from the Zoning Commission that this
14 should be revisited. Next slide.

15 The second item on the agenda tonight relates to the
16 IZ regulations and particularly opting into those provisions.
17 The IZ regulations establish triggers for the mandatory inclusion
18 of IZ or affordable units, most notably that the development
19 would result in ten units or more or ten new dwelling units or
20 more. In return for IZ, the zoning allows the developer certain
21 bonuses. FAR in apartment and mixed use zones, as well as height
22 or lot occupancy in some zones to accommodate the IZ bonus
23 density. Because the low density residential zones do not
24 establish an FAR, but rather base density on the number of
25 dwelling units, a mandatory IZ development in the R2, R3 and RF

1 zones have a different bonus in that it would allow a reduced
2 lot area by right and then reduced lot width by special exception.
3 In addition to mandatory IZ, there is also a voluntary or opt-in
4 provision, and that is for projects that want the bonus provided
5 by IZ in return for providing IZ units in a project that otherwise
6 would not qualify for mandatory IZ. The opt-in process is by-
7 right in almost all of our zones, but is currently allowed only
8 by special exception in the lower density residential zones, R2,
9 R3, and RF. As we know, that is part of the -- oh, sorry, I
10 should also note that it is part of a separate case that we filed,
11 the removal of the special exception review process docked into
12 IZ is also being proposed within the RA-1 zone. Next slide,
13 please.

14 In this case OP is proposing to eliminate the special
15 exception requirement for opting into IZ in these three zones and
16 allowing the reduced lot width as a matter-of-right for either
17 mandatory or voluntary IZ project. This would allow an applicant
18 to opt into the IZ program voluntarily and achieve the relevant
19 bonuses as a matter-of-right as is currently the case in most
20 zones. Next slide.

21 So the chart on this slide, which is also in our report,
22 indicates that OP is not proposing any lot area lot width that
23 would be inconsistent with the zone or with what is currently
24 permitted by special exception. So why are we proposing this?
25 We feel that it's not appropriate to require special exception

1 review for the provision of IZ units, particularly in the lower
2 density residential zones where opportunities to address the
3 provision of dedicated affordable units are fewer. This lengthy
4 and extensive review is also inconsistent with comprehensive plan
5 policy to encourage the provision of affordable housing, not just
6 in some neighborhoods, but in all neighborhoods. In addition,
7 in these zones, the units would not be within multi-family
8 buildings but rather in single-family homes or flats, so they
9 would also be more likely to be for sale units providing home
10 ownership opportunities. The IZ regulations would not permit the
11 IZ units to be rental if the remainder of the units in the
12 development are for sale.

13 The record currently includes support from ANCs 5F and
14 5E, various land use firms, OAG, and the Coalition for Smarter
15 Growth. OAG also raised an additional clarification related to
16 this proposal to a corresponding amendment that is needed in the
17 regulations. OP agrees that this additional change would be
18 beneficial and will work with OZLD to incorporate it into the
19 proposal. The Committee of 100 opposes the removal of the special
20 exception requirement for both mandatory and voluntary IZ
21 developments in the low density zones, noting concerns that this
22 would impact development patterns and open space so special
23 exception review should be retained. OP respectfully disagrees.
24 The IZ regulations are intended to promote the provision of
25 dedicated affordable units in all parts of D.C. The current

1 special exception requirement is both unreasonable and
2 inequitable because it only allows IZ and the permitted bonus
3 with an expensive and time-consuming BZA process which undermines
4 the affordability of the project and its likelihood to be
5 requested in these zones. The process itself is a deterrent,
6 especially with the possibility of additional lengthy and costly
7 appeals. Next slide.

8 The third item on our agenda is one that's generated a
9 fair amount of conversation in the meetings we've had and in
10 correspondence that we've received to date, and this has to do
11 with the front setback requirement, which is the distance
12 required between a building and a street block line. This is
13 actually a relatively new addition to the zoning regulations.
14 For most of our history, there has been no front setback
15 requirement. Anybody could build as close to or as far from the
16 street as they wish to.

17 The provision in the zoning regulations now applies
18 only in the R and RF zones. The provision was added as part of
19 ZR16 to address streetscape character issues raised by community
20 members, and OP is not proposing any changes to the requirement
21 itself. Most provisions were regulating the siting of the
22 principal building on a lot called yards, such as a rear yard or
23 side yard, but this provision was established as a setback and
24 that's because it does not provide a prescribed distance, but
25 rather a range within which the front facade has to be placed.

1 This range is determined by the facades of buildings on the block
2 closest to and farthest from the front lot line. This is further
3 restricted for semi-detached and rowhouse buildings where the
4 facade of a building could not be further back or forward from
5 the front facade of at least one of the adjoining houses. Next
6 slide.

7 So this diagram shows the range within which on this
8 block the front facade could be located, and it's shown in the
9 purple hatched area. You can see that there's one house that's
10 set fairly far forward and one that's set a little further back,
11 and those two houses establish that purple shaded area where any
12 front facade is allowed to be placed by-right. When it was first
13 established, this rule was actually interpreted as equivalent to
14 a yard, and special exception relief pursuant to Section 5201 was
15 permitted as it is for rear yard and side yard relief.

16 There were actually BZA cases in which special
17 exception relief from this provision was requested, analyzed, and
18 approved. Subsequently, it was determined that because front
19 setback relief was not specifically called out in Section 5201
20 so it had to be reviewed as an area variance, not as a special
21 exception. OP believes this was not the original intent for the
22 provision and this establishes an inconsistent burden on
23 homeowners.

24 OP is proposing to clarify that special exception
25 relief pursuant to the normal special exception criteria from the

1 front setback provision would be permitted for an addition to an
2 existing building or for a new dwelling on the substandard lot.
3 A new dwelling on a conforming lot would not be eligible for this
4 special exception relief as is the case for other zoning
5 provisions such as rear or side yard or lot occupancy. So in a
6 case like that, the variance would continue to be needed.

7 Not only is the special exception process for additions
8 on new houses or on substandard lots consistent with the intent
9 of the provisions and the relief permitted for other citing
10 related provisions, it's also an appropriate form of relief
11 review as it is more directly intended to address issues of light,
12 air, and neighborhood character. As part of our outreach, some
13 ANC Commissioners did express concerns about houses being able
14 to creep closer to the street. Approval of relief for one
15 property would allow other houses on the block to add on to the
16 front or for a new house to be constructed on a similar street
17 setback, which would also be the case for the current variance
18 requirement.

19 Concerns seem to focus on developer-built housing
20 although, again, OP notes that a new house on a conforming lot
21 would not be eligible for this special exception relief. For
22 reasons just noted, OP continues to feel the special exception
23 relief is appropriate for an addition for a house on a substandard
24 lot as it is for other forms of required open space between the
25 house and the property line, and the record currently also

1 indicates support for this proposal from the ANCs 5E and F and
2 various land use firms.

3 The Committee of 100 opposes allowing relief from front
4 setback by special exception, noting that this is a reversal of
5 OP's position when the provision was proposed by OP and adopted
6 by the Zoning Commission, and that the more rigorous variance
7 process is more appropriate. OP generally disagrees with this.
8 When OP proposed this provision, it was indeed intended to
9 regulate front additions to houses and more so the construction
10 of new houses further forward or back from the prevailing
11 streetscape character. And I could be wrong on this, but I am
12 pretty sure that it was not intended that relief from this
13 provision would be available only by variance as this would be
14 unlike all other forms of building citing provisions.

15 As noted, for some time relief was requested and
16 approved as a special exception. It's only more recently that
17 the exact wording of the section led the Zoning Administrator to
18 determine the special exception relief is not permitted because
19 it is a front setback as opposed to a yard, which is the listed
20 term in the special exception provisions. OP also feels that the
21 review criteria for special exception, once again, are
22 appropriate for this provision as it would only be available to
23 a homeowner wishing to add on to an existing house or property
24 owner with a nonconforming lot and would provide the relevant
25 review criteria for that BZA review. A resident also indicates

1 opposition as this would make front yard relief more common which,
2 as I said earlier, could lead to changes in residential
3 streetscape character.

4 Similar concerns, as I noted, were raised by ANC
5 members and members of the public at our open houses and from in
6 subsequent messages to OP from individual ANC Commissioners. The
7 letter in the record also notes additional concerns related to
8 the blocking of light and air, which are issues that are addressed
9 as part of the special exception reviews proposed, as well as
10 view impact, which the Commission knows is not part of the review
11 of either variance or special exception cases.

12 Having said all that, OP does understand this concern
13 and it is true that the front setback is different from other
14 yard requirements and that granting relief for one addition could
15 reset the area within which relief would not be required for
16 other additions on the block. While we continue to feel that
17 special exception relief is more appropriate that an owner should
18 not require variance relief, for example, for an entry vestibule,
19 which is an actual example of a BZA case. However, based on this
20 input, if the Commission shares the community concerns, OP could
21 re-look at this provision to see if a more nuanced solution is
22 appropriate. Maybe something like the current lot occupancy
23 provision where some level of relief is permitted by special
24 exception, and beyond that, a variance is required. Offhand, I'm
25 not sure what that option might be, and it may be that no

1 compromise solution from OP would be acceptable to many people
2 who have expressed concern and we would also have to ensure that
3 any other provision is also both sensible and administrable.
4 However, I raise this option in case Commission members want to
5 provide feedback on this to the Office of Planning. Next slide.

6 This section deals with Subtitle U, which is the uses
7 Subtitle, and Subtitle U, Section 201 establishes the by-right
8 uses allowed in the R zones, the residential low density zones.
9 And in specific, the use regulations allow a principal dwelling
10 unit but then they add building form descriptions such as
11 detached, semi-detached and attached for the various R zones.

12 Building form provisions such as detached and row, are
13 not a use. Use provisions for other zones do not include this
14 kind of building form description. In fact, any building of any
15 use that meet these form descriptions are commercial or even an
16 industrial building. It could be a row building or a detached
17 building form, for example. Next slide.

18 The building form related provisions in Subtitle U for
19 single family dwellings are misplaced, and are also simply
20 redundant of the existing R zone development regulations and the
21 purpose statements in Subtitle B in which the form descriptions
22 are provided in both, and this is where they belong. As such,
23 we feel that they can be removed from Subtitle U to delete
24 inappropriate redundancy. This change would not result in any
25 change permitted use, or the building form in these zones.

1 For this amendment, there are indications of support
2 from ANCs 5E and 5F and various land use firms. The Committee
3 of 100 is in opposition to this proposal indicating that this
4 actually is relevant information related to how the zone is to
5 be used and that there is no redundancy. Once again, OP does
6 not agree and simply feels that this is an appropriate clean-up
7 for the regulations. It has no impact on what is or is not
8 permitted in the zone or on a property, and removal of these
9 provisions from Subtitle U is recommended. Next slide.

10 So that's it for me for tonight. This is just a final
11 reminder of the items on the agenda. In summary, OP recommends
12 these amendments as being consistent with and furthering District
13 policies outlined in detail in our reports, and I'm available for
14 questions.

15 Thank you.

16 CHAIRPERSON HOOD: Thank you, Mr. Lawson. I don't
17 necessarily have any questions. I want to hear, hopefully, from
18 you all, from the Committee of 100, and the opposition. I think
19 they opposed everything tonight as well. So I do want to hear
20 from them. I was going to ask you a question, but I'm going to
21 ask Committee of 100, and hopefully they're here tonight. Let
22 me see if my colleagues have any questions or comments.

23 Commissioner Wright?

24 COMMISSIONER WRIGHT: Thank you.

25 I feel pretty comfortable with all of these amendments.

1 I want to make sure that I'm fully understanding what's proposed,
2 so helps me a little bit to sort of repeat back what I'm hearing.
3 On the penthouse habitable space affordable housing contribution,
4 a decision has already been made that amenity space is not counted
5 towards the gross floor area that's used to calculate IZ units.
6 And if that is correct, what you're doing here is clarifying that
7 that is also true for the service areas and corridors; is that
8 correct?

9 MR. LAWSON: I'll just provide a little bit of nuance
10 to that, but that is basically correct. When these regulations
11 were established, the Zoning Commission at the time actually
12 debated amenity space on residential buildings at length and it
13 was a very conscious decision on the part of the Zoning Commission
14 to not include that amenity space in the IZ calculations because
15 they did not want to disincentivize the provision of that amenity
16 space which they felt rightly was an important amenity to the
17 residents of the building.

18 Amenity space on the roof of a commercial building is
19 a different matter. Something like a gym for the residents --
20 or sorry, for the occupants of that building would count towards
21 the IZ contribution. The Commission did not specifically as, to
22 my memory anyways, it was a long time ago, to my memory, it did
23 not specifically get into the details of things like elevator
24 shafts and stairwells. That's been more a question of
25 interpretation over the years by the Zoning Administrator's

1 office and my understanding from DOB is that what we're proposing
2 now is consistent with that interpretation. The reason we're
3 proposing to put it in the regulations is that it is appropriate
4 that that interpretation be in the regulations for clarity and
5 consistency and so that people understand kind of upfront exactly
6 what will and will not be counted.

7 Thank you.

8 COMMISSIONER WRIGHT: Got it. Yes. Thank you.

9 In terms of the second one, you know, the IZ opt-in
10 provision, I think that it makes a lot of sense to not require a
11 special exception for a small project that wants to do IZ in one
12 of these traditionally lower density zones and I'm sort of
13 surprised at some of the opposition because it seems that, you
14 know, IZ is viewed as a major goal by some of the folks who are
15 opposing this particular provision and this would make it easier
16 for projects in the low density zones to move forward without
17 having to go through a special exception. So it's not really a
18 question. It's more of a statement that I think that that's a
19 good idea.

20 I am a little concerned about the relief from the front
21 setback requirement because I do understand that things can
22 snowball if you have, you know, a lot of additions at the front
23 it moves the bar and it would allow for, as I think was described,
24 you know, creep into the front yard of a lot of buildings. But
25 I do note that we are talking about something that still has a

1 process. The process is a special exception, not a variance, but
2 there is a special exception process that allows neighbors,
3 interested members of the public, and anyone who wants to
4 participate in that public process to participate in it. And
5 what I'm understanding, and please, again, correct me if I'm
6 wrong, that the front setback issue would still go through a
7 public process. It would be a special exception process, not a
8 variance process; is that correct?

9 MR. LAWSON: That's correct. That was the process when
10 it was first established. You know, it's only because of this
11 nuancing of the wording that led to the interpretation that maybe
12 that special exception process wasn't specifically called out in
13 the regulation.

14 COMMISSIONER WRIGHT: Thank you.

15 And then the final one about redundant language. I
16 don't have a problem with that at all. So I think that's the
17 end of my questions, but thank you very much.

18 MR. LAWSON: Thank you.

19 CHAIRPERSON HOOD: Thank you.

20 Vice Chair Miller, do you have any questions?

21 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
22 thank you, Mr. Lawson, again for a very concise and cogent
23 presentation of another part of the omnibus zoning text
24 amendments. I generally agree with everything my colleague,
25 Commissioner Wright, said about each of the four proposed

1 amendments that we're considering tonight.

2 On the penthouse habitable space, I mean, I was there
3 for all that discussion. I want to go back and read the
4 transcripts or the videos and see what we were concerned. You
5 mentioned we didn't want to, it was something new. We didn't
6 want to disincentivize good things happening on the rooftops as
7 opposed to these mechanical things that only everybody has seen
8 for decades, so we wanted not to have a disincentive there. At
9 this juncture, I think there may be value in including the
10 residential. I know this is not part of your proposal, but I
11 think it might be of value in a certain future case to look at --
12 not in this case, I don't want to delay anything in this case --
13 to look at the residential amenities based being calculated for
14 the penthouse for the affordable housing contribution on the --
15 I don't want to disincentivize rooftop habitable space from
16 happening all together and maybe in that future case can get
17 information as to whether, from the development industry and from
18 you all, from the Office of Planning, as to whether we think that
19 it would just kill the whole program because the IZ space and
20 the habitable space on top, as you said, is contributing to more
21 and deeper affordability of housing. It's 50 percent, as I
22 recall, as opposed to the higher median family income that's
23 generated from elsewhere in the building.

24 So, but I support the exclusion of service and
25 mechanical areas from and any clarification that would remove

1 difficulties in getting the calculation right. So I support the
2 amendment, but I do personally want to revisit the previous
3 decision that we made and look at my own comments ten years ago
4 as to what I was concerned about or what we were concerned about.

5 On the IZ opt-in provisions, yes, I think that that is
6 contributing to affordable housing in low density residential
7 neighborhoods, and I'm baffled by the Committee of 100's
8 reflexive opposition to that. They emphasize affordable housing
9 in there as a reason for opposing other provisions.

10 So on the front setback, I think the special exception
11 was, as you said, I think that was always what was intended
12 originally, and I guess it was the Zoning Administrator that made
13 an interpretation at some point or was there an appeal? How many
14 years did the BZA consider those front setbacks as special
15 exceptions, and do you know how many were given? I don't need
16 to know that necessarily, but was it a couple years that it went
17 on and were they, my sense would be that they were all, again,
18 the ones that were approved were recommended by OP, recommended
19 by the ANC, and didn't have opposition from neighbors as is the
20 case with many of these proposed amendments, which is why you're
21 proposing them, to get them off of the BZA's plate and allow
22 things to proceed more expeditiously in certain with certainty.
23 But do you know how many -- was it a ZA interpretation? Because
24 it didn't say front setback in 5201, or if that's what the right
25 section is?

1 MR. LAWSON: Yes. So it's always been called a setback
2 and actually now that you say that, I guess I had assumed that
3 it was a Zoning Administrator interpretation. It is possible
4 that it was an appeal, and I can do some research into that. In
5 my conversations with DOB, with the Zoning Administrator staff,
6 I don't remember them ever indicating that it was the result of
7 an appeal, but I can look into that and I can provide that to
8 the Commission.

9 It was some years that they were reviewed as a special
10 exception. It's not the most common kind of relief. There
11 weren't all that many examples, either by special exception or
12 subsequently by variance and they varied, like I mentioned in my
13 testimony, you know, at least one of the cases was literally for
14 a vestibule to provide an inner lock to get into a family's house
15 and it was contentious and I think that one was eventually
16 approved, but certainly not all of them have been just because
17 the variance test is not that easy to make.

18 So that's why we were proposing it be a special
19 exception. I'm happy to look into it a bit more. I think some
20 of the numbers of BZA cases are in our OP report, probably the
21 setdown report.

22 VICE CHAIRPERSON MILLER: I think you said 17, if I'm
23 remembering the right amendment, and there were two area
24 variances that were denied, two area variances that were denied
25 with OP as OP recommended denial and BZA denied it. It didn't

1 really make clear what happened with the other 15. I assume they
2 were all approved, but it wasn't clear in your report.

3 MR. LAWSON: I'm sorry. Yes. Those other ones would
4 have been approved and you have to remember, you know, when it's
5 a variance case even if OP feels that the proposal is appropriate,
6 the variance test is enough of a hurdle that sometimes we have
7 to recommend denial simply because they don't meet the test and
8 sometimes the BZA has to approve what are otherwise reasonable
9 projects just because it's a variance test, which is not that
10 that easy to meet.

11 VICE CHAIRPERSON MILLER: And as you testified tonight
12 and in your report, the special exception criteria would allow
13 for not only evaluation of adverse impacts on adjacent properties
14 and in terms of light and air and use and enjoyment and privacy,
15 but it would also allow for whether it is adversely impacting the
16 pattern, scale, and character of the neighborhood, which you
17 could take into account the general front setbacks that have been
18 there historically and maybe should continue. So I personally
19 think the special exception process is a more appropriate process
20 for that relief and there would be the BZA review and the
21 community input, and the criteria that I just outlined. So that
22 was it for that one, I guess, for me.

23 And, again, on the fourth one, yes, like Commissioner
24 Wright, I don't have a problem with the -- it's stated there
25 where the use provision should be and where the development

1 standard should be. It's all there. If people want us to repeat
2 it, if that's a big deal to them, I don't mind repeating it, but
3 there was supposed to be a consistency and a rhyme and reason to
4 the organization of the zoning regulations under ZR16. So
5 appreciate you bringing it forward and look forward to the further
6 testimony from OAG and the public.

7 MR. LAWSON: Thank you.

8 CHAIRPERSON HOOD: So, Mr. Lawson, I'm actually going
9 to ask the Committee of 100 this. I'm particularly concerned
10 about 15, relief from the front setback requirement, because I
11 know they are opposed to what's in front of us today for the
12 special exception. And I'm just curious when we did ZR16 and we
13 had the variance, were they opposed then? I'm just trying to
14 get an understanding of where we are on the field and I don't
15 know if you remember whether they opposed that or not because
16 that's been some time.

17 VICE CHAIRPERSON MILLER: Probably a good guess that
18 they were.

19 CHAIRPERSON HOOD: Which is really confusing me. So
20 anyway, Mr. Lawson.

21 MR. LAWSON: If I could interject. I'm not going to
22 speak for the Committee of 100. I suspect that they were actually
23 in favor of the front setback requirement.

24 VICE CHAIRPERSON MILLER: Yes, yes. I didn't mean to
25 say that (indiscernible).

1 MR. LAWSON: Because and, again, I don't, my memory is
2 that this wasn't part of the conversation, but I don't think that
3 there was conversation about that the front setback should be a
4 variance as opposed to a special exception. But I suspect they
5 were in favor of the front setback part.

6 CHAIRPERSON HOOD: Okay. Okay. Well, that helps me.

7 And I know we're just talking about these two zones,
8 RF and R, and I'm thinking about a property that there -- and
9 I'll be frank, there's a gentleman, and this goes back to what
10 Ms. Wright or Commissioner Wright was mentioning -- there's a
11 gentleman in this City who blames me for a case that I was not
12 even on where it comes right up to the lot line, and I think it's
13 an RA, though. I'll have to look into that.

14 But I'll just say that it's new, and it's different and
15 I'm just concerned about the special exception and keeping some
16 kind of conformity. I don't know if I go along with the Committee
17 of 100, but I do know that it does need to look organized and
18 coordinated, whether that's going to happen through the special
19 exception, I'm just trying to figure out how all that's going to
20 work. But I do look at your numbers. I always look at the data.
21 I look at the 17 cases. I look at what was done there, and I
22 think you all have, for me, it is through due process, I think
23 we have justification in to going this direction. So I'm not
24 going to sit here and try to contradict or try to change something
25 that has a track record. I'm just trying to figure out how the

1 mechanics of that is going to work. So anyway, that's all I have
2 on it.

3 Commissioner Wright?

4 COMMISSIONER WRIGHT: Yes. I'm just, again, wanting
5 to make sure I understand. None of this is saying that there
6 shouldn't be an ability to make changes to a front yard setback.
7 Right now, this is a question of is it going to be by variance
8 or by special exception; is that correct?

9 MR. LAWSON: Well, essentially, that is absolutely
10 correct. Even under the current regulations, there is that it
11 shows the purple stripe, you know, on our illustration. Within
12 that area, you can add on to your house by-right. So there is
13 no relief required. It's just if you want to do something forward
14 of or back from that line that under the current regulations,
15 it's been interpreted that a variance is needed as opposed to the
16 special exception.

17 COMMISSIONER WRIGHT: And so what I understand, the
18 Committee of 100 feels like the variance process is more stringent
19 in some way than the special exception process, and that's why
20 they don't favor this change because they would want the more
21 stringent variance process. But my understanding is variances
22 are generally, and I'm talking generally here, they're for
23 unusual situations. You get a variance if you have a unusually
24 shaped lot or something that's just a little different than the
25 norm, and you think a variance is appropriate.

1 Really and truly, most of these front yards probably
2 have nothing to do with oddly-shaped lots or unusual situations
3 and it's really more, you know, a community character test and
4 in a way a design test, and I think that a lot of that falls into
5 special exception. You know, do you want to allow a special
6 exception because the proposal is being done in such a way that
7 is still consistent with community character and will not have a
8 negative impact.

9 So you know, I think what's before us is really still
10 having a process, but just deciding which process, variance or
11 special exception, and I think what I'm hearing, and you tell me
12 if I'm mishearing, that OP is simply saying that the special
13 exception process, which still goes to the BZA, still gets
14 testimony from the public, still has to have consistency with
15 community character, all those things is a little bit more the
16 appropriate process than a variance because a variance really is
17 for odd situations, and these are generally not odd situations.
18 Is that sort of a way of saying it?

19 MR. LAWSON: I think it very much is. You're correct
20 that the variance test is different in that an applicant for a
21 variance needs to show that there is some unique or unusual
22 circumstance that results in a practical difficulty to the owner.
23 A special exception test focuses on things like light, privacy,
24 streetscape character, character of the surrounding areas, those
25 kinds of issues that I got the sense from talking to people are

1 the bigger concern.

2 I did, and again, I shouldn't be speaking for other
3 people, but people who were contacting me and who spoke up at
4 some of the meetings I was at were particularly concerned or
5 expressed a particular concern about developers and developers
6 being able to come in, buy a property, for some reason build it
7 close to the street and be inconsistent with the character. It's
8 one the reasons why I was trying to point out well, first of all,
9 developers, my experience anyways, most developers will do
10 anything they can to avoid any process at all. They don't want
11 to go to BZA at all. So they're going to avoid a special
12 exception. They're going to avoid the variance.

13 The other thing is that I tried to emphasize my
14 testimony was that if it's a conforming lot and a new house, the
15 developer's building, they're not eligible for the special
16 exception relief anyways as they would not be eligible for special
17 exception relief for rear yard, you know, or side yard. So I
18 think that's less of an issue, and I think our concern is more
19 that it's an impediment to the homeowner, the people who are
20 living in the neighborhood and their ability to do, you know,
21 reasonable additions which could be on the front of their house.

22 So that's kind of where our focus is from. I understand
23 the concerns that people have. I've been ruminating on this a
24 lot. You know, like you, I continue to think that the special
25 exception process, the wording of it is just more tailored to

1 this kind of relief. But I think it will be interesting to hear
2 the testimony from the various members of the public tonight and
3 I assume that some of those members of the public are here today
4 on the phone.

5 Thank you.

6 CHAIRPERSON HOOD: Thank you, Mr. Lawson.

7 But I think you're right. That helped me get over that
8 hurdle with 15 special exception. You have a whole analytical
9 of adverse impact. You get it all. You're able to add it all
10 down. Then when you have the variance, you're kind of narrowed
11 in an irregular lot and you kind of narrow yourself and it's a
12 heavy lift for homeowners. I think for me what you just said,
13 and I know we're going to hear from others, I'm going to take
14 that into consideration too. But I think what you just said, it
15 rings a bell with me that that has been an issue, especially when
16 you talk about a variance versus a whole gamut. So that gave me
17 a comfort level because every time we talk about it, I think
18 about the gentleman who blames me for the building be right up
19 to the street and I had nothing to do with that, but I still get
20 the blame. Well, we get the blame, but he knows me. So, all
21 right. So thank you for helping me through that discussion with
22 Commissioner Wright and Vice Chair Miller. You helped me.
23 Everybody's helped me. So, thank you.

24 Any other follow-up questions or comments? All right.
25 Thank you, Mr. Lawson. Let's go to the Office of Attorney

1 General. Ms. Wurst, you may begin whenever you're ready.

2 MS. WURST: One moment. Okay. So good evening,
3 Chairman Hood, members of the Commission. My name is Noelle
4 Wurst and I'm speaking again on behalf of the OAG.

5 So once again, I'd like to reiterate the two new comp
6 plan principles that have been pervasive throughout OAG's support
7 for select text amendments proposed by OP. So the first of which
8 is to support the production of housing, especially affordable
9 housing in the District and the one amendment we'll be speaking
10 on tonight we think is especially conducive to that goal. And
11 then the second, of course, is to reduce those burdensome
12 regulations that do impede those types too to produce housing.
13 So next, please.

14 So this is our second to last appearance before the
15 Commission in the context of this omnibus bill. We will just be
16 discussing amendment 14 tonight. Next, please.

17 So just to kind of recap what this amendment does. It
18 essentially establishes by-right voluntary IZ bonus density
19 regime by removing the need for BZA approval through the special
20 exception review in order to create, basically increase, density
21 for IZ projects in the R-2, RF, and R-3 zones. Once again, we're
22 stating again that this review is not usually required for IZ
23 projects in other zones or larger lots in these zones, also as
24 OP has gone over. We see this as something that ultimately
25 enables IZ project projects to use these lower lot sizes and lot

1 width requirements by-right instead of requiring, you know, this
2 often time consuming and expensive discretionary BZA review and
3 we understand that the BZA goes through quite a bit. You know,
4 they're very hard workers and we respect a lot of what they do.
5 So we see this as a measure to free up their capacity and
6 resources for those cases that would have, you know, adverse
7 impacts on neighbors here. And also, this is something that
8 would be, you know, I think covered already in various other
9 public participatory projects and, in addition, this measure
10 would streamline the production of IZ units in lower density
11 zones which often tend to be those higher cost areas, once again,
12 you know, serving various comp plan policies.

13 As Mr. Lawson hinted at earlier and as discussed more
14 in our written filing, Exhibit 17, we also recommend one
15 conforming amendment here and that would be to Subtitle C, Section
16 1002.2, and that would remove the old reference to Subtitle C,
17 Section 1001.2(b) that this amendment proposes to delete, and in
18 our written filing, we have a mock-up of what that would look
19 like.

20 So in summary, we view this as essentially fulfilling
21 the, you know, balancing test that we often cite in our words.
22 You know, we see this as an exchange between about 17 to 20
23 percent narrower or smaller lot that OP has, of course, already
24 deemed to be appropriate given the zone in return for additional
25 IZ units or perhaps even in some cases larger family size IZ

1 units. In other words, this is a very reasonable balancing in
2 our review between adding very gentle density to these lower
3 density areas and also responding to the neighborhood context.
4 So once again this is, you know, a very positive measure. We
5 see this as, you know, supporting additional IZ units, especially
6 in lower density zones and something that could really help serve
7 the goals of this comp plan and future iterations of it.

8 So thank you, Commissioners, and I'll be taking any
9 questions that you might have.

10 CHAIRPERSON HOOD: Thank you again, Ms. Wurst. We
11 appreciate OAG and the recommendation and also the presentation
12 tonight. Let's see if we have any questions or comments.

13 Commissioner Wright?

14 COMMISSIONER WRIGHT: I don't have any. I agree with
15 everything with that was in your presentation. I do, at some
16 point, want to circle back to Office of Planning and see if they
17 agree with your revision which strikes me as essentially a
18 technical revision to assure everything matches up, and I just
19 want to make sure that they saw that and that they agree with
20 that. Oh, yes. There we go, thumbs up.

21 MS. WURST: Thank you, Mr. Lawson.

22 COMMISSIONER WRIGHT: Right. And thank you for
23 catching that. Those kinds of, you know, technical provisions
24 are really important to catch. So thank you for being so
25 diligent. And that is my only comment.

1 MS. WURST: Thank you.

2 CHAIRPERSON HOOD: Thank you.

3 Vice Chair Miller?

4 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman, and
5 thank you again, Noelle Wurst, for being here on behalf of the
6 Office of Attorney General. We do appreciate all of your office's
7 involvement and emphasis on the comprehensive plan priorities of
8 production of housing, especially affordable housing, and so we
9 appreciate that focus, which we agree with. I think I can speak
10 for my -- we agree with certainly that concept that's, yes. Okay.
11 Anyway, so yes.

12 And then on this particular amendment that you're
13 commenting on, I don't know if Mr. Lawson mentioned this in his
14 presentation or you did, but I was just looking at the proposal
15 again or the OP report again as you were talking, and I saw that
16 there were -- Mr. Lawson's report said that there were five cases
17 since ZR16 where people have opted into the R-2 and R-3 zones I
18 think it was, and one case where they opted into the voluntary
19 IZ opt-in to the RF zone, and then of those six cases OP
20 recommended approval of the ANC. Again, recommended approval
21 with no concern from adjacent neighbors and BZA approved.

22 So, and they produced in those six cases, just those
23 six cases, 26 housing units and six of them which were apparently
24 IZ and they are lower density neighborhood where they often
25 aren't, we don't see them and where, as you mentioned, that's

1 usually on higher cost neighborhood where we want to also
2 encourage affordable housing opportunities.

3 So thank you. I agree with everything you've said and
4 I appreciate your being here. Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you.

6 I don't have any any additional. Ms. Wurst, again
7 thank you, OAG, for providing testimony on this tonight.

8 Thank you.

9 MS. WURST: Yes. We appreciate it.

10 CHAIRPERSON HOOD: All right, Ms. Schellin. Let's go
11 to any ANCs.

12 MS. SCHELLIN: We have one ANC and that is 3G, Carol
13 Grunewald.

14 CHAIRPERSON HOOD: Let's bring up Commissioner
15 Grunwald? [Greenwald] or Grunewald?

16 MS. SCHELLIN: [Groom-wald] maybe. I do not see her.
17 Oh, is on. There we go.

18 CHAIRPERSON HOOD: All right. Commissioner Grunewald,
19 if you can help us pronounce your name right, and then you can
20 you may begin. You're on mute. Commissioner, you're on mute.

21 COMMISSIONER GRUNEWALD: Okay. Yes. Good evening,
22 chairman Hood, Zoning Commissioners, and staff. My name is
23 pronounced [Groom-wald]. In German it's gruene walt, which means
24 green forest.

25 So thank you for allowing me to speak this evening.

1 Again, my name, is Carol Grunewald. I'm a Commissioner with ANC
2 3/4G. I'm here to represent my Single Member District 03 and
3 I'm speaking for my constituents only. My full ANC will be
4 considering several omnibus proposals at its November 10 meeting
5 and will get its comments to you by November 13th.

6 I'm speaking in opposition to case No. 25-12, Office
7 of Planning Omnibus Text Amendment, Item No. 15 which is relief
8 from front yard setback for new construction in R and RF zones.
9 I will only speak with respect to how this proposal would affect
10 the R zoning in my SMD. I cannot speak to how it will affect
11 the RF zone since there is no RF zoning in my SMD.

12 The Office of Planning proposal aims to make it easier
13 for homeowners, builders, and developers to obtain relief from
14 zoning regulations that state that, "New development should
15 generally reflect existing streetscape patterns by maintaining a
16 relatively consistent street wall." OP proposes to allow relief
17 via a special exception which is easier to obtain rather than the
18 current form of relief and area variance which is more difficult
19 to obtain. In my SMD, we oppose this proposed change in the
20 method of relief. We feel that easier approvals in the form of
21 special exceptions could result in more facades moving forward
22 on a block and gendering, "Front setback creep," and altering the
23 uniform street wall over time.

24 Once a new house or addition is allowed to move closer
25 to a street, it becomes the new set point for any future homes

1 or additions to follow. From that point thereon, all future
2 houses or additions must be allowed by-right to meet that new
3 shortened distance to the street. Thus, this proposal has the
4 potential to dramatically change the look and character of our
5 streets. The beauty of our neighborhood streets is due in large
6 part to uniformity in the street wall. Our neighborhood
7 consisting of R-1A and R-1B zoning does not want to mess with
8 its street walls and would like to retain the more stringent
9 parameters and review process of the variance form of relief. We
10 believe that homeowners and builders should have to prove why
11 they need to break the street wall, that not being able to break
12 the street wall is a hardship for them. So to our mind, this is
13 a variance question.

14 We believe the proposed changes aren't necessary and
15 unwanted and we are asking that you please do not make the
16 proposed change.

17 Thank you so much.

18 CHAIRPERSON HOOD: Thank you, Commissioner Grunewald.
19 I hear you. Let me digest that for a moment. Let's see if my
20 colleagues have any questions or comments.

21 Commissioner Wright?

22 COMMISSIONER WRIGHT: My questions. I guess I do wonder
23 why you believe the variance process is more difficult than the
24 special exception process. And the variance process which,
25 again, seems to be focused on unusual situations that you need a

1 variance from versus the special exception process, which I think
2 is, frequently, is very design-oriented and neighborhood-
3 character oriented.

4 ANC COMMISSIONER GRUNEWALD: Yes. But perhaps a
5 combination of both would be ideal. Mr. Lawson explained to me
6 the other day that the variance process is more difficult and
7 more stringent. And it seems to me that homeowners and builders
8 should have to prove why they need to break the street wall.
9 That, and they should have to prove that not being able to break
10 the street wall is a hardship for them. So to me, that sounds
11 like a variance question. But I do understand that it would be
12 wonderful to review properties, you know, review this on the
13 basis of available light and impact on neighbors and so on.

14 So ideally, I suppose it would be a combination of
15 both. But as Mr. Lawson explained to me the other day, the
16 variance process is more stringent and so much depends on the
17 street wall to keep our neighborhoods looking beautiful and to
18 keep the character of our streets. So I hope that's an adequate
19 answer for you.

20 COMMISSIONER WRIGHT: Yes. No. Absolutely. And I
21 mean, I absolutely agree with you that this is an incredibly
22 important issue and street wall is something that needs to be
23 considered very, very carefully. And I do worry about the idea
24 of, you know, if you change one property on the street then that
25 becomes the new boundary line and, you know, gives you an

1 opportunity to have front setback creep, and I absolutely agree
2 that all of those things are significant concerns.

3 I would just say that in my time, which I will say has
4 been less than my colleagues, but that I've been at the BZA
5 meetings, I feel like a lot of those issues are handled during
6 special exceptions. I mean, we get into extremely detailed
7 discussions about, you know, light and air and relationship to
8 the adjacent neighbor and landscaping. I mean, it gets into a
9 lot of the issues that I think are most important. But I, you
10 know, I understand wanting to make sure that any change in this
11 regard is studied very carefully and has a high degree of
12 scrutiny.

13 I mean, I think that's the sort of bottom line. I
14 just, you know, having been through a number of special exceptions
15 during my time on BZA, I feel like that gets a lot of scrutiny.
16 There is a lot of discussion, again, not so much about is this
17 an odd shaped lot or is this, you know, a hardship or those kinds
18 of issues. The special exception to me is what really gets into
19 light and air and community character more than the variance
20 does. But you know, again, it's -- I mean, I think the bottom
21 line is that I definitely agree that there needs to be a high
22 level of scrutiny.

23 ANC COMMISSIONER GRUNEWALD: I appreciate your
24 comments, Commissioner. Thank you very much.

25 It just seems to me that it should be hard to break the

1 street wall and that a homeowner should have to prove why it
2 would be hardship to him to not be able to do that, and I don't
3 think that you can cover that with a special exception, but I
4 could be wrong. But thank you so much for allowing me to speak
5 this evening. Thank you.

6 CHAIRPERSON HOOD: Okay. Vice Chair Miller? Do you
7 have any questions of Commissioner Grunewald? I'm not going to
8 do the German part because I'm --

9 ANC COMMISSIONER GRUNEWALD: Okay.

10 CHAIRPERSON HOOD: -- (indiscernible).

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

12 Yes. Thank you, Commissioner Grunewald, and for the
13 German translation lesson, green forest. That's good to know.
14 That's a great name to have. And thank you and your ANC for all
15 of your engagement on this issue.

16 I know that Mr. Lawson came out, I think, there earlier
17 this week or last week at your ANC's request to us and to the
18 Office of Planning. So I appreciate all the engagement and
19 interest and comments that you're providing tonight and in the
20 future. You don't happen to know if you've had any BZA cases
21 among those 17, two were for variance? You don't know whether
22 you had any cases during the past? I don't know how long you've
23 been on the in your SMD.

24 ANC COMMISSIONER GRUNEWALD: Yes. Commissioner, I'm
25 sorry, I don't. I'm a newbie. I'm a new Commissioner and I'm

1 afraid I don't know that answer, I'm afraid. But perhaps Mr.
2 Lawson would be able to.

3 VICE CHAIRPERSON MILLER: No. I just was curious if
4 you had an experience where it was granted and it created a
5 problem. So I just wanted to, I didn't realize that you were
6 just newly, a newbie.

7 ANC COMMISSIONER GRUNEWALD: I'm --

8 VICE CHAIRPERSON MILLER: For your first term.

9 ANC COMMISSIONER GRUNEWALD: Yes. It's my first term,
10 yes. Thank you.

11 VICE CHAIRPERSON MILLER: Well, congratulations on
12 that. Thank you for your service.

13 I thought I heard Mr. Lawson say, and he can pop up as
14 he's listening always even when he's not presenting, he's always
15 listening and we're going to miss you listening and popping up,
16 Mr. Lawson. But I thought he said that this would not apply to
17 new development, and did you hear him say that? I see
18 Commissioner Wright nodding her head. I don't know if that might
19 provide some assuage of your concerns because you referred to new
20 and additions. This is for homeowners seeking an addition, not
21 necessarily a new development that a developer is doing on a spec
22 lot or something.

23 ANC COMMISSIONER GRUNEWALD: Yes.

24 VICE CHAIRPERSON MILLER: So I think that might be one
25 thing.

1 If that is true, Mr. Lawson, that it does not apply to
2 new development, the special exception process, that that might
3 assuage one of the concerns that you have, that people have, that
4 I would have. So I just would make that comment. There he is.
5 Thank you, Mr. Lawson. Do you have, did I characterize this
6 appropriately or not?

7 MR. LAWSON: Yes. Good evening. Good evening,
8 Commissioner. Yes. The special exception process itself is not
9 available to a new house on a conforming lot. So that would
10 include special exception relief from any provision, including
11 fronting, front set back.

12 VICE CHAIRPERSON MILLER: Right. And I think that was
13 an important point you made in your dialogue with Commissioner
14 Wright earlier. So I appreciate that.

15 Since I have no other questions and or comment, but
16 thank you, Commissioner Grunewald, and we'll look forward to your
17 future testimony as well.

18 ANC COMMISSIONER GRUNEWALD: Thank you. Thank you.
19 Good evening.

20 CHAIRPERSON HOOD: I will say, Commissioner Grunewald.
21 I did sit in on a case, and I don't know all of the specifics,
22 some years ago where I think they were doing something that was
23 shadowing the house next to it. They were doing the creep, I
24 guess this is what I would say, and thinking back on it, that
25 case was denied and I think it was a special exception. I'm not

1 trying to make you feel good, I'm trying to figure out what my
2 experience has been in the past.

3 As Commissioner Wright and Vice Chair Miller, we all
4 know that we do a full, thorough dialogue. Instead of being
5 handcuffed with residents with the variance, we have an open,
6 very open discussion. And I was sitting here thinking about that
7 case because it was shadowing the neighbor, it was doing some
8 other things to the neighbor's front. But I do remember it being
9 denied, and I don't think it was a variance because the discussion
10 we had, it was exhaustive.

11 So I'm not trying to make you feel good. Just I'm
12 trying to think of real life examples that I had participated in
13 in my tenure. But we'll see how this goes, and we appreciate
14 you coming down and we appreciate all the work that your ANC does
15 as well.

16 ANC COMMISSIONER GRUNEWALD: Thank you, sir. Thank you
17 very much. Thank you. Have a good evening.

18 CHAIRPERSON HOOD: Oh, you too. Have a good one.

19 All right. Ms. Schellin, let's go to persons in
20 support.

21 MS. SCHELLIN: Yes, sir. We have no one in support.

22 CHAIRPERSON HOOD: So let's go to persons in opposition
23 or undeclared.

24 MS. SCHELLIN: Yes, sir. So we have a couple on there.
25 Just a couple. We have Elizabeth Nagy, not sure if I pronounced

1 that correctly. Meg Maguire and Brittany Sawyer with Citizens
2 Association of Georgetown.

3 CHAIRPERSON HOOD: Okay. Let's go to Elizabeth Nagy,
4 and if we mispronounced your name, if Ms. Schellin mispronounced
5 your name, could you please correct her and myself? Thank you.

6 MS. NAGY: Thank you very much. It's actually [Nar-
7 gee]. But thank you.

8 Good evening, Chair Hood, Commissioners, and attendees.
9 My name is Elizabeth Nagy. I am the ANC Commissioner for ANC
10 3/4G SMD 07. However, I am testifying today in my personal
11 capacity.

12 I'm here to express concerns about proposal No. 15,
13 which would change how property owners obtain relief from front
14 yard setback requirements, switching from an area variance to a
15 special exception process when someone wants to build a new home
16 or addition that doesn't align with the existing setback pattern
17 on their block. The practical difference is very significant.
18 Special exceptions are considerably easier to obtain than
19 variances. This seemingly benign change has enormous potential
20 consequences for the look and feel of our neighborhoods.

21 Currently, zoning rules preserve the visual continuity
22 of our streets by requiring new construction to fall within the
23 range established by existing homes on each block, no closer than
24 the nearest house and no farther back than the most recessed one.
25 The Office of Planning isn't eliminating this requirement, but

1 proposes making relief from it much easier to obtain.

2 My concern is that easier approval without effective
3 oversight that fundamentally alter the neighborhood character
4 over time and perhaps not a very long time. As a Commissioner
5 from ANC 3D has pointed out, each building approved closer to the
6 street effectively redefines what's permissible going forward
7 since future construction can align with it as a matter-of-right,
8 creating a gradual front setback creep that transforms the entire
9 block's appearance. Given these potential cumulative impacts,
10 decisions about front setbacks warrants a current closer scrutiny
11 of the variance process rather than the more permissive special
12 exception standard. Special exception criteria focused primarily
13 on air and light, impacts to adjacent properties, considerations
14 that don't adequately address whether altering a block's
15 established setback pattern serves the broader interests of the
16 neighborhood and the District.

17 The Office of Planning suggests front yard setback
18 should receive the same treatment as side and rear yard setbacks,
19 but this overlooks a fundamental distinction. Front setbacks
20 define the public facing character of our streets in ways that
21 side and rear yards simply do not. While I understand the Office
22 of Planning views this as reverting to the original relief
23 mechanism, I believe the current variance requirement better
24 protects the established character of our residential streets.

25 Thank you for your time and for your attention.

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1 CHAIRPERSON HOOD: Thank you, Commissioner Nagy. If
2 you could hold, we may have some additional questions for you.
3 Let's go to Meg McGuire.

4 MS. MAGUIRE: Okay. Thank you very much. I'm Meg
5 McGuire. I'm testifying on behalf of the Committee of 100 on
6 the Federal City and I hope that I can answer some of your
7 bafflement about some of our positions. As you know, we have
8 been very strong supporters of inclusionary zoning and we will
9 continue to do that, and you will hear from us repeatedly as the
10 zoning changes come forward in December.

11 So starting with No. 13, penthouse affordable housing
12 contribution calculation. The proposed exemption of service
13 spaces from IZ calculations conflicts with a long-standing policy
14 to increase affordable housing. The Zoning Commission made a
15 mistake when it exempted penthouse communal space from the
16 affordable housing calculation after amendments to the height of
17 building resulted in habitable penthouse uses.

18 Now the Office of Planning recommends that you compound
19 that mistake. To further lower the amount of square footage that
20 can be used to calculate the affordable housing requirement is
21 unreasonable and unfair. Roof decks, pools, community rooms, and
22 other amenity penthouse space add to rents and the marketability
23 of an apartment building, but may only occasionally be used by
24 tenants. These types of amenities should be unbundled from rents
25 and should never be encouraged as meriting a reduction in

1 affordable housing units.

2 By exempting the square footage used for this space
3 from the required amount of affordable housing in a building, the
4 Zoning Commission would incentivize these luxury uses at the
5 expense of affordable housing, sending a message that luxury
6 communal spaces are much more important than housing for those
7 who could never afford these luxury amenities. We urge you to
8 reject the exemption for the communal penthouse space from IZ.

9 On setdown report No. 14, inclusionary zoning opt-in,
10 the Committee of 100 opposes eliminating the need for a special
11 exception in these residential zones. Currently, developments
12 with ten or more units in R-2, R-3, or RF zones can build on a
13 smaller lot size than is normally required for each zone. If a
14 lot width is substandard, the developer can seek a special
15 exception, which allows a public review process. The reason to
16 not automatically allow smaller width lots is to maintain the
17 pattern of development and open space on a block which contributes
18 to the character of the block and of the neighborhood. Any
19 proposed change should be subjected to public review to determine
20 the degree of effect of such a change on the block and to assess
21 how many dedicated affordable housing units would in fact be
22 created. The special exception review remains good policy for
23 mandatory and opt-in IZ.

24 Special exception relief from front setback
25 requirements. The OP proposal to change the requirement of

1 variance approval for front setback requirements to special
2 exception approval is a reversal of OP's vigorously argued
3 position during the zoning rewrite to adopt a front setback
4 regulation. During that process, OP cited examples of intrusive
5 new construction destroying a block face pattern by building far
6 forward of the established line of houses. The result of the
7 new rule is that the developer land owner must now obtain a
8 variance in order to break the established block face pattern.
9 That means that a developer or homeowner must show that there is
10 no reasonable use of the property without violating the front
11 setback, that there are unique property conditions that create
12 this hardship, and that granting the variance would not alter the
13 character of the neighborhood.

14 The more rigorous findings required by these standards
15 of review are more appropriate than the standards of a special
16 exception, which are more flexible and involve a lesser level of
17 scrutiny on so important a neighborhood character concern as
18 deviating from the existing front setback pattern. Such a
19 deviation has consequences for everyone on the block, and you're
20 certainly hearing that tonight and a request to vary from the
21 established pattern should not be made any easier to do through
22 a special exception process.

23 Finally, on redundancy of building form language,
24 Subtitle U provides the building type for R, RF and RA zones.
25 This is relevant information for how the zone is to be used.

1 There is no information here about development standards which
2 go to the "form of a building." Thus, there is no redundancy.
3 We can only surmise by this odd amendment that OP anticipates it
4 will recommend the elimination of any distinction between
5 building heights in the R zones. This amendment would be useful
6 as a step in achieving what we acknowledge is speculation on our
7 part. We see no reason to treat the Subtitle U provisions for R
8 zones differently than the RF and RA zones are treated. Thank
9 you.

10 CHAIRPERSON HOOD: Thank you, Ms. McGuire. We
11 appreciate the Committee of 100. I think I've gotten everybody.
12 Yes. Okay.

13 So, Ms. Maguire, I'm going to start. I only have two
14 or three things or maybe two things to mention. What really got
15 me on your submission was you said the Zoning Commission made a
16 mistake. So, I mean, and we do make mistakes, everybody makes
17 mistakes. But then I started investigating on that and, you
18 know, that depends on jurisdictions, about the communal space.
19 So through my examination and discovery, some jurisdictions have
20 the communal space and the (indiscernible) behind and some don't.
21 So just to make a blank statement from the Committee of 100 that
22 the Zoning Commission made a mistake, it's just that you all
23 disagree what the Zoning Commission did because all those
24 jurisdictions that did exactly what we did all couldn't be wrong.
25 They didn't all make a mistake. So I just want to say that to

1 the Committee. And also, I do share some hesitation about 15
2 but I think, for me, the relief from the front setback, I get
3 what you're saying, but I think we can accomplish what the goal
4 is and I think the track record shows us that we can accomplish.

5 But let me ask this question. When we did ZR16, and
6 Mr. Lawson did say that you all supported it, did you all support
7 what we had at that time for the setback?

8 MS. MAGUIRE: I believe, yes. But I will have to check
9 that because I was not involved in that deeply at that time. But
10 I can check that and get back to you.

11 CHAIRPERSON HOOD: Yes. I'm just curious. And, Ms.
12 Schellin --

13 MS. MAGUIRE: But we certainly -- we've always
14 supported a stringent setback requirement.

15 CHAIRPERSON HOOD: And the reason why, like, if my
16 memory serves me correctly, I believe you all did support that
17 because I think your representative --

18 MS. MAGUIRE: Yes.

19 CHAIRPERSON HOOD: -- at the time was Alma Gates. But
20 I'm just curious. I just want to make sure you all are not flip
21 flopping on me. So I want to make sure you're consistent.

22 MS. MAGUIRE: Oh, no, no, no. No, no, I mean, that's
23 why we were urging that it be very tough.

24 CHAIRPERSON HOOD: Okay. But I still think and I got
25 to think about this, Ms. Maguire, I still think we can achieve

1 what we're trying to achieve through special exception process.
2 I get it. I get what you all are saying about it's easier, but
3 when you're doing it and you're on the BZA, my colleagues will
4 confess that sometimes it's not that easy because we are looking
5 at adverse impacts. We're looking at impact, you know, other
6 things come into play besides being handcuffed to a variance.
7 But let's -- I'm going to leave that there. I appreciate it. I
8 will continue to review what what we have in front of us. Okay.
9 Let me see if my colleagues have anything.

10 Commissioner Wright?

11 COMMISSIONER WRIGHT: I guess one of the things that I
12 find a little bit unclear in the Committee of 100's testimony is
13 that you are strongly supporting keeping a special exception
14 process for opt-in IZ in the lower density zones because you
15 acknowledge that that process has the ability to take into account
16 community character, rhythm of a streetscape, you know, the
17 various things that you mentioned. And I agree that it does have
18 that ability, which is why I sort of feel like it's the right
19 process for the front yard setback issue because it does address
20 not, again, a unusual shaped lot or an unusual size. It addresses
21 the issues of compatibility and community character and shadow
22 neighbors and all of those things which, you know, seem to me to
23 be the sort of critical issues in any of these front yard cases.

24 I don't love the idea generally of front yard additions
25 to existing houses. I'm not saying that they can't be done or

1 there aren't designs that can be appropriate, but I'm not nuts
2 about that. But I just feel like, you know, the special exception
3 process is where you just can get into the meat of what is a
4 concern and so, you know, I think you acknowledge in your
5 testimony the special exception process does get into issues of
6 community character and streetscape rhythm and that sort of thing
7 because you're advocating for it to be used on the opt-in IZ. So
8 I guess I don't understand why it's not also a good process for
9 the front yards. I guess that's my question.

10 MS. MAGUIRE: Okay. I would say that the front yards
11 are the public facing areas. Much of the IZ -- much of the
12 building that would accommodate IZ will probably be behind and
13 there are still issues there, and I certainly have seen those
14 issues not relative to IZ, but building behind and what it can
15 do to the adjacent properties. And so there needs to be some
16 review of that, but not as stringent as the front yard. But both
17 should go through some public process so that you're still
18 achieving your IZ, but you're not obviating the need for public
19 input.

20 COMMISSIONER WRIGHT: So yes, I hear you on the IZ. I
21 just, you know, again, and I do recognize the front of houses
22 are very, very, important, but I just am not entirely convinced
23 that their importance and that the issues related to a front
24 facing addition couldn't be handled through a special exception.
25 Again, public process, ANCs involved, community involved,

1 neighbors involved, you know, but I hear you. It is, again, the
2 variance which basically says, you know, you have to prove that
3 you have no use of the property unless you're allowed to do this.
4 Well, that's almost an unmeetable hurdle. And so, you know, on
5 a front yard addition, I mean, it's oriented towards an oddly-
6 shaped lot, you know, a strange wedge shaped lot, and if you
7 can't get a variance, you just can't build anything at all on
8 that strange wedge shaped lot. But, you know, it's a pretty sort
9 of, I think, almost impossible bar for any front yard addition.

10 MS. MAGUIRE: Yes. And it's very high and where it has
11 been breached and -- I'm sorry, I apologize for my phone here
12 -- where it has been breached, it's really terrible and I'm
13 thinking of Plymouth Street where it was early on just really the
14 whole character of that neighborhood was really deeply damaged
15 by what happened. Now that was new development, which apparently
16 is exempted from this because they would have to be building
17 according to the standard. But there should be a really high
18 bar for this and to the degree that there's a hardship, then let
19 the person make that case that this is really somehow -- if I
20 don't build out in the front against everything else that's on
21 this street, somehow I can't survive with this building and that
22 seems to me to be perfectly reasonable to ask that standard.

23 And while those of you who are looking at the -- please
24 forgive me. Let me put this phone elsewhere. Those of you who
25 are really finally examining special exceptions, and I admire

1 that and all the time that you all give to this is tremendous,
2 but you can't, over time, expect that necessarily the BZA is
3 going to be looking so in such detail at these things, and so
4 let's keep the requirement very high.

5 COMMISSIONER WRIGHT: Okay. Thank you. I think those
6 were all my questions or comments.

7 CHAIRPERSON HOOD: Thank you.

8 And Vice Chair Miller, do you have any questions of
9 either Mr. McGuire or Commissioner Nagy? Any questions of either?

10 VICE CHAIRPERSON MILLER: Thank you, Mr. Chairman. I
11 don't think I have any questions. I appreciate Commissioner
12 Nagy. Is that the right pronunciation?

13 ANC COMMISSIONER NAGY: [Nar-gee].

14 VICE CHAIRPERSON MILLER: [Nar-gee]. I thought --

15 CHAIRPERSON HOOD: [Nar-gee]. I'm sorry, I messed it
16 up again.

17 ANC COMMISSIONER NAGY: No. That's quite all right.

18 VICE CHAIRPERSON MILLER: I was going to say [Nar-gee],
19 but then you messed me up, Mr. Chairman.

20 ANC COMMISSIONER NAGY: Pretty much everybody says it
21 wrong. Not to worry.

22 VICE CHAIRPERSON MILLER: I appreciate Commissioner
23 Elizabeth Nagy's testimony and Meg Maguire's testimony on behalf
24 of the Committee of 100.

25 I just want to, I don't have any questions but I wanted

1 to emphasize if the special exception criteria were being used
2 for the front setback requirement, which isn't going away, the
3 front setback requirement, which is what we added in the zoning
4 regulations ZR16 and apparently it was done, relief from it was
5 done by a special exception for some period of time apparently
6 before some ZA or repeals. But anyway, that special exception
7 criteria, I just want to emphasize, will include not only privacy,
8 light, air, enjoyment, use, and by adverse impact on neighbors,
9 but that criteria I want to make sure it'll include the criteria
10 that I spent a half an hour at BZA yesterday exploring with the
11 applicant and Office of Planning, even though the ANC was
12 supporting a rooftop addition that didn't have a setback, that
13 the criteria would be that it does not substantially visually
14 intrude upon the pattern, scale, or character of the
15 neighborhood. That's something that I, when I sit on the BZA,
16 do look at and my experience is the other BZA members do take
17 that very seriously, and I think that's an important criteria.
18 And maybe there need to be more words added to that criteria to
19 make sure that a historic character or a traditional character,
20 not just because the character would change with relief after
21 relief after relief over time on a block. So I understand that.

22 But I just wanted to emphasize that that is a very
23 important special exception criteria that I think people take
24 very -- I take very seriously, and I think the neighbors do too.
25 In this particular case, there was not opposition from neighbors

1 or ANC, but I had concern and spent a long time exploring it with
2 OP and applicant. Anyway, that's just my comment on that, on
3 the special exception.

4 On the penthouse habitable space, I appreciate you
5 bringing up the issue of the communal amenity space being excluded
6 from the calculation. That is a decision that was made nine or
7 ten years ago when we or whenever the penthouse height habitable
8 space was allowed with that amendment to the Height Act and I,
9 you probably heard me earlier, I don't know if you did hear me
10 earlier say I personally want to revisit that. Want to look at
11 my own rationale for why we did that. I think it's something
12 new. We wanted to encourage things, good things, attractive
13 things happening on the rooftop as opposed to all the unattractive
14 things that we've lived with for decades in this City on top of
15 the rooftop, the mechanical stuff, which didn't even have
16 setbacks for a long period of time.

17 But anyway, so I appreciate you bringing it up and I
18 don't know. I don't think it's going to be part of this case,
19 but I've asked OP tonight that I want to revisit it as a potential
20 new case. This amendment includes certain elevator shafts and
21 service space which is a different category all together. But I
22 understand the points, and I appreciate the points you made in
23 your testimony, and it made me want to rethink that issue going
24 forward. So thank you --

25 MS. MAGUIRE: I appreciate that.

1 VICE CHAIRPERSON MILLER: -- for bringing it up.

2 MS. MAGUIRE: And certainly our characterization of
3 this as a mistake is not meant to be disrespectful, but it does
4 concern us that the sort of incursions into what is counted for
5 IZ continue to happen, and that will be also heard on balconies
6 being excluded from IZ calculations. So I just think we have to
7 be very vigilant about the IZ calculations, that they don't just
8 get picked away because we're trying to achieve certain urban
9 design, worthy urban design goals.

10 VICE CHAIRPERSON MILLER: I understand the point. I'm
11 not going to repeat the dialogue I had with your colleague about
12 the balconies the other night.

13 MS. MAGUIRE: Okay.

14 VICE CHAIRPERSON MILLER: I don't see --

15 MS. MAGUIRE: I didn't -- yes.

16 VICE CHAIRPERSON MILLER: -- us losing the calculation,
17 see us gaining the square footage in the unit so that there would
18 be a lot of a wash because that's the point of the exclusion of
19 balconies so that we have a bigger unit. It isn't to have less
20 or affordable housing. But I understand the point there.

21 MS. MAGUIRE: Yes. Thank you.

22 VICE CHAIRPERSON MILLER: I had dialogue with, I forget
23 who was here for that testimony, but thank you very much.
24 Appreciate it.

25 MS. MAGUIRE: Thank you.

1 CHAIRPERSON HOOD: And let me say this, Ms. Maguire.
2 I'm not picking on you, but make sure you always use the word
3 mistake because that captured my attention quickly. So use that
4 word.

5 MS. MAGUIRE: Well, we will certainly be mindful of
6 that going forward.

7 CHAIRPERSON HOOD: (Indiscernible) but mistake was, oh,
8 let we look. So anyway, thank you.

9 So Commissioner Nagy, and hopefully I got it right that
10 time, and Ms. Maguire, we appreciate both of you all taking time
11 to come and provide your testimony to us. We appreciate that.

12 MS. MAGUIRE: Thank you.

13 ANC COMMISSIONER NAGY: Chair Hood?

14 CHAIRPERSON HOOD: Yes.

15 ANC COMMISSIONER NAGY: May I emphasize one of the
16 points about the streetscape?

17 CHAIRPERSON HOOD: Sure.

18 ANC COMMISSIONER NAGY: And I believe it was
19 Commissioner Wright who used the word snowball. So I just want
20 to emphasize that these things tend to take on a life of their
21 own. That once you move one house or, you know, or the front of
22 one house, it really will be just a matter of time before the
23 whole streetscape, the whole street wall, changes. And I'm not
24 actually familiar with all the details of this, but I actually
25 think there is something in Chevy Chase where a front yard

1 variance was granted for a porch, I want to say, possibly on
2 Livingston Street. I was trying to go back and find it, but I
3 can't. So you asked the question was there anything, I believe
4 it was Commissioner Miller who may have asked that question,
5 whether there was anything in Chevy Chase that --

6 VICE CHAIRPERSON MILLER: Yes. Yes.

7 ANC COMMISSIONER NAGY: Someone sent me an email, but
8 I can't find it now, so my apologies. But I have a vivid memory
9 of a porch pushing out past the house next to it. So not dire,
10 but real, you know, and eventually all the porches will push
11 forward. Or there'll be an air lot or something like that. So
12 I just urge you to bear in mind and be cautious about this whole
13 question because inevitably the character of our charming city
14 is at risk.

15 Thank you. Oh, and also, I'm sorry. I also forgot to
16 ask that my testimony be introduced in the record, please.

17 CHAIRPERSON HOOD: Yes. We will take your testimony
18 to the record. All right. So thank you both. Thank you both.
19 We appreciate you all taking time to come down and give us your
20 testimony, for your organizations and for yourself. Thank you.

21 ANC COMMISSIONER NAGY: Thank you so much.

22 CHAIRPERSON HOOD: All right. Ms. Schellin, do we have
23 anybody else?

24 MS. SCHELLIN: That was the end.

25 CHAIRPERSON HOOD: So my list where I think we -- some

1 of some of this still we're going to have to talk about, but I
2 think we have eight, eleven, twelve, thirteen, fourteen, and
3 sixteen. You'll notice I left 15 out. And I'm not saying that
4 13, 14, and 16 is not something that we will have a discussion,
5 but I don't know if it's a hard, I'm listening to the
6 conversations that I heard tonight. I don't know if that's a
7 hard major delivery point, but it could be. I don't know. Just,
8 and if you all have a list, you can tell me to take one of those
9 off I don't have a problem doing that.

10 All right. Right. Vice Chair Miller, could you tell
11 us what we have coming up Monday night?

12 VICE CHAIRPERSON MILLER: Okay.

13 Monday night, November 10th at 4 p.m., I believe.

14 CHAIRPERSON HOOD: Oh, is it 4:00 p.m. now?

15 MS. SCHELLIN: Yes, sir.

16 VICE CHAIRPERSON MILLER: Unless somebody gets assigned
17 jury duty, I guess. But --

18 COMMISSIONER WRIGHT: Oh, my goodness. I hope it's
19 over.

20 CHAIRPERSON HOOD: She says she hopes it's over.

21 VICE CHAIRPERSON MILLER: It's just a joke.

22 CHAIRPERSON HOOD: Don't we need --

23 COMMISSIONER WRIGHT: It's not over yet but I'm hopeful
24 it'll be over tomorrow.

25 VICE CHAIRPERSON MILLER: Oh, gosh. Okay. Well, maybe

1 it's 4:00 p.m. tentatively.

2 CHAIRPERSON HOOD: 4:00 p.m. (indiscernible).

3 VICE CHAIRPERSON MILLER: I was making a joke but --

4 MS. SCHELLIN: It was advertised for 4:00 p.m. Let's
5 just say that.

6 CHAIRPERSON HOOD: Okay. Well, we'll start at 4, and
7 if we have to start at 5:30, that's what we'll do. Okay.

8 VICE CHAIRPERSON MILLER: Okay.

9 So the day five, part five of our zone omnibus zoning
10 text amendments in 25-12 deals with accessory buildings and
11 apartments. That should generate some testimony. First is
12 accessory building area in R and RF zones, Subtitle D, Section
13 5003, and Subtitle E, Section 5003. The second is accessory
14 building side and rear setbacks in R zones, Subtitle D, Sections
15 5004 and 5201. The third item is accessory apartments in RF,
16 RA, and MU mixed use zones. That's a lot of subtitles. Subtitle
17 F, Section 201, G-201, U, Sections 201, 210, 410 and 501. And
18 finally, new dwelling in an accessory building in RF zones, and
19 that's Subtitle U, Section 301. That's on our agenda for Monday.

20 CHAIRPERSON HOOD: All right. Thank you, Vice Chair.

21 Ms. Schellin, do we have anything else before us this
22 evening?

23 MS. SCHELLIN: No, sir.

24 CHAIRPERSON HOOD: All right. With that, we will try
25 to start, the goal is to be here at 4:00 on Monday, but we will

1 see how that goes. And with that, I want to thank everyone for
2 your participation tonight and as the Vice Chair mentioned, those
3 are the things that we will be listening out and going over on
4 Monday.

5 So with that, this hearing is adjourned. Good night,
6 everyone.

7 MS. SCHELLIN: Thank you.

8 (Whereupon, the above-entitled matter went off the
9 record at 7:17 p.m.)

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

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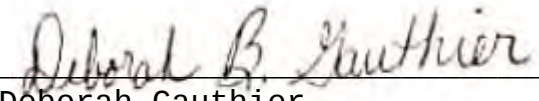
In the matter of: Public Hearing

Before: DC OZ

Date: 11-06-25

Place: Via Videoconferencing

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