

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
COMPREHENSIVE ZONING : Case No.
   
REGULATIONS REWRITE: : 08-06-4
   
ARTS & CULTURE :
   
-----:

Thursday,
   
September 18, 2008

Hearing Room 220 South
   
441 4<sup>th</sup> Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 08-06-4
   
by the District of Columbia Zoning
   
Commission convened at 6:30 p.m. in the
   
Office of Zoning Hearing Room at 441 4<sup>th</sup>
  
Street, N.W., Washington, D.C., 20001,
   
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
   
GREGORY N. JEFFRIES, Vice Chairman
   
CURTIS L. ETHERLY, JR., Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
TRAVIS PARKER  
MATT JESICK

The transcript constitutes the minutes from the Public Hearing held on September 18, 2008.

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

2 6:39 p.m.

3 CHAIRMAN HOOD: Okay. Let us get  
4 started.

5 Good evening, ladies and  
6 gentleman. This is the Public Hearing of the  
7 Zoning Commission of the District of Columbia  
8 for Thursday, September the 18th, 2008.

9 My name is Anthony J. Hood.  
10 Joining me are Vice Chairman Jeffries,  
11 Commissioner Etherly and happy birthday.  
12 Would you like to tell us how old you are?

13 Okay. We are also joined by the  
14 Office of Zoning staff, Ms. Sharon Schellin  
15 and Ms. Bushman.

16 This proceeding is recorded by a  
17 Court Reporter and is also webcast live.

18 The subject of tonight's hearing  
19 is Zoning Commission Case 08-06-4. This is a  
20 request by the Office of Planning for the  
21 Commission to review and comment on proposed

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1 concepts with text amendments to the Zoning  
2 Regulations.

3 Again, this is one of the series  
4 of hearings on various subjects currently  
5 under review as part of our broader review.

6 Notice of the hearing was  
7 published in the D.C. Register on August 1st,  
8 2008, and copies of the announcement are  
9 available to my left on the wall near the  
10 door.

11 The hearing will be conducted in  
12 accordance with the provisions of 11 DCMR  
13 3021.

14 Preliminary matters. Presentation  
15 by the Office of Planning, report of other  
16 government agencies, report of the ANCs,  
17 organizations and persons in support,  
18 organizations and persons in opposition.

19 The following time constraints  
20 will be maintained in these hearings. ANCs,  
21 government agencies and organizations five  
22 minutes, individuals three minutes.

1           Most people know this but I'll  
2 read it anyway trying to save time.

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

7           As you come forward to speak to  
8 the Commission, please turn on your  
9 microphone, identify yourself and begin your  
10 presentation.

11           The decision of the Commission in  
12 this case must be based exclusively on the  
13 public record to avoid any appearance to the  
14 contrary. The Commission requests that  
15 persons present not engage the members of the  
16 Commission in conversation during any recess  
17 or any time. The staff will be available  
18 throughout the hearing to discuss procedural  
19 questions.

20           Please turn off all beepers and  
21 cell phones so not to disrupt these  
22 proceedings.

1           Also, I omitted to mention that we  
2 are also joined on the dias with the Office of  
3 Zoning staff, Mr. Parker, Mr. Jesick and Mr.  
4 Lawson.

5           Okay. Office of Planning staff.  
6 Yes. I already got the Office of Zoning.

7           At this time the Commission will  
8 consider preliminary matters.

9           Does the staff have any  
10 preliminary matters?

11           SECRETARY SCHELLIN: No, sir.

12           CHAIRMAN HOOD: Okay. With that,  
13 we will turn it over to Mr. Jesick.

14           Mr. Jesick.

15           MR. JESICK: Thank you, Mr.  
16 Chairman, Members of the Commission.

17           My name is Matt Jesick.

18           As part of our overall zoning  
19 review the Office of Planning looked at zoning  
20 for arts and cultural uses. And this is one  
21 of our 20 or so subject areas.

22           In addition to the overall goals

1 for the zoning review, items like clarity,  
2 ease of use, internal consistency we also  
3 looked at arts and culture because the  
4 Comprehensive Plan seeks to put more of an  
5 emphasis on using arts, culture and creative  
6 enterprises generally as vehicles for economic  
7 development and community development.

8 They seek to do this through job  
9 creation, expression of community identify and  
10 values and certainly attraction of tourism  
11 dollars. And to achieve those goals, the plan  
12 suggests two principal avenues.

13 One is increasing the geographic  
14 distribution of arts throughout the District  
15 and another is making more affordable for  
16 artists to practice their craft.

17 And when I talk about increasing  
18 the geographic distribution I certainly mean  
19 getting art out into all the neighborhoods of  
20 the city, especially where arts have been  
21 lacking in the past. But also, re-enforcing  
22 our existing arts districts and creating new

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1 arts districts where appropriate.

2 So, with those goals in mind, the  
3 Office of Planning produced a list of  
4 recommendations. We had a lot of help from  
5 our working group who leant a lot of their  
6 time and talents and efforts and ideas to our  
7 process.

8 Our first meeting with the working  
9 group was March 18th. We had four meetings  
10 with them. The groups was made up of working  
11 artists, representatives, arts organizations  
12 and its businesses, developers who worked with  
13 arts organizations as well as representatives  
14 from community organizations.

15 So, we had a broad array of  
16 professions and also group members represented  
17 many areas of the city.

18 After we developed our preliminary  
19 list, we forwarded that to the task force and  
20 the task force also had several good  
21 recommendations for us which we incorporated  
22 into the list that you'll hear about tonight.

1           So, I'll go through our  
2 recommendations. I do want to note that the  
3 content of the recommendations in our report  
4 is the same as in the public notice. Some of  
5 the concepts listed in the notice require a  
6 sizeable amount of explanation. So, we  
7 divided them out into two or more actual  
8 recommendations in our report. But I just  
9 wanted to make that clear.

10           So, I won't spend too much time on  
11 each recommendation as there is a fair amount  
12 of detail in the written report. But  
13 afterwards I'd be happy to take any questions  
14 or fill in any details that might be missing.

15           The first several of our  
16 recommendations deals specifically with arts  
17 districts. And the ones later on deal with  
18 arts more generally throughout the city.

19           So, our first recommendation is to  
20 create a stand-alone arts district that would  
21 incorporate all of the existing arts districts  
22 and any new arts districts that may be created

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1 in the future.

2 As you know, we have the downtown  
3 overlay currently, the uptown overlay, the H  
4 Street arts sub area which is part of the H  
5 Street Overlay.

6 What we're proposing is something  
7 like Chapter 13, the Neighborhood Commercial  
8 Zone.

9 There would be one set of  
10 regulations which governs all the arts  
11 districts and after that, each individual arts  
12 district would follow the same template, but  
13 that template could be personalized so to  
14 speak based on the needs of each specific  
15 district.

16 So, we feel that this would have a  
17 number of advantages over the current  
18 arrangement and some of those are listed in  
19 the report including simplifying the  
20 regulations, making them easier to use,  
21 eliminating inconsistencies, and allowing new  
22 arts districts to be more easily created by

1 following the established template.

2 And that leads right into our  
3 second recommendations which is to create a  
4 new unified list of arts uses.

5 Currently, each arts district has  
6 similar but slightly different list of arts  
7 uses. We definitely want to eliminate any  
8 inconsistencies in that regard and create a  
9 standard list. So, we're calling this the  
10 preferred arts use list or PAUL. That's just  
11 the name we've given it for now and that name  
12 may change.

13 Also, the format may or may not  
14 end up as you see it in our report. I know  
15 Mr. Parker spoke to you about how uses may be  
16 represented in the Zoning Regulations in the  
17 future. We may end up with just a list of  
18 uses like we have currently. And we may also  
19 wind up with a more narrowed down smaller list  
20 of just categories of uses. And the same can  
21 be true for a list of arts uses that you see  
22 in the report.

1           Now, as you notice the arts list  
2 as specified in Recommendation 3 is divided up  
3 into different use groups. We heard from our  
4 working group that the zoning needs to be  
5 targeted and able to focus in on specific  
6 geographic areas with specific categories or  
7 uses. And as we go through our  
8 recommendations, hopefully that will become a  
9 little more clear how that works.

10           Recommendations 4 and 5 are  
11 closely related.

12           Our downtown and uptown overlays  
13 currently require that an amount of FAR be set  
14 aside for preferred uses. And preferred uses  
15 can be either actual arts uses or non-arts,  
16 retail and service uses. But we want to  
17 simplify that provision and just require that  
18 properties devote at least 0.5 FAR to PAUL  
19 uses. And this is obviously similar to our  
20 existing system where we have requirements for  
21 FAR. But we also feel that it is simpler to  
22 other housing requirements that the city may

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1 put in place or retail requirements that are  
2 currently in the Zoning Regulations.

3 PAUL does have a broad range of  
4 uses so we also feel that property owners  
5 would not be unduly constrained by a narrow  
6 selection of tenants.

7 And combined with that is  
8 Recommendation 5 which would not permit the  
9 non-arts uses to count towards the FAR  
10 requirement. In fact, what we're proposing is  
11 that those secondary list of uses in the arts  
12 districts be eliminated, the service and  
13 retail lists and simply that we would allow  
14 any commercial use as otherwise permitted in  
15 other commercial district to also be permitted  
16 in arts districts.

17 What can happen now is that most  
18 or all of that parts requirement can be  
19 absorbed by the non-arts uses. For example in  
20 the Uptown Overlay the requirement is 50  
21 percent of the ground floor to be dedicated to  
22 preferred uses. Not necessarily the arts, it

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1 could be any other service or retail use  
2 that's listed.

3 So, we want to just simply that  
4 procedure and simply require the arts use.

5 Now, the next recommendation is to  
6 identify in each arts district or art or an  
7 arts district which use group is the preferred  
8 use group. Again, this gets back to what we  
9 heard from our working group that our zoning  
10 needs to be more targeted to specific  
11 categories of uses.

12 Now, some of these use groups  
13 could be identified currently based on either  
14 existing zoning or specific language in the  
15 Comprehensive Plan. But others may need to be  
16 identified in future small area plans or other  
17 Office of Planning initiatives when future  
18 arts districts are identified.

19 And what we're suggesting is when  
20 a property owner or developer commits to  
21 providing use from the preferred use group,  
22 they would get a one-to-one FAR bonus.

1           Now, they could still do any use  
2           from the PAUL list, but they would only get  
3           the bonus if they chose from the preferred use  
4           category.

5           But we do want to maintain  
6           flexibility for property owners, some of whom  
7           may not want to provide an arts use or for  
8           some reason may not be able to provide an arts  
9           use and so Recommendation Number 7 says that  
10          a combined lot development or some other  
11          mechanism should be in place to allow the  
12          transfer of both the use requirements from one  
13          property to another or any earned bonus  
14          density from one property to another if the  
15          property in question can't use it for some  
16          reason or wants to get rid of it for some  
17          other reason. And this is similar to the  
18          provision currently in our Uptown Arts  
19          Overlay.

20          The idea right now is that the  
21          transfers could only happen within the same  
22          local arts district so that the total amount

1 of art space would remain constant.

2 And the next view recommendations  
3 deal with design.

4 Recommendation Number 8 suggests  
5 that we designate primary streets in each arts  
6 district. And the purpose of these primary  
7 streets is really to be out main pedestrian  
8 retail streets in the arts district.

9 And the way we accomplish that  
10 would be through design and use criteria that  
11 we spell out in Recommendation Number 9.

12 The criteria would be similar to  
13 again what have in the Uptown Overlay  
14 currently and what we have in the H Street  
15 Overlay. Things like bringing building mass  
16 to the property line, requiring display  
17 windows or entrances every so many feet.

18 It could also include items that  
19 encourage pedestrian safety such as limited  
20 driveways or loading entrances. And then we  
21 would also on primary streets require that a  
22 use from the PAUL list be on the street rather

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1 than another nonactive type of use.

2 Recommendation 10 also deals with  
3 design. It's fairly straightforward. We're  
4 recommending that ground floors in the arts  
5 districts have 14-foot ceiling heights. The  
6 Commission has dealt with that on several  
7 occasions so I won't dwell on that  
8 recommendation.

9 Now, we also heard from the work  
10 group and from the task force that arts  
11 exhibit areas or AEAs were often used as a way  
12 to get out of providing some other arts uses.  
13 So, in Recommendation Number 11 we are  
14 proposing some changes that would allow AEAs  
15 to only count as five percent of the total  
16 arts requirement. That's half of what is  
17 permitted today.

18 Now, Recommendation Number 12  
19 deals with art in residential areas. What we  
20 heard from the work group is that there is a  
21 real need for additional studio space in the  
22 city and space for new arts businesses and

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1 arts organizations to get off the ground. And  
2 the working group felt that unused school  
3 buildings or other former public or  
4 institutional buildings could be locations for  
5 art centers or art incubators.

6 And when you look at those sites  
7 many of them are zoned residential so what we  
8 recommend is that those sort of multi-function  
9 art uses be permitted in residential zones  
10 either by special exception or as a matter of  
11 right.

12 Either way we feel it would be  
13 appropriate to have certain standards attached  
14 to those uses certainly governing things like  
15 noise, light, traffic but also perhaps a  
16 maximum FAR or minimum lot size requirement.  
17 And I know that the low and modest density  
18 residential working group is working on  
19 standards for institutional uses in  
20 residential areas and they'll be bringing  
21 those forward to the Commission in the future.

22 Number 13 is also a fairly

1 straightforward. We would like to expand the  
2 range of uses that are allowed as home  
3 occupations. And these would still be subject  
4 to the criteria that govern home occupations  
5 today for noise, light, etcetera.

6 And our final recommendation is to  
7 allow a new form of live work space in the  
8 District. We're calling it multi-artist live-  
9 work space. What this is is where apartments  
10 for arts may be located upstairs in a small  
11 apartment building, but then a communal work  
12 space would be located on the ground floor or  
13 the first two floors. It's just another form  
14 of studio living relationship for artists.

15 And what we're proposing for this  
16 use is that it be allowed at the same density  
17 as the surrounding neighborhood. So, if  
18 you're in a district that allows flats two  
19 artists could form a multi-artist live-work  
20 space. And I know that the low and moderate  
21 residential group is also considering other  
22 density zones like a three-unit zone or a

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1 four-unit zone. So, if that's the case, then  
2 multi-artist live-work would be allowed at the  
3 same density.

4 So, those are our recommendations  
5 for arts and culture. We're drawn a lot from  
6 our existing Zoning Regulations but tried to  
7 simply those regulations, organize them and  
8 make them consistent. We've also thrown in  
9 some new ideas so we hope that together those  
10 items will help achieve the goals of both the  
11 zoning review and the Comprehensive Plan.

12 And I'd be happy to take any  
13 questions.

14 CHAIRMAN HOOD: Thank you, Mr.  
15 Jesick.

16 Who wants to start off? Vice  
17 Chairman?

18 VICE CHAIRMAN JEFFRIES: Yes.  
19 Thank you, Mr. Jesick.

20 A couple of questions. I'm trying  
21 to get my arms around where the real sort of  
22 art corridors here in the District? I mean

1 where you see sort of a plethora of, you know,  
2 art galleries and artists space and so forth.  
3 And I'm not dealing so much with the Uptown  
4 Overlay. Just where are they? I'm not --I'm  
5 not clear about where the existing ones are  
6 now.

7 MR. JESICK: Well, certainly where  
8 the overlays are located are some of our  
9 primary arts areas.

10 VICE CHAIRMAN JEFFRIES: Can you  
11 tell me where they are?

12 MR. JESICK: Sure. Well, 14th  
13 Street between say Thomas Circle and U Street.

14 VICE CHAIRMAN JEFFRIES: Okay.

15 MR. JESICK: Although it's beyond  
16 the overlay, some of that is going up into  
17 Columbia Heights now. And, of course, along  
18 U Street definitely. It's a great, as you  
19 know, music area.

20 Also, I believe there are a few  
21 new arts uses popping up on North Capitol  
22 Street. And so there's almost a connection

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1 between along Florida Avenue between North  
2 Capitol and U Street that seems to be  
3 developing.

4 VICE CHAIRMAN JEFFRIES: But the  
5 thrust of what we're trying to do here is to  
6 create more, you know, arts and culture and so  
7 forth. And your argument is sort of  
8 simplified and better organizing would  
9 potentially lead to at least, you know, most  
10 arts uses and so forth.

11 VICE CHAIRMAN JEFFRIES: You know,  
12 we heard from our working group that the  
13 regulations were not user friendly. And  
14 certain when you read through them it does  
15 appear that way. So, we want to make it  
16 easier for the average property owner to  
17 understand the regulations, take advantage of  
18 them where they provide a bonus for an arts  
19 use, for example. And also make it easier for  
20 the new arts districts to develop by using  
21 that same template, just using those same  
22 simple set of regulations again and again.

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1                   VICE CHAIRMAN JEFFRIES:  Were  
2                   there real estate developers part of the  
3                   working group?

4                   MR. JESICK:  Yes.  We had a real  
5                   estate developer who works quite often with  
6                   arts organizations and so they provided their  
7                   input.

8                   VICE CHAIRMAN JEFFRIES:  A real  
9                   estate developer who worked with art.  Okay.

10                  So, I'm also trying to deal with  
11                  sort of the economic development aspects of  
12                  this.  I mean, obviously there's a tension  
13                  here between, you know, the kinds of rents  
14                  that you can, you know, charge, you know, an  
15                  arts organization.  And we're looking at 14  
16                  floor to ceiling heights and ground floor and,  
17                  you know, it's -- it's somewhat complicated.  
18                  And so I'm just sort of interested in, you  
19                  know, hoping that the working group, you know,  
20                  had a diversity of different opinions and so  
21                  forth.  And it might be interesting, you know,  
22                  to, you know, get the -- a few more developers

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1 to sort of look at this and really think about  
2 some of the repercussions of some of the  
3 things that we're putting forth here.

4 I mean, you know, I've often said  
5 that Washington -- I'd love to see more arts  
6 and culture here, you know, but there are some  
7 built-in impediments. And I think this is  
8 good in terms of getting it organized and so  
9 forth. But --

10 And the other question I have is  
11 best practices. You did talk about this in  
12 your -- in your memo. In terms of some of the  
13 cities you used like Providence and I think  
14 Santa Fe. I mean, you know, some of those  
15 cities, you know, are obviously quite  
16 different than the District.

17 Did you take some of the ideas  
18 such as the multi-art-artist live-work space?  
19 Did you take some of those ideas from other  
20 cities?

21 MR. JESICK: Yes. The city of  
22 Oakland, California, comes to mind. They have

1 some different arrangements for living and  
2 working space such as what we're proposing in  
3 the multi-artist live-work space.

4 They've defined them very  
5 specifically. I think we're a little more  
6 general that we're just having regular live-  
7 work and multi-artist live-work. But we  
8 certainly drew from a lot of different cities.

9 The one thing I would point out is  
10 that I think the District has done quite a bit  
11 in terms of actual zoning for arts compared to  
12 most cities in the country. I think a lot of  
13 other cities may take a more programmatic  
14 approach to promoting the arts. But the  
15 District, I think, has been a leader to date  
16 in, you know, actually zoning for the arts.  
17 And we just want to try and make that as good  
18 as possible, take what we've done already and  
19 improve it.

20 VICE CHAIRMAN JEFFRIES: I guess  
21 I'm just saying I don't zoning is just quite  
22 enough. I mean, it's clearly a start. I

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1 mean, you know, to obviously, you know,  
2 address various envelopes but I mean if there  
3 is clearly, you know, economic feasibility  
4 issues tied to this. I mean, I've dealt with  
5 this when I was at NCRC in dealing with that  
6 City Vista Project and initially -- the first  
7 one we were looking at, you know, arts --  
8 artist live-work spaces and, you know, they  
9 were just very difficult to pencil out.

10 As much as you wanted it, it was  
11 just such tension, you know, very similar to  
12 affordable housing. I mean, it's --

13 MR. JESICK: Well, we certainly  
14 hope that the FAR Bonus would be somewhat of  
15 an economic incentive.

16 The other thing I would mention is  
17 the District is undertaking the Office of  
18 Planning as a lead, a city-wide effort public  
19 creative action agenda

20 VICE CHAIRMAN JEFFRIES: Creative  
21 action agenda?

22 MR. JESICK: That's correct.

1                   And it will look at a broader  
2                   scope of issues affecting all creative  
3                   industries and they might get into some more  
4                   of the programmatic or financial incentive  
5                   type issues that will hopefully complement  
6                   what we're trying to do with the zoning.

7                   VICE CHAIRMAN JEFFRIES: Yes. I  
8                   mean, you know, I'm a big lover of art. I  
9                   have lots of original work in my house and,  
10                  you know, I love music and so forth.

11                  But, you know, I'm just dealing  
12                  with sort of the realities of the situation.  
13                  That's it.

14                  The other question is you said  
15                  future art districts.

16                  Where do you see perhaps other  
17                  corridors popping up in the District?

18                  MR. JESICK: Our working group had  
19                  a long discussion about this and they  
20                  suggested, you know, many different places  
21                  that could be arts districts. And we also  
22                  talked about what characteristics make a good

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1 arts district.

2 VICE CHAIRMAN JEFFRIES: Because  
3 it doesn't necessarily have to be right on  
4 14th Street. I mean, there's a lot of  
5 pockets. I mean, at Wiltonberger. I mean,  
6 there's just different places. But I'm just  
7 wondering, you know.

8 MR. JESICK: Yes. There are lots  
9 of places throughout the city and the  
10 Comprehensive Plan really emphasizes those  
11 areas east of the Anacostia as well.

12 Some areas that came up were  
13 Anacostia proper, the downtown Anacostia.  
14 Areas like Benning Road. Some areas in the  
15 northern part of the city like Tacoma or  
16 Brookland.

17 So, people have ideas for, you  
18 know, all over the city of where that could  
19 occur.

20 We may have some specific guidance  
21 in the Comprehensive Plan for some areas that  
22 we could implement immediately like Rhode

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1 Island Avenue, for example, may be a  
2 possibility. That's one area that is  
3 specifically mentioned in the Plan.

4 But I think for other areas, we  
5 would need some specific either small area  
6 plan guidance or perhaps the creative action  
7 agenda would give us that planning the  
8 guidance that we would need to come back to  
9 you in the future and say we're ready for a  
10 map amendment at this point to actually  
11 implement the text that we created here.

12 VICE CHAIRMAN JEFFRIES: Yes. And  
13 it doesn't -- you know, the corridors don't  
14 have to be, you know, a mile long. I mean, it  
15 can be a couple of, you know, blocks, very  
16 contained, very intimate locations. You know,  
17 some interesting, you know, architecture. I  
18 know it's a lot in terms of warehouse space  
19 herein the District but, you know, there are  
20 some things that could happen.

21 So, anyway, thank you very much.

22 CHAIRMAN HOOD: I have the sign in

1 sheet. So, it appears that we have four -- I  
2 know we're interested in that here, but it  
3 appears that we have four -- only four people  
4 signed up to testify. So, what I want to do  
5 is to give this back to Ms. Schellin if you  
6 want to testify. You can see her and sign up.

7 Well, I must be misjudging in the  
8 number of folks that are here tonight. So,  
9 okay. Anyway.

10 Commissioner Etherly.

11 COMMISSIONER ETHERLY: Thank you  
12 very much, Mr. Chair.

13 Again, Mr. Jesick and to the  
14 Office of Planning, thank you very much for  
15 your excellent efforts around, if you will,  
16 breathing more life into our arts scene. And  
17 I agree with the vice chair and I'm sure the  
18 chair as well with respect to the importance  
19 of the role of arts and culture in the  
20 vibrancy of our city.

21 I want to run through just a  
22 couple of quick things and reference in part

1 some of the comments that were raised in the  
2 September 18th letter from the Cultural  
3 Development Corporation. I'm not going to run  
4 through all of their observations but there  
5 were a couple that jumped out at me.

6 But before I go there if I could,  
7 let me go right to, I think, one of the big  
8 issues and that is how we carve out a space if  
9 you will or continue to carve out a bigger  
10 space for the presence of arts in our  
11 residential districts.

12 And as you indicated in your  
13 report and I believe also in your verbal  
14 remarks, there clearly is, I don't want to say  
15 tension, but there are some needs and concerns  
16 that have to be balanced with respect to how  
17 you bring about more of those uses. And your  
18 written remarks indicate that there is still  
19 some work to be done about whether or not you  
20 apply a matter of right analysis or if you go  
21 to a special exception analysis or if you even  
22 continue to utilize a variance be it a use or

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1 otherwise to get at these issues.

2 So, this question may simply be  
3 early in terms of OP's work on it but have you  
4 looked at how other jurisdictions have dealt  
5 with the issue of trying to allow for more  
6 arts-related uses in residential districts?

7 MR. JESICK: We didn't see too  
8 many cities that have the same situation when  
9 we're talking about those institutional type  
10 uses. Many cities have sort of home  
11 occupation approach and we certainly want to  
12 continue that.

13 What's missing though is -- are  
14 those sort of larger spaces where you can have  
15 an art incubator or an arts center for the  
16 community where many different artists can  
17 come and use that space. It can be tailored  
18 to their specific needs. So, that's what we  
19 were trying to get at with the maybe reuse of  
20 schools or other public buildings.

21 I think we were probably leaning  
22 more towards the special exception and to the

1 recommendation rather than matter of right  
2 because it is hard to anticipate all those  
3 impacts.

4 That being said, we do want to  
5 have definite criteria for that special  
6 exception review such as like I mentioned  
7 light, air, traffic, storage of materials  
8 would have to be concealed.

9 COMMISSIONER ETHERLY: Okay.

10 MR. JESICK: Possibly loading and  
11 like I said, maybe there would be an FAR cap  
12 at some relatively low level. And maybe some  
13 minimum lot size as well.

14 COMMISSIONER ETHERLY: And in  
15 referencing the home occupation piece and to  
16 an extent this may also be part of this  
17 segment of the conversation. Your written  
18 report refers to some of the challenges around  
19 the issue of noise trying to provide for some  
20 type of analytical approach to deal with noise  
21 impacts, but there being some difficulty  
22 there.

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1           Do you have a sense of how long it  
2           may take to work that out because as you  
3           reference, there are some other tricks that  
4           are currently at work at the counsel, OAG. Do  
5           you have a sense of how long that's going to  
6           take to play out?

7           MR. JESICK: I took a look at the  
8           counsel legislation that has been introduced  
9           and one of the bills has been, I believe  
10          approved but not yet enacted. I could be  
11          wrong about that.

12          But those bills that have been  
13          introduced are rather narrow in their focus  
14          talking about non -- I'll probably get this  
15          wrong but non-commercial amplified speech --

16          COMMISSIONER ETHERLY: Okay.

17          MR. JESICK: Speech emanating from  
18          schools in residential zones. So, it's I'd  
19          say rather narrowly defined.

20          What should be noted though is  
21          that in Title 20 of DCMR which deals with the  
22          environment generally, Chapter 27 talked about

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1 noise levels and sound levels and 2701 does  
2 list some maximum decibel levels in  
3 residential zones.

4 So, I mean, at the very least we  
5 could fall back on that.

6 COMMISSIONER ETHERLY: Okay.

7 MR. JESICK: They seem to be in  
8 line with what we've seen in other cities.

9 COMMISSIONER ETHERLY: Okay.

10 Okay.

11 Now, let me come to the letter  
12 that I referenced from the Cultural  
13 Development Corporation.

14 There were a couple of  
15 observations among many, but there were a  
16 couple that jumped out at me that I want to  
17 just kind of hit very quickly just for a  
18 sense of rationale.

19 On the -- and this is my first  
20 question with respect to the PAUL list itself.  
21 Clearly it's a work in progress. It's going  
22 to continue to evolve.

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1           The inclusion of fast food  
2 establishments in the entertainment use group,  
3 I'm just curious about that.

4           Well, what we said. I believe  
5 this was in the written report was that those  
6 restaurant uses would -- well, I use the term  
7 restaurant. Restaurant fast food  
8 establishment, prepared food shop, they would  
9 all still be governed by the principles of the  
10 recent text amendment that was done. So, I  
11 believe fast food would not be permitted, I  
12 think it's C1. Mr. Parker can jump in

13           if I'm not saying it correctly. But  
14 there would still be those type of guidelines  
15 that would regulate eating establishments.

16           COMMISSIONER ETHERLY: Okay.

17           With respect to -- moving onto a  
18 different topic.

19           The issue of nonprofit art  
20 galleries. I'm kind of jumping into the  
21 definitional section for a quick moment.

22           The definition as it's proposed

1 for the moment is an establishment that  
2 derives more than 50 percent of its income  
3 from the display and sale of objects of art.

4 There was some concern expressed  
5 about the impact or potential impact on  
6 nonprofit art galleries or art galleries that  
7 may not reach that threshold.

8 Is that an issue that came up  
9 during the working group discussion in any way  
10 or part?

11 MR. JESICK: I don't believe it  
12 came up during the working group. And we just  
13 took that definition straight from the  
14 existing zoning regs. But we'd be happy to  
15 meet with the person who raised the concern  
16 and definitely look at that definition to see  
17 if we can create a more appropriate  
18 definition.

19 It's possible that they may also  
20 fall under a different category like perhaps  
21 a museum of some sort or something else that  
22 isn't relying on retail sales.

1 COMMISSIONER ETHERLY: Okay.

2 Excellent.

3 Thank you.

4 Thank you, Mr. Chair, that  
5 concludes my questions.

6 CHAIRMAN HOOD: Thank you,  
7 Commission Etherly.

8 Mr. Jesick, I just have a few  
9 questions. And me just ask Mr. Parker.

10 I don't know if we asked for this  
11 but I think it's great and I don't know if you  
12 did it before maybe it just looks different  
13 because it's in bold and regular print.

14 Attachment 2, the Task Force  
15 Comments. Is this the first time we've gotten  
16 this like this in this format?

17 MR. PARKER: Maybe in this format.  
18 We've been attaching all of the comments that  
19 we've received on the back of our reports  
20 before and trying to reference them in the  
21 report as well. This may be the first time  
22 that we've laid it out this way.

1 CHAIRMAN HOOD: Okay.

2 MR. PARKER: But we can certainly  
3 copy this if you like it.

4 CHAIRMAN HOOD: Well, I  
5 personally, I know all my colleagues are not  
6 here but I personally like this format.

7 MR. JESICK: You got it.

8 CHAIRMAN HOOD: It pops right out.

9 But I want to go to number 5  
10 that's in the Task Force Comments. And I  
11 didn't see it addressed in the report. I may  
12 have missed it.

13 Can you elaborate about this  
14 encouragement of public arts in PUDs, Mr.  
15 Jesick?

16 Help me understand how we're going  
17 to do this. Are we going to proffer like we  
18 normally do, ask it as an amenity or what's  
19 going on?

20 MR. JESICK: I think you hit it  
21 right on the head. The working group came up  
22 with many more recommendations than what I

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1 discussed tonight. But a lot of them were  
2 more appropriately handled in other working  
3 groups.

4 One of those was encouraging  
5 public art in PUDs. And what the working  
6 group suggested was that we have the amenity  
7 list in Chapter 24, different items that can  
8 count as amenities in PUDs.

9 They thought that certainly  
10 affordable space and public art should be  
11 formally recognized as PUD amenities. And we  
12 thought that that was a good idea.

13 We just thought it should be  
14 handled maybe later on in a future working  
15 group that will deal with PUD procedures.

16 CHAIRMAN HOOD: Speaking of being  
17 handled later on. I see in the report where  
18 it talks about the noise level. And we're  
19 waiting for legislation, I believe. Counsel  
20 is handling some legislation at this point.

21 MR. JESICK: Yes. I believe there  
22 are two different bills. One has been I

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1 believe voted on but not enacted. And one has  
2 just been introduced, I believe.

3 So, those deal with very specific  
4 types of noise produced. Title 20 of DCMR  
5 does deal with noise levels. So, at the very  
6 least we could fall back to that -- that  
7 section of the regulations which lists maximum  
8 decibel levels.

9 CHAIRMAN HOOD: Yes. And I was  
10 wondering. Is that going to -- did we foresee  
11 a change in the level in different areas? And  
12 I'll tell you why. When I look at some of the  
13 arts uses and I'm going to really have to see  
14 some of this in the language once we get it  
15 crafted.

16 One of these that really struck  
17 out and I know it's there now. But it's a use  
18 that's going on in one of the communities now.

19 Was it bars and -- oh, drinking --  
20 drinking place including bar, nightclub and  
21 cocktail lounge.

22 So, you know, when we talk about

1 noise levels in different zones, I guess the  
2 decibel point is it going to fluctuate  
3 depending upon the zone. More intense, less  
4 intense? You know, I guess I'm kind of trying  
5 to figure how it's going to come back to us.

6 MR. JESICK: Well, we can  
7 certainly craft it however the -- you know,  
8 whatever the Commission's preference is we can  
9 craft it for different zones or different  
10 types of uses.

11 What is stated in -- again, this  
12 is 20 DCRM Chapter 27. It differentiates by  
13 zone. For example, residential, special  
14 purpose and waterfront zones have the lowest  
15 allowable noise levels and industrial zones  
16 have the highest. And commercial falls in the  
17 middle.

18 So, we can take that same approach  
19 or look at some other approach if appropriate.

20 CHAIRMAN HOOD: And I think we  
21 need to be careful because a lot of industrial  
22 zones in certain areas of the city are right

1 across the street, more less intensive zones.  
2 Some of them are actually across the street  
3 from residential zones. And say it's higher  
4 intense just because it's in an industrial  
5 zone. We need to look at that. I'm not  
6 saying we have the fix-all, but that's one of  
7 the things that we really need to be cautious  
8 of. We need to take in mind and some of those  
9 industrial zones with that heavy intense use  
10 is right across the street from a residential  
11 zone. So, we can look at that.

12 The other thing is the language  
13 that we -- I didn't call any wards. The other  
14 thing that we are looking at -- that we need  
15 to look at is our language. I saw a  
16 production and it reminds me in the Zoning  
17 Ordinance it talks about manufacturing. In  
18 this city unfortunately manufacturing is trash  
19 transfer stations. So, I think that we need  
20 to be very -- and the BZA on Tuesday we really  
21 had to go to these definitions.

22 I'm not saying the definition is

1 going to be the fix-all or catch-all, but as  
2 we're looking at this, let's try to make sure  
3 we can make our lives -- for those who will be  
4 here, lives a lot easier -- a lot easier as we  
5 move forward.

6 And I'm just throwing that out  
7 there. I really appreciate the comments that  
8 I see here from the task force and also the  
9 work that has been done.

10 And, Mr. Parker, I do like this  
11 format. It's easier for me and I'm sure my  
12 colleagues like it too. I'm going to speak  
13 for them on that approach.

14 Any other questions of the Office  
15 of Planning?

16 Any other questions?

17 Okay. All right.

18 Thank you very much.

19 We have one ANC commissioner here  
20 and let me take that person first. Ms. Faith  
21 Wheeler from ANC Single Member District 4B02.

22 Normally, it's good to give us a

1 position whether you're a proponent or  
2 opponent. Typically, but I'm not going to do  
3 this tonight because we only have one. But  
4 typically, if you're not a proponent or  
5 opponent we normally call you last. So, Ms.  
6 Wheeler, next time make sure you're a  
7 proponent or a opponent so we won't call you  
8 on how we've done in the past, last. So, if  
9 you can come forward.

10 I'll probably say -- I'm going to  
11 guess and say you're a proponent with some  
12 concerns? Or a proponent with concerns. That  
13 way I covered it.

14 COMMISSIONER WHEELER: Let me say  
15 that I'm not representing my ANC. The ANC has  
16 not considered this and so perhaps it would  
17 appropriate for others to go first. I'd be  
18 happy to do that. Or I'm also happy to go now  
19 as you --

20 CHAIRMAN HOOD: Since you're at  
21 the table, Commissioner, I'm sure nobody will  
22 mind hopefully.

1 COMMISSIONER WHEELER: Okay.

2 I am Faith Wheeler, ANC  
3 Commissioner of 4B02, in Tacoma, D.C. I'm  
4 also Ward 4 Committee Woman Elect to the  
5 Democratic State Committee.

6 And I will just make initial  
7 remarks or comments on just a very few  
8 elements of this case here.

9 And then reserve the -- the  
10 request, I guess, to submit other comments in  
11 writing as I am able to study this more and  
12 understand it better.

13 The elements that I would like to  
14 comment on are those of ground floor design  
15 and street frontage design requirements. They  
16 are rather specific, but those are elements  
17 that I had dealt with before, particularly in  
18 regard to the Tacoma Overlay Zone which is  
19 something that has come up.

20 And I want to comment on 11A,  
21 Street Frontage Design Requirements, something  
22 that Mr. Jesick referred to. It's on page 3

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1 of this printout that I've made.

2 And, well first of all, I guess I  
3 could preface this by saying an arts district  
4 in Tacoma sounds absolutely wonderful. And I  
5 think could not be more appropriate for a  
6 place like Tacoma which has a number of arts  
7 businesses so to speak already.

8 But let me go so as not to use up  
9 my time on that. Let me go straight to the  
10 11A point.

11 And this is in regard, as I said,  
12 to my involvement with the Tacoma Overlay Zone  
13 several years ago in '05.

14 We want very much to be sure that  
15 as Mr. Etherly said, contribute to the  
16 vibrancy of our city. And vibrancy is about  
17 neighborhood serving businesses and activities  
18 and destinations that attract tourists whether  
19 they're tourists from far away or the next  
20 neighborhood over like Shephard Park, for  
21 example, or Anacostia or wherever it might be.  
22 It doesn't matter.

1           And part of that is facilitate  
2 walkable communities. Yes. Okay. All right.

3           Anyway, so I won't go into the  
4 point of building this on the property line.  
5 This means that there would be very limited  
6 corridor space, very limited walkable space.  
7 It's practically nothing for a sidewalk cafe.  
8 If there is any place in the entire city that  
9 is appropriate for sidewalk cafes it is  
10 Tacoma.

11           CHAIRMAN HOOD: Ms. Wheeler, let's  
12 do this.

13           Since you were the first person  
14 and we have three minutes and we only have  
15 four other people that want to testify, we're  
16 going to give you another minute and a half  
17 and my colleagues -- well, let me say. Minute  
18 and a half and you want to take two. But if  
19 you do a minute and a half, in that way we'll  
20 give everybody else a minute and a half.  
21 Okay. Because we only have -- if you could --  
22 and you can always give us something -- supply

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1 something to us.

2 COMMISSIONER WHEELER: I will.

3

4 Thank you. Thank you, Mr.

5 Jeffries for calling my attention to the time.

6 Okay. In any case, I am concerned  
7 about building mass on the property line. We  
8 have a good bit of new construction in and  
9 around the Metro Station. The Tacoma Overlay  
10 Zone calls for a minimum of 13 feet. The  
11 first new building that went up had 10 feet.  
12 We thought that was wonderful. It is very,  
13 very narrow for a walkable community. And we  
14 continue to have narrow, narrow sidewalks and  
15 not anything that really allows for sidewalk  
16 cafes.

17 If you look at the old sidewalks,  
18 the old business district, business block on  
19 Fourth Street and in front of our wonderful  
20 Tacoma Theater, they are very wide in front of  
21 our old library. The first branch library in  
22 all of D.C. Very wide and the buildings are

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1 set back so that it does -- it is a lovely  
2 kind of inviting, welcoming aura. And it's so  
3 much better than feeling constrained and  
4 feeling like you have to walk single file on  
5 the sidewalks when you approach somebody  
6 coming the other way.

7 So, I really, really caution you  
8 and really urge you to re-examine that  
9 business of building mass on the property  
10 line. It just feels very crowded. It doesn't  
11 feel like Tacoma at all. It feels like, I  
12 don't know where. Somewhere else.

13 And I am very much pleased that  
14 you suggested or are suggesting to reduce the  
15 building height -- excuse me. The first floor  
16 height from 15 to 14 feet. That is  
17 particularly important in this age of climate  
18 change.

19 We have one store right now which  
20 is the Love Store in the entire neighborhood--

21 CHAIRMAN HOOD: Ms. Wheeler, I'm  
22 going to have to -- we did two minutes.

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1 Right?

2 COMMISSIONER WHEELER: Minute and  
3 a half, I thought.

4 CHAIRMAN HOOD: Yes. Can you give  
5 us -- can we keep the record open on this? We  
6 been keeping the record open.

7 Can you provide your statements.  
8 I actually have your name exactly in the  
9 regulations on my copy of what the issue is  
10 and about building up to the property lines.  
11 So, if you could provide us the rest of your  
12 comments in writing that would be great.

13 Let me see first. Colleagues, do  
14 we have any questions? Any questions of Ms.  
15 Wheeler?

16 But I will ask you.

17 Ms. Wheeler, I will be frank and  
18 honest. I'm wondering why I have a few names  
19 and I have a number of people in the audience.  
20 That's just been boggling my mind. I'm just  
21 asking.

22 Are these your constituents?

1                   COMMISSIONER WHEELER: Are these  
2 my constituents?

3                   CHAIRMAN HOOD: Yes.

4                   COMMISSIONER WHEELER: Actually,  
5 let's see. I think there are --

6                   CHAIRMAN HOOD: Or are they just  
7 interested in the conversation and the topic?  
8 I'm just curious.

9                   COMMISSIONER WHEELER: The people  
10 who are here?

11                   CHAIRMAN HOOD: Well, I know -- I  
12 know some of them are here and I'm kind of  
13 looking to them. We're glad to have you,  
14 believe me. I was just wondering what was the  
15 topic?

16                   Normally, when we --

17                   COMMISSIONER WHEELER: I recognize  
18 none of my constituents. I do recognize a  
19 neighbor who is across the line from the  
20 Tacoma Overlay --

21                   CHAIRMAN HOOD: You can help me  
22 out with this. Maybe I'll ask them after the

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1 hearing is over.

2 COMMISSIONER WHEELER: The Tacoma  
3 Theater is in my Single Member District as is  
4 the original commercial district of all of the  
5 community of Tacoma, D.C. and Maryland. It is  
6 in my Single Member district. And I would  
7 really very much like to be as pragmatic as I  
8 possibly can which I think is probably fed by  
9 my 30 years of development professional with  
10 the InterAmerican Development Bank.

11 CHAIRMAN HOOD: Okay.

12 COMMISSIONER WHEELER: Have to be  
13 pragmatic, have to look at what will actually  
14 work, not necessarily what's text book  
15 convention, but what will actually work for  
16 the major factors that you have to consider.

17 CHAIRMAN HOOD: Thank you.

18 COMMISSIONER WHEELER: Including  
19 the economic factor needless to say.

20 CHAIRMAN HOOD: Ms. Wheeler, thank  
21 you so much.

22 COMMISSIONER WHEELER: Okay.

1                   CHAIRMAN HOOD: You answered my  
2 question and you finished testify, but please  
3 just give us something in writing. We will  
4 definitely look at it.

5                   Okay.

6                   Let me start with proponents. I  
7 have two proponents. Loretta Neumann, Tacoma  
8 Theater. Anyway, Tacoma Theater and Anne  
9 Cobert -- Corbett, I'm sorry. Thank you, Vice  
10 Chair.

11                   Is there anyone else that wants to  
12 testify in support?

13                   I guess I'll eventually just have  
14 to call Mr. Graves out and ask him what  
15 everybody is doing. I mean, not that we don't  
16 mind, I'm just trying to figure out what the  
17 issue is. It's always good to know that the  
18 community is involved with the issue. But I  
19 want to know what the issue is.

20                   I will tell you before this  
21 hearing I'm going to find out.

22                   Ms. Neumann, if you would begin.

1 Thank you.

2 MS. NEUMANN: Thank you. Good  
3 evening.

4 Thank you for the opportunity to  
5 testify.

6 I'm Loretta Neumann. I'm  
7 President of the Tacoma Theater Conservancy.  
8 And I also was a member of the working group.  
9 I attended all the meetings and participated  
10 in all the deliberations and much appreciate  
11 all the hard work that Matt Jesick and the  
12 team did. They were extremely good and we did  
13 have a very diverse group.

14 There were only a few of us  
15 representing the performing arts. A lot of  
16 fine arts, a lot of working artists and then,  
17 yes, some developers and people from different  
18 perspectives, educators. It was quite a wide  
19 variety of people.

20 In terms of -- I have my  
21 testimony. I also have copies of a couple of  
22 brochures and I also have for the theater. I

1 don't know if you're aware of it. The Tacoma  
2 Theater has ben dark for several years and our  
3 organization when the owner threatened to tear  
4 it down a couple of -- a year or so ago,  
5 organized to buy the theater and we're trying  
6 to raise money to do that.

7 We've had considerable assistance  
8 from the city and foundations and private  
9 individuals in that effort.

10 One of the things we were able to  
11 do and just have received a report, a needs  
12 assessment. And I want to give a copy. I'll  
13 actually give a couple of copies for the  
14 record. I don't have enough for everybody but  
15 I've offered to Matt Jesick to provide him an  
16 e-mail copy as well. Whatever form I can get  
17 it to you that way I will.

18 We are very interested in the  
19 concept of the arts district but have some  
20 concerns. And we feel that Tacoma as was just  
21 mentioned would be a wonderful place for an  
22 arts district.

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1 I'm wondering because there are  
2 different portions of Tacoma. There's 4th  
3 Street and then there's other area on the  
4 other side of the Metro tracks. And there's  
5 some more like warehouse kinds of areas  
6 further on the other side that could be part  
7 of this and so this might be, you know, not  
8 just one big block of a district but  
9 subdistricts of some sort. I don't know how  
10 you would do that or map it. But that would  
11 be my preference.

12 Our concerns are the following.  
13 We have several.

14 One -- the primary one is we don't  
15 understand the statement about having an arts  
16 district as opposed to an arts overlay  
17 district.

18 If that means supplementing our  
19 existing zoning then we would not support it.  
20 We like our existing and I have been in the  
21 neighborhood since the '70s and have worked on  
22 every plan in that neighborhood. And all that

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1 zoning has -- all the plans that have been  
2 developed have been very hard thought and so  
3 we don't want to throw that out.

4 Putting an overlay on it, however,  
5 as we did recently with the commercial  
6 overlay, having an arts overlay would work  
7 quite well. We do have a lot of arts uses in  
8 the community already.

9 The Washington National Opera has  
10 their rehearsal facilities there and they  
11 would love to use the Tacoma Theater by the  
12 way. We have the Liz Lerman Dance Theater.  
13 We have a couple of like the Institute for  
14 Musical Traditions, folk music that's just  
15 over the line in Tacoma Park, Maryland, but we  
16 partner with everybody. That boundary line  
17 doesn't affect us. We work together.

18 And lots of writers and artists in  
19 the community. So, we have the nucleus for  
20 having an arts district.

21 We'd love to call it actually an  
22 arts district, but from a practical standpoint

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1 we would like to have it as an overlay over  
2 the existing zoning and not have new zoning  
3 category that we don't even know what that  
4 would be.

5 The second is the criteria and  
6 process and as Matt said, the working group  
7 did come up with a list of -- actually about  
8 37 potential areas and of those maybe five or  
9 six that really already fit the criteria that  
10 we developed. And I mentioned some of that  
11 criteria here.

12 I was sorry to see that criteria  
13 not included in the OP recommendations because  
14 I thought it was very useful and I would  
15 strongly urge that the criteria be included  
16 and a statement somewhere of the process that  
17 would be followed.

18 I understand this is a regular  
19 zoning kind of thing, but for the public, if  
20 I'm going to go back to the community and say  
21 we want an arts district, they're going to  
22 want to know much more how it would be done

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1 and what the process would be.

2 As far as incentives, we have  
3 found like with the theater and I'm not here  
4 for a theater. But there are other theaters,  
5 I'm sure in other places that would have a  
6 similar situation. But right now if we want  
7 to add onto the theater as this needs  
8 assessment says that we need to do, the  
9 current zoning is 1.5 for commercial which is  
10 what they would qualify for this. 2.5 would  
11 be residential.

12 Now, it might be that we might  
13 want to put in some residential artists living  
14 space. I don't know. We haven't thought that  
15 through. But definitely for any use for the  
16 theater itself. Doesn't seem to make sense  
17 to me to not give a bonus to theater uses for  
18 a theater. So, we would encourage that.

19 We also are very concerned about  
20 the relationship with historic preservation.  
21 This is an historic district and many of the  
22 other areas that might be included as arts

1 districts may have historic -- may be historic  
2 themselves or have landmarks that are in them.  
3 We need to know what the relationship of  
4 zoning with historic preservation would be.  
5 And the arts uses as was pointed earlier.

6 I do feel that there needs to be a  
7 very definite specificity about what is and is  
8 not. For example, a bar. To me a bar and a  
9 restaurant in an arts district would probably  
10 be a great thing because it would bring lots  
11 of people. But on the other hand, it's not of  
12 itself an arts function and shouldn't be given  
13 those kinds of bonuses.

14 And lastly, I was confused about  
15 the announcement that we saw and the  
16 recommendations from OP and I am now assuming  
17 from what Mr. Jesick said that they are really  
18 together and they aren't two different things.  
19 So that if we read what OP has recommended,  
20 that is what you are considering? Or did I  
21 get that right?

22 CHAIRMAN HOOD: It is a small

1 group. You can answer the question.

2 MR. JESICK: Yes. The legal ad,  
3 the public notice, has all the same content as  
4 what our recommendations were. Like I said at  
5 the beginning, it's hard to sometimes explain  
6 all the things in the public notice in one  
7 recommendation. So, we had to kind of break  
8 out the recommendations a little bit.

9 But the content is all the same.

10 MS. NEUMANN: Lastly, I would like  
11 to have inserted. I can't -- these are very  
12 expensive to reproduce. We're not that flush  
13 with money. But I did bring a couple of  
14 copies of this needs assessment that I would  
15 be happy to give you for the record. And I  
16 think you find the information extremely  
17 useful as the study includes a lot of  
18 information about other areas around the city  
19 and theaters and that sort of thing.  
20 Demographics.

21 CHAIRMAN HOOD: Okay. You just  
22 give us one copy and we'll reproduce it in

1 black and white. My time is up.

2 Okay. Ms. Neumann, if you can  
3 hold your seat and Corbett. Thank you.

4 Ms. Corbett, you can begin.

5 MS. CORBETT: Thank you.

6 My name is Anne Corbett. I am  
7 Executive Director of a nonprofit here in the  
8 District of Columbia called Cultural  
9 Development Corporation. It sounds like you  
10 received my letter and you've seen it. I'm  
11 not going to repeat anything that's in my  
12 letter.

13 I would, however, like to comment  
14 that I am a proponent. I was involved in the  
15 process. The gentlemen from OP were very  
16 gracious with their time and willingness to  
17 get community input. I think there was a  
18 great deal of that.

19 I probably only fell down in that  
20 I didn't give them enough of my time and  
21 input.

22 I just want to I guess caution you

1 about this process because I am concerned that  
2 the zoning is in a silo disconnected from the  
3 greater planning and economic development  
4 strategies.

5 There was reference to the  
6 creative action agenda that is under way.  
7 Presumably there will be some consulting there  
8 because that's being coordinated by the Office  
9 of Planning as is the zoning recommendations.  
10 But really in the best practices that were  
11 looked at, this is most effective when arts  
12 districts are a comprehensive strategy.

13 In Prince George's County, for  
14 instance, communities apply to the arts  
15 districts and then there's a package of  
16 enhancements that come along with that that  
17 address some of the economic pressure that Mr.  
18 Jeffries referred to earlier and really reward  
19 communities, good businessmen and developers  
20 and people willing to roll up their sleeves  
21 and put in some sweat equity, put in some of  
22 their own money and create public benefit and

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1 public amenities in exchange for tax  
2 abatements or streetscape enhancements or  
3 transportation enhancements and grant dollars  
4 and all of that works together to really make  
5 the district function effectively.

6 In the past, what we have had in  
7 the city are some effective arts development  
8 strategies vis-a-vis the zoning code. But  
9 we've also had some marketing techniques.

10 The H Street Arts District, the  
11 newest one came about after the predominate  
12 use. The Atlas Performing Arts Center was on  
13 the drawing board and really paved the way for  
14 commercial redevelopment there which is all  
15 good. However, there was no additional arts  
16 uses generated or public benefits vis-a-vis  
17 the arts generated after the arts district was  
18 stamped on the map. Really it just became  
19 sort of a signal that now H Street was cool  
20 again and you should buy property there if you  
21 were smart and adventurous.

22 And I live in that neighborhood

1 and I welcome all the new restaurants and  
2 shopping, etcetera. But we really need to  
3 make sure we're considering what we want the  
4 public policy around arts districts to  
5 accomplish. Is it a marketing tool or is it  
6 like I said a comprehensive asset building  
7 strategy that develops our creative micro  
8 enterprise network that provides educational  
9 enhancements for our kids, that provides  
10 leisure and quality of life enhancements for  
11 our residents, etcetera.

12 So, I would really hope that the  
13 Commissioners would in whatever power you all  
14 have sort of reach out to the mayor, council  
15 members to really try to get this zoning  
16 amendment not to happen in a vacuum, absent  
17 DOT's role or the Deputy mayor for Economic  
18 Development's role, etcetera.

19 Yes. I think that's it.

20 Thanks.

21 CHAIRMAN HOOD: Thank you very  
22 much the both of you.

1           Let me see if any of my colleagues  
2           have any questions.

3           VICE CHAIRMAN JEFFRIES:  Yes.  I  
4           do.

5           I appreciate your comments, Ms.  
6           Corbett.  And, in fact, you were much more  
7           eloquent in terms of really trying to make the  
8           case that I was really questioning the Office  
9           of Planning around.

10          You     know,     obviously,     our  
11          jurisdiction here is zoning.  That's what we  
12          do but I think your comments are absolutely --  
13          I mean, those are the types of things we need  
14          to look at because I think at the end of the  
15          day we're trying to get more arts uses.  You  
16          know, and you can set of a wonderful zoning  
17          codes but you need those other parts to really  
18          make it all work.  And you really need someone  
19          from the executive level who is going to  
20          really, you know, sue the full mantra of a  
21          position to really push, you know, arts policy  
22          throughout the District.

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1                   And so your comments are  
2 appreciated.

3                   Thank you.

4                   MS. CORBETT: If I could just add  
5 really quickly.

6                   I would also recommend, there were  
7 37 places identified in the working group. We  
8 don't need 37 arts districts. We need to be  
9 very deliberate and discriminating and the  
10 community should be involved in that decision,  
11 you know, like folks from Tacoma Park taking  
12 a very active role. That's a very different  
13 outcome in the end than if we sort of spread  
14 it all over and dilute the power or the impact  
15 of public policy to support arts.

16                   VICE CHAIRMAN JEFFRIES: You know,  
17 and what's interesting, I mean, Ms. Corbett  
18 and I we were on the board of Lincoln Theater  
19 for a few years. And, you know, one of the  
20 difficulties is, you know, we were always  
21 looking around the corner and someone else was  
22 looking to put up another, you know, theater

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1 venue.

2 And, you know, at some point it's  
3 like, you know, we have a few theater venues  
4 already and we really need to think about,  
5 you know, are we going to put, you know, all  
6 our efforts to really support one or two or  
7 three or are we looking to expand and so  
8 forth?

9 So, I think that sort of goes back  
10 to this whole notion of really being  
11 thoughtful and comprehensive about how you  
12 move forward with this.

13 MS. NEUMANN: But there are, in  
14 fact, some of this -- there are, in fact,  
15 areas that are underserved. and ironically,  
16 Ward 4, Ward 3, Ward 5 are underserved. There  
17 is no other performing arts facility in any of  
18 those wards that are not either a single use  
19 such as a dance place in Brookland or for film  
20 like the Avalon and such in Ward 3. Or  
21 affiliated with the university which is  
22 limited access to the general public. It's

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1 usually, you know, put on by the universities.

2 So, we are underserved in those  
3 three wards.

4 VICE CHAIRMAN JEFFRIES: So,  
5 you're saying that each ward should have a  
6 performing warts venue?

7 MS. NEUMANN: I'm not saying it  
8 has to, but I am saying that there is nothing  
9 for those three wards and Tacoma Theater is  
10 it. But there could be. And I think that  
11 that to me seems to be a public responsibility  
12 to help provide those kinds of things,  
13 especially as you pointed out in areas where  
14 people want them.

15 The list that we came up with that  
16 37 which is, you know, hypothetical ones that  
17 were possible and we had the criteria and  
18 which ones we thought maybe might fit. But  
19 then there were about five or six that really  
20 went down tot he criteria and said, wow.  
21 These really do fit. And Tacoma was one of  
22 them.

1 I didn't bring that file with me  
2 so I can't tell you what the other ones were.  
3 I'm sure Matt remembers. But the city out in  
4 the neighborhoods is not as well served as  
5 closer to downtown. A lot of wonderful things  
6 and I think Ms. Corbett, the one that's been  
7 the spark plug behind a lot of it, they're  
8 terrific but they're not out by us.

9 CHAIRMAN HOOD: Commissioner  
10 Etherly.

11 COMMISSIONER ETHERLY: Thank you  
12 very much, Mr. Chair.

13 A couple of specific questions.  
14 More so for you, Mrs. Corbett. As you heard,  
15 I picked up on a couple of things that were  
16 raised in your letter.

17 But, perhaps, let me start with a  
18 larger question for the both of you and thank  
19 you both very much for your work on the front  
20 lines here.

21 I am familiar with the vicinity of  
22 the Tacoma Theater due to my love of tennis

1 and being at the Tacoma Tennis Courts quite a  
2 bit, which hasn't seemed to help my tennis  
3 game much, but that's a whole another  
4 conversation.

5 Let me -- one of my colleagues said  
6 that's because I'm getting older. Well, yes,  
7 indeed. The march of time.

8 This question could take a long  
9 time to answer to I'm not inviting a foray  
10 into it in depth. But part of your exchange  
11 with Mr. Jeffries and part of the part that  
12 you raised, Mrs. Corbett and that you also  
13 spoke to. This issue of kind of the arts in  
14 the District of Columbia. Clearly we're  
15 blessed in many ways with, I use the word  
16 vibrant, vigorous, whatever you want to call  
17 it. It's a very wonderful scene. And from my  
18 untrained eye I feel that it's gotten even  
19 better over definitely the last few years in  
20 terms of the venues that are available. And  
21 that's a good thing. And I think that's part  
22 and parcel, although as Mr. Jeffries said, we

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1 are really zoning and that's all we do. It's  
2 part and parcel of what we need to be  
3 considering.

4 I guess my question is. Is it  
5 also, however, still the challenge for us from  
6 a zoning standpoint, chiefly because that's  
7 what we're about here, to make sure that we're  
8 also not forgetting the smaller individuals  
9 and collectives and arts groups that may be  
10 out there that aren't part of the bigger  
11 marque institutions? They're not at the  
12 Kennedy Center, they're not at Studio Theater  
13 or other major venues. Or even some of the  
14 smaller mid-sized venues, but they're really  
15 grass roots that individual crafts person or  
16 artisan working in a space but they could most  
17 certainly benefit from having access to a  
18 better space maybe in a residential district,  
19 if a school or some other similar property  
20 becomes available?

21 For the two of you having  
22 experience in the arts milieu if you will, is

1 that -- is that -- am I correct in saying that  
2 that is still a problem and that's got to be  
3 part of what we address here? Because I'm  
4 trying to make sure that as we deal with some  
5 of these proposed changes, I kind of got into  
6 that issue of the residential piece in  
7 particular because we recently dealt with as  
8 the Office of Planning is aware and my  
9 colleagues are aware, a piece of emergency  
10 dealing with surplus school properties. And  
11 as many of us know, they're out there and  
12 they're sitting smack dab in many of our  
13 communities.

14 And the idea of the challenge, the  
15 hope is that we continue to make productive  
16 public use for public benefit of those  
17 buildings where possible. But being aware of  
18 an ancillary impacts that may come from those  
19 uses if we don't plan for them accordingly.

20 That's a long preamble to the  
21 question of. You would agree -- maybe this is  
22 a yes or a no kind of multiple choice

1 question. You would agree that we aren't  
2 doing as well a job from a zoning standpoint  
3 of making these types of spaces available for  
4 individuals or smaller artists groupings or  
5 entities?

6 MS. CORBETT: I completely agree.  
7 And, in fact, over the past decade that I've  
8 been at work on this issue, we have made  
9 unbelievable strides in major facilities. And  
10 although certainly Tacoma Park lacks one,  
11 theaters, performing arts facilities, major  
12 organizations satisfying pent up demand for  
13 better high caliber facilities.

14 I mean, the landscape has  
15 dramatically changed in our city in that  
16 regards. And, in fact, our organization is  
17 specifically focused on the issue that you  
18 bring up because I think it's micro-enterprise  
19 and small business development in the arts  
20 that are the burning issues. And those  
21 surface in affordable housing for artists and  
22 their families, affordable work space for

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1 artists, services and funding to support  
2 artistic endeavors.

3 Mr. Jeffries wants to be able to  
4 have original art work in his living room.  
5 Someone has to have an appropriately priced  
6 and zoned place to create that or he's buying  
7 it from Baltimore.

8 And that's the reality right now.

9 COMMISSIONER ETHERLY: Yes.

10 MS. CORBETT: That the individual  
11 artist cannot thrive in our city the same way  
12 that frankly policemen, fire fighters and  
13 teachers probably struggle to thrive, given  
14 housing prices, cost of living, groceries,  
15 fuel, the whole nine yards.

16 So, I think you're exactly right  
17 and I think what is the challenge is that  
18 zoning policy really has a hard time creating  
19 any mechanisms to give power to the individual  
20 or sort of the leg up to the individual.

21 COMMISSIONER ETHERLY: And that's  
22 where your point of comprehensiveness comes

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1 into play. And I'm not looking for us to be  
2 the complete answer. There has to be other  
3 phases involved in this.

4 MS. CORBETT: Exactly.

5 COMMISSIONER ETHERLY: So,  
6 perhaps, my question is. Given the start that  
7 we have right now on the page, do you feel  
8 that we're maybe not there yet, but we're on  
9 the right trek or that the Office of Planning  
10 is proceeding kind of in the right direction  
11 towards addressing that issue?

12 MS. CORBETT: Most definitely.

13 COMMISSIONER ETHERLY: Okay.

14 MS. CORBETT: I think the burning  
15 issue is whether the Office of Planning gets  
16 the ear of the Department of Housing and  
17 Community Development and DOT and all the  
18 other agencies that really need to come  
19 together to support whatever the creative  
20 action agenda puts out.

21 COMMISSIONER ETHERLY: Okay.

22 VICE CHAIRMAN JEFFRIES: Because

1 if you don't do that, from what I hear Ms.  
2 Corbett is saying, all you've done effectively  
3 is just sort of organize your zoning code and  
4 made it more, you know, readily understandable  
5 by, you know, artist folks. But they still  
6 can't do what they need to do. So, at the end  
7 of the day you're not achieving, you know,  
8 more venues. More arts use. I mean, and,  
9 again, I mean obviously the Office of Planning  
10 is dealing with more FAR. I mean, they are  
11 really trying to deal with, you know, a lot of  
12 the -- you know, some of the economic  
13 development issues impacting arts additions.

14 But it has to be comprehensive.  
15 And, again, I think it needs to come from the  
16 very top. But it needs to be a very serious  
17 commitment on the part of the district to  
18 really move the arts districts and make them  
19 really vibrant and really working. It's not  
20 just enough to reorganize this code.

21 CHAIRMAN HOOD: On that question,  
22 let me just follow up on it because I do have

1 a question for Ms. Corbett that goes in line  
2 with Commissioner Etherly's question about the  
3 complete package.

4 And you named some agencies. I  
5 unfortunately am not as astute as my  
6 colleague, Vice Chair Jeffries.

7 You mentioned the Department of  
8 Transportation. Can you name -- you mentioned  
9 the Deputy Mayor for Economic Development.

10 VICE CHAIRMAN JEFFRIES: Neal O.  
11 Albert.

12 CHAIRMAN HOOD: I'm just trying to  
13 get a feel for some of the other people that  
14 need to be in that complete package. You  
15 rattled off about five or six different  
16 agencies. I don't mean rattle, but you  
17 mentioned.

18 MS. CORBETT: Well, so the D.C.  
19 Commission on the Arts and Humanities is  
20 natural. That's who gives our programmatic  
21 grants to artist and arts organizations.

22

1           VICE CHAIRMAN JEFFRIES: Mr. Giddings,  
2 is he still --

3           MS. CORBETT: No.

4           VICE CHAIRMAN JEFFRIES: He's  
5 gone. Who is the head?

6           CHAIRMAN HOOD: Three is a young  
7 lady there.

8           MS. CORBETT: Someone is after  
9 him.

10          CHAIRMAN HOOD: Oh, different?

11          MS. CORBETT: Yes.

12          CHAIRMAN HOOD: From last week.  
13 Because they throw something at the Ronald  
14 Reagan Building and somebody else -- well,  
15 anyway.

16          VICE CHAIRMAN JEFFRIES: Okay.  
17 Sorry.

18          CHAIRMAN HOOD: Was on the  
19 Washington new.

20          VICE CHAIRMAN JEFFRIES: Sorry.  
21 Go ahead.

22          MS. CORBETT: He named someone

1 this afternoon.

2 Department of Housing and  
3 Community Development who we've been working  
4 with frustratingly for several years now to  
5 get a live-work housing project off the  
6 ground. DOT because they do streetscape  
7 enhancements and transportation enhancements,  
8 if you design an arts district in Tacoma Park,  
9 for instance, you want to make sure people can  
10 find it and they can get there and they can  
11 park once they show up at the Tacoma Theater.

12 In addition, obviously, you know,  
13 there could be some role for OPM because they  
14 control a lot of underutilized property. The  
15 schools only one of them.

16 There could be a role for the  
17 Office of Tax and Revenue who as of today  
18 started the property tax sale of underutilized  
19 property that's behind on their taxes.

20 You know, there's probably any  
21 number. Obviously, the Deputy Mayor for  
22 Economic Development is over many of those

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1 agencies, not all of them.

2 CHAIRMAN HOOD: Okay. Okay.

3 Thank you. I didn't mean to interrupt, Mr.  
4 Etherly. But thank you very much.

5 COMMISSIONER ETHERLY: No. No.

6 I'll let Ms. Neumann get in because I know she  
7 wanted to jump in on this.

8 MS. NEUMANN: Well, I just wanted  
9 to respond to your comment.

10 The demand is there and about the  
11 smaller groups. In this study when you see it  
12 they interviewed about 65 different groups,  
13 everything from performing groups to education  
14 groups. We had our school board. Just a  
15 variety to see what kind of demand there is  
16 for using the theater, not attending it but to  
17 put things on there.

18 Tremendous demand from all sorts  
19 of people and a lot of small ones who said  
20 that they can't perform elsewhere. They're  
21 priced out whatever. So, that we're very  
22 conscious of when we developed this center

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1 that we can have people there who can't afford  
2 it as well as the bigger ones. Hopefully,  
3 we'll have resident companies that are the  
4 bigger ones and that gives us the nut that  
5 enables us to have the smaller ones.

6 We want to do a tremendous amount  
7 of work with schools too. Coolidge High  
8 School is just a few blocks away. The kids  
9 literally walk in front of the Tacoma Theater  
10 to go to the Tacoma Metro Stop. They should  
11 be stopping in and having things for them.

12 There are plenty of wonderful  
13 opportunities, not only in theater on the  
14 stage, but behind the stage and as Ms. Corbett  
15 knows, there are a lot of high paying jobs  
16 that we could have internships for the  
17 students, you know, vocational educational  
18 opportunities. All kinds of things could  
19 happen there. So, it doesn't have to be just  
20 for the big groups and the important ones.

21 COMMISSIONER ETHERLY: Okay.

22 MS. NEUMANN: The only other thing

1 I would comment about the schools. We debated  
2 that in the working group extensively. I know  
3 Matt remembers this very heated discussion.  
4 There were two sides. One felt that it should  
5 be a matter of right that arts could go in the  
6 school and the other felt that it shouldn't.

7 I was one who felt that it  
8 shouldn't. I feel that there are wonderful  
9 possibilities there and that they should  
10 definitely be given the high ranking of  
11 possible uses for those schools. But I also  
12 think it has to be on a case-by-case basis.  
13 And the way to do that is not do matter of  
14 right, but through a variance or an exception  
15 to whatever method you feel is the most  
16 appropriate.

17 COMMISSIONER ETHERLY: Okay.

18 VICE CHAIRMAN JEFFRIES: I'm  
19 sorry.

20 COMMISSIONER ETHERLY: That's  
21 okay, Mr. Vice Chair.

22 VICE CHAIRMAN JEFFRIES: So, in

1 terms of the schools, I mean, you're looking  
2 at sort of like adaptive reuse of the school  
3 and like a torpedo factory. Would that be the  
4 look? Was that what was being discussed?

5 MS. NEUMANN: That well could be a  
6 model. There are all kinds of use that could  
7 be made of schools for arts purposes.

8 VICE CHAIRMAN JEFFRIES: And  
9 then--

10 MS. NEUMANN: Ms. Corbett would  
11 know.

12 VICE CHAIRMAN JEFFRIES: Well just  
13 something to --

14 MS. NEUMANN: I think of pottery.

15 VICE CHAIRMAN JEFFRIES: And in  
16 terms of the downtown destination district,  
17 what's your understanding about that? Was  
18 that somewhat of a comprehensive thing or in  
19 terms of, you know, really trying to work to  
20 have all pistons sort of, you know, working at  
21 once in terms of pushing?

22 MS. CORBETT: I think downtown is

1 sort of a unique case because --

2 VICE CHAIRMAN JEFFRIES: Wait.  
3 Wait. Back up. Back up. It might be -- it  
4 might be I'm not calling it right. I'm  
5 thinking of area that's at 7th and U. What is  
6 that called?

7 MS. CORBETT: The Duke --

8 VICE CHAIRMAN JEFFRIES: The Duke  
9 -- the Duke Plan. What is that called?

10 MR. JESICK: That falls under the  
11 Uptown Parts Overlay.

12 VICE CHAIRMAN JEFFRIES: Okay.  
13 Okay. I'm sorry. I'm sorry. Okay.

14 MS. CORBETT: Well, once again - -

15 VICE CHAIRMAN JEFFRIES: Well, no,  
16 I guess --

17 MS. CORBETT: Well, what my answer  
18 is now.

19 VICE CHAIRMAN JEFFRIES: No. No.  
20 I guess, you know, in terms of the formation  
21 of that uptown destination district, you still  
22 did not feel there were enough, you know,

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1 comprehensive sort of package that really went  
2 to sort of push and incentivize developers and  
3 artists to be in that area?

4 MS. CORBETT: Well, once again,  
5 what you're getting out of that Duke Plan are  
6 some very large even commercial institutional  
7 uses.

8 The individual artist that Mr.  
9 Etherly referred to is really not addressed in  
10 what's going to happen at 7th and U. I mean,  
11 my understanding is there's going to be a very  
12 dynamic new jazz venue in the old Howard  
13 Theater. That's the predominant use going on  
14 there. I don't know of really any other arts  
15 uses coming out of that plan at 7th and U.

16 There's not anything else up  
17 there.

18 And so for instance the old Wonder  
19 Bread factory sits vacant that someone who  
20 shall remain nameless bought for a song about  
21 10 years ago and could very easily do arts  
22 uses there given what he paid for it.

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1 VICE CHAIRMAN JEFFRIES: Well, we  
2 know it is a man, so go on.

3 MS. CORBETT: Anyway, so, yes.  
4 You know, that particular property for  
5 instance would really lend itself well to  
6 individual artist studios or a place for  
7 people to rehearse. I mean, yes.

8 VICE CHAIRMAN JEFFRIES: Okay.  
9 Okay. Thank you, Ms. Corbett.

10 COMMISSIONER ETHERLY: Final  
11 question, Mr. Chair, for both of you because  
12 you both referenced it in your remarks.

13 I asked the question following up  
14 on your letter Ms. Corbett, the issue that  
15 entertainment -- entertainment use group, if  
16 you will, and I specifically reference fast  
17 food establishments. You represent as well,  
18 Ms. Neumann in your written submission.

19 Let me jump -- let me flip to the  
20 other side and ask the question of -- we  
21 actually have to pause just for a moment to  
22 maintain our quorum.

1 CHAIRMAN HOOD: Okay.

2 COMMISSIONER ETHERLY: Now, while  
3 we're back on the record it seems somehow I  
4 always find myself waiting for Chicago natives  
5 to find their way back into the room. For any  
6 members of the audience who are from Chicago,  
7 that's not a gratuitous hit against you.

8 VICE CHAIRMAN JEFFRIES: I didn't  
9 bring up the arts scene in Chicago so be  
10 thankful.

11 COMMISSIONER ETHERLY: And you do  
12 a wonderful job from what I've experienced in  
13 Chicago.

14 The issue of restaurants in that  
15 entertainment use group. I wanted to kind of  
16 ask the devil's advocate question which is.  
17 Isn't -- isn't there an argument to be made  
18 for insuring that complimentary -- I don't  
19 want to call them accessories because they're  
20 not. But in some way these types of uses can  
21 be complimentary to the arts use and add  
22 further energy to the scene that we want to

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1 see in place.

2           Would that argue in your mind  
3 towards in keeping that language in or is  
4 there a concern that you're beginning to move  
5 too far away from the purpose of an arts  
6 district or an arts use by having at minimum  
7 a fast food establishment?

8           MS. CORBETT: You definitely want  
9 a full compliment of retail and retail-related  
10 uses in your arts district. I think the issue  
11 really that the Office of Planning was trying  
12 to address was when they're interchangeable as  
13 they are in the uptown arts district you could  
14 do arts or retail and get the same. Then you  
15 end up choosing the highest and best use  
16 economically and from a rent paying standpoint  
17 if that's your --

18           COMMISSIONER ETHERLY: You  
19 undermine what you're ultimately trying to do.

20           MS. CORBETT: Right. And go it's  
21 why I brought up the issue of combined lot  
22 development so if say back to the Tacoma

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1 example, if we're going to develop the Tacoma  
2 Theater as a primary cultural anchor in that  
3 district and I want to put a high-end cafe  
4 restaurant next door that's going to benefit  
5 from all the folks that she's drawing, then  
6 perhaps I buy out of my arts requirement by  
7 giving her money in lieu of developing arts.  
8 I do whatever I want, that I feel like it's  
9 going to benefit from that and my arts  
10 requirement is transferred to her because  
11 she's got 20,000 square feet --

12 COMMISSIONER ETHERLY: She's got  
13 the capacity.

14 MS. CORBETT: -- and my site is  
15 10,000 square feet with a 2,000 square foot  
16 arch requirement on it just hypothetically  
17 speaking and it's sort of a waste to try to  
18 get me to do 2,000 square feet when I'm Joe-  
19 Schmo developer that knows about restaurants  
20 and luxury condos. And ends up doing an art  
21 exhibition area in my vestibule in order to  
22 get that box checked.

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1 VICE CHAIRMAN JEFFRIES: Be nice.

2 Be nice.

3 MS. CORBETT: And in the intent --  
4 in the spirit of the code served by that and  
5 I think that's really the question, is what  
6 are you trying -- what is the end game you're  
7 trying to accomplish and what's the best way  
8 to solve that puzzle which usually involves,  
9 you know, a district with a handful of  
10 preferred arts uses and several handfults of  
11 complimentary uses, whether they be  
12 residential, office, retail, etcetera, and  
13 sort of a shared burden for the public  
14 benefit.

15 COMMISSIONER ETHERLY: Okay.

16 Thank you.

17 MS. NEUMANN: I totally agree.

18 COMMISSIONER ETHERLY: Thank you.  
19 Thank you, Mr. Chair, that concludes my  
20 questions.

21 CHAIRMAN HOOD: Okay. Thank you  
22 very much.

1 I just have one more. Ms.  
2 Neumann--

3 MS. NEUMANN: Yes.

4 CHAIRMAN HOOD: And I think I saw  
5 it on number 5. Yes. Number 5 of your  
6 testimony provided tonight.

7 And that was something I kind of  
8 talked about, but elaborate. Do you want to  
9 see us take that out? Do something else with  
10 that? Explain --

11 MS. NEUMANN: If I'd have an  
12 answer I probably would have put it in there.  
13 It was just a concern. Just exactly what she  
14 was saying.

15 We have a couple of restaurants up  
16 the street from the Tacoma Theater. To give  
17 a new restaurant, you know, have something,  
18 you know, a benefit that they didn't get, I  
19 mean, I don't know. But I just think that --  
20 I know from the discussions they had in the  
21 working group that artists there who were  
22 working downtown were complaining that there

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1 were restaurants getting this benefit who were  
2 doing nothing for arts. And they were  
3 struggling. The artists were struggling.

4 So, wait a minute. This is an  
5 arts district and the artists are having  
6 trouble.

7 That's all. I don't have an  
8 answer. I just wanted to say that we were  
9 concerned about it.

10 CHAIRMAN HOOD: Okay. Thank you  
11 so much.

12 I thank you both for your  
13 providing us testimony. And also from the  
14 ANC.

15 VICE CHAIRMAN JEFFRIES: Good  
16 panel.

17 CHAIRMAN HOOD: Thank you very  
18 much.

19 Okay. Let's go to opposition.

20 Ms. Barbara Zartman, Committee of  
21 One Hundred. And I think I figured out the  
22 crowd. It only took me all night, but anyway.

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1 Studio Theater.

2 What I have here is either Janet  
3 Dewar or Keith Baker. Keith Baker, if you  
4 would come forward.

5 Do we have anyone else who would  
6 like to testify in opposition?

7 Okay. Let's begin with Ms.  
8 Zartman and then we have Mr. Baker. And that  
9 will be it for the evening.

10 Okay. Ms. Zartman.

11 MS. ZARTMAN: Good evening, Mr.  
12 Chairman and members of the Commission.

13 My name is Barbara Zartman and I'm  
14 here representing the Committee of 100 on the  
15 Federal City, which has long supported public  
16 and private steps to further the breadth and  
17 depth of artist activity in our communities.

18 We can agree with a number of  
19 proposals in the OP Report and we thank them  
20 for making as many amendments from their prior  
21 report as they have.

22 For several, however, we either

1 need further clarification or we must oppose  
2 what has been put forward thus far.

3 Most particularly, the first  
4 recommendation to create a stand-alone arts  
5 district instead of overlays. Quite honestly,  
6 we aren't even sure how you could make that  
7 work.

8 We believe that the retention of  
9 the basic zoning schemes under an arts overlay  
10 is precisely what's needed here. It is not  
11 even clear to us an arts zone stand alone  
12 could function without recreating the  
13 underlying zoning.

14 The goals eliminating  
15 inconsistencies, unified promotion of the arts  
16 are all goals that can be well accomplished  
17 through a revised and improved overlay.

18 We also recognize the antipathy  
19 about overlays that the Office of Planning has  
20 expressed in several forums. However, the  
21 overlays serve real purposes and they provide  
22 real benefits to a range of neighborhoods

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1 which we believe will strongly defend their  
2 continued existence.

3 Perhaps it would be help to have  
4 from the Commission an indication about  
5 whether it would accept ultimately overall  
6 zoning schemes that eliminate in whole or n  
7 large part the use of overlays.

8 Is that something that could be  
9 contemplated in your ultimate end of this  
10 process?

11 We support the single list of uses  
12 that would be accepted. Philosophically we  
13 have no objection to the groupings. But  
14 practically in alphabetic listing is more  
15 likely to be comprehensive. The current  
16 groups are subjectives and thus could be  
17 misleading.

18 Should production use, for  
19 instance, include artisan production uses? It  
20 doesn't on the draft list.

21 I give you a series of questions  
22 about why certain things are included and why

1 they aren't.

2 As to Recommendation 4, we agree  
3 that there should be an establishment of FAR  
4 requirements for art uses. And as bonuses are  
5 considered, we would ask the Commission to  
6 consider how the many available bonuses and  
7 encouragement mechanisms would or must be  
8 included in decision making, especially,  
9 mandatory inclusionary zoning.

10 How are we planning to manage all  
11 of these add-on provisions?

12 As to the eight recommendation  
13 designation of primary streets, it's not clear  
14 what the limits of such designations will be.  
15 Similarly, it's not clear what energetic  
16 neighborhoods refer to in Number 9, will  
17 encompass.

18 A considerable amount of  
19 discussion in many working groups has seemed  
20 to anticipate what I call a Peter Pan society,  
21 one in which no one ages, no one becomes  
22 infirm, no one require ambulatory support and

1 yet we know that one in five District  
2 residents has a physical condition that  
3 seriously limits their mobility.

4 We cannot design only for Peter  
5 and his friends.

6 Ten we support the recommendations  
7 about making more viable, more usable spaces.  
8 But what will happen to historic districts and  
9 along streets that have dividable character  
10 even if they haven't yet been designated.

11 Sticking a 14-foot store front in  
12 the line of 10 to 12 foot buildings may be  
13 controlled by HPRB decision in historic  
14 districts, but the other neighborhoods  
15 character should also be protected from  
16 mechanistic conformity, especially when it's  
17 out of scale.

18 Twelve. Allow art center and  
19 similar uses in appropriately residentially  
20 zoned locations. Define art center. Define  
21 similar. Define appropriate.

22 As this provision stands, we would

1 oppose such uses especially when made in of  
2 right use.

3 Schools were placed where they are  
4 because children had a right to a public  
5 education. Arts uses, however laudable, do  
6 not respond to a constitutional right. This  
7 would be a use variance under our analysis and  
8 should be treated as such with all the support  
9 of a community that wants that use there.

10 Special exceptions are presumed to  
11 be acceptable and they shouldn't be used to  
12 rezone property from residential to something  
13 else, including those uses in the multi-  
14 function group which I'm having trouble  
15 wrapping my arms around.

16 Thirteen. Expand the number of  
17 arts uses permitted as home occupations.  
18 Define many other arts forms that could be  
19 practiced in the home.

20 We're sure there are such, but  
21 without specificity, this provision would be  
22 highly problematic. There is also a need for

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1 better definitions and provisions regarding  
2 the multi-artist live-work. It's a trendy but  
3 confusing term. How many are multi-artists?

4 Do I get one more minute?

5 CHAIRMAN HOOD: You have a minute  
6 and a half. Okay.

7 MS. ZARTMAN: OP proposes limits  
8 on the number of units only, not on the number  
9 of artists in residents.

10 Do they all live alone? What  
11 about families? What about numbers? What  
12 about provisions that home occupations have to  
13 be restored to their prior use.

14 The task force knows my personal  
15 example of a fine artist neighbor. His  
16 practice of metal sculpting with power tools  
17 makes it sound like a body shop for hours at  
18 a time. And the sound reaches into homes a  
19 dozen door away.

20 Yes. We need a noise standard.  
21 At the source of the noise, not inside  
22 neighbors homes as was proposed in an earlier

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1 draft.

2 As we increase the density of our  
3 neighborhoods we should take great care about  
4 the range of pressures we collectively levy on  
5 residents.

6 I thank you for the opportunity to  
7 comment.

8 CHAIRMAN HOOD: Thank you.

9 MS. ZARTMAN: And I stand prepared  
10 to answer any questions you still may have.

11 CHAIRMAN HOOD: Thank you very  
12 much, Ms. Zartman, and we'll go to Mr. Baker.

13 MR. BAKER: Good evening.

14 I'm Keith Allen Baker. I'm the  
15 managing director of the Studio Theater which  
16 is located at the corner of 14th and P Street,  
17 NW. And with me tonight are members of our  
18 Board of Trustees and staff.

19 I thank you for the opportunity to  
20 represent the Studio Theater's views on the  
21 proposal before the Zoning Commission.

22 The Studio Theater was a pioneer

1 in the uptown arts district. We were not part  
2 of the working group, but we would like to be  
3 going forward.

4 The theater was founded in 1978.  
5 The first home was at Rhode Island Avenue and  
6 14th. We now occupy buildings at the corner  
7 of 14th and P and completed an expansion of  
8 the facility in 2004.

9 The studio has long been a  
10 positive force in the community and we were  
11 involved in the creation of the Uptown Arts  
12 District Overlay in the late 1990s and so we  
13 are very interested in any changes that are  
14 being made to that.

15 It took 20 years for the  
16 neighborhood to come back. And many of the  
17 things that we involved in in the creation are  
18 now coming to fruition.

19 We wholeheartedly support and  
20 share the broad goal of the task force and  
21 Arts and Culture Working Group to expand art  
22 districts in the city and to create new ones.

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1           It is a concept that works. The  
2 studio, it's artists, designers, patrons,  
3 students, neighbors and employees stand as  
4 living proof of the benefits that this support  
5 brings.

6           The continuation of the incentives  
7 that foster active and walkable art sectors  
8 will make the District one of the most  
9 liveable and exciting cities in this nation.

10           We support recommendations 1  
11 through 6 and 9 through 15. We do have  
12 concerns about two specific proposals under  
13 consideration.

14           Recommendation 7 and 8. These  
15 proposals would reduce available bonus density  
16 for arts and other preferred uses from a 3:1  
17 to a 1:1 ratio. And two, eliminate the  
18 ability to transfer density rather than use  
19 visa the CLD or TDR transactions.

20           Both proposals would have an immediate  
21 and harmful effect on our theater and the  
22 community.

1           The positive experience of the  
2 Studio Theater in the Uptown Arts Overlay  
3 District under the existing zoning structure  
4 is a testament to this structure's  
5 effectiveness.

6           Several years ago when we expanded  
7 the facility, we successfully qualified  
8 150,000 combined lots development rights.

9           The qualification of these CLDs  
10 effectively created a vital financial asset  
11 for the theater. We have been able to sell a  
12 small quantity of these rights and we have two  
13 perspective transactions in the works to  
14 transfer approximately half of our remaining  
15 CLDs.

16           The ability to sell these  
17 contribute to our capital requirements, not  
18 only to renovate the theater but also to buy  
19 housing for our artists and apprentices in the  
20 neighborhood.

21           The upcoming transactions could  
22 amount to a cash equivalent approaching a

1 quarter of our annual operating budget and  
2 enable us to undertake additional and  
3 necessary capital spending. This is  
4 particularly important in the current economic  
5 climate where the philanthropic support a  
6 foundation such as Fannie Mae and Freddie Mac  
7 which have played a major part in the arts of  
8 our community is now in doubt.

9 The ability to sell these CLDs to  
10 others interested in improving the  
11 neighborhood accomplishes exactly the result  
12 the Zoning Commission sought when it enacted  
13 the Arts Overlay District in the first place.

14 You have effectively stimulated  
15 significant privately funded artistic  
16 enhancement and economic development in the  
17 neighborhood. At the same time with height  
18 and historic restrictions you have protected  
19 us all from the possibility of over density.  
20 It's a win-win scenario and we are only  
21 beginning to realize the benefits.

22 The balance use of zoning has

1 contributed in no small measure to the results  
2 to far but much work remains. Significant  
3 sections of our neighborhood still have vacant  
4 or underutilized properties that are right for  
5 development for both arts and retail uses. We  
6 urge you to let the progress continue.

7 We have three decades of  
8 experience in the neighborhood and we would  
9 like to work with the Office of Planning and  
10 the task force and the working group to devise  
11 more workable, less harmful alternatives to  
12 these two aspects of the proposal.

13 We believe that Recommendation 7  
14 and 8 need more work to protect the value of  
15 our property and the potential for development  
16 in our neighborhood. We all have the same  
17 goals for the city. Let us work together to  
18 realize it.

19 Thank you.

20 CHAIRMAN HOOD: Okay.

21 Do you have anything else? You  
22 still had a few more minutes.

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1 MR. BAKER: That was everything.

2 CHAIRMAN HOOD: Okay. Good.

3 MR. BAKER: Okay.

4 CHAIRMAN HOOD: All right.

5 Let me ask you this, Mr. Baker,  
6 and I thought your opposition was strong but  
7 I understand -- wrote down you have an issue  
8 with 7 and 8 and I'm sure the Office of  
9 Planning will be glad to have you as part of  
10 the work group.

11 You mentioned your extension. I  
12 think the theater extended in a BZA case.  
13 Okay. I remember that. I was just trying --  
14 I sat on that case.

15 How is that working? How did that  
16 work? I think the case was well supported but  
17 how is it working now? How is that whole  
18 piece working because I think you extended it  
19 to the next building over or something if I  
20 remember correctly.

21 MR. BAKER: Yes. We had -- we  
22 bought the first building and then we bought

1 the two other buildings and renovated them in  
2 2004.

3 CHAIRMAN HOOD: Right.

4 MR. BAKER: And extended the  
5 building. So, it's working great for us.

6 VICE CHAIRMAN JEFFRIES: In a word  
7 it is stunning.

8 CHAIRMAN HOOD: Stunning?

9 VICE CHAIRMAN JEFFRIES: Yes.

10 CHAIRMAN HOOD: Stunning. Okay.

11 Okay. And Ms. Zartman, I will  
12 tell you that I think when I looked your --  
13 and I know Committee of 100 is very thorough  
14 and I appreciate -- actually, I appreciate all  
15 the testimony. And the format, for some  
16 reason tonight I must be -- either I'm able to  
17 understand a little better than in the past,  
18 but the format seems to be great whether  
19 you're a proponent or in opposition.

20 But, Ms. Zartman, the way I've  
21 listened to your testimony. Maybe it's  
22 because of your nice, sweet eloquent voice,

1 but it didn't sound like you were that much  
2 opposed, just some tweaking that you want to  
3 see.

4 I'm just saying, that's the way it  
5 sounded to me. Now, maybe I need to go and  
6 re-read it. But it sounded like some  
7 tweaking--

8 MS. ZARTMAN: It's really  
9 underneath it all.

10 Actually, the thing that was very  
11 profound to us was the doing away with  
12 overlays in favor of stand alones on District.  
13 And I tested that with several members of my  
14 zoning subcommittee who are, I'm blessed,  
15 they're extraordinarily talented and  
16 knowledgeable people and they kept scratching  
17 their head.

18 The very discussion that you were  
19 having about retaining restaurants within the  
20 arts overlay, would require the retention of  
21 a range of commercial in other zones. And  
22 this is the language. I think that's exactly

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1 the language from your public hearing notice  
2 and from the OP. And it is doing away with  
3 the overlay.

4 CHAIRMAN HOOD: I think -- I think  
5 though that -- I don't know. I need to  
6 regroup with this but I will tell you that I  
7 do have -- you asked some very questions that  
8 we probably -- I know I will be posing. Why  
9 bars, nightclubs, cocktail lounge, fast food  
10 establishments and prepared food shops and sit  
11 it in entertainment arts.

12 Some of those questions we need to  
13 have further discussion. But I just didn't  
14 see this as a hard kicker. I may be missing  
15 something. But I think those are questions  
16 that we need to sort through, maybe tweak,  
17 make changes if need be and move at that  
18 point. and I think you and Mrs. Neumann  
19 brought up the same issue about the districts  
20 and overlays.

21 But anyway, I may be totally  
22 wrong. Maybe this is a hard opposition and

1 I'm just missing the point?

2 MS. ZARTMAN: Next time I'll lie  
3 and come in in favor.

4 CHAIRMAN HOOD: Okay. Any other  
5 questions, colleagues?

6 It's his birthday.

7 Commissioner Etherly.

8 COMMISSIONER ETHERLY: Please, I'm  
9 n to going to get giddy with all of this  
10 accommodation from my two colleagues.

11 But let me just simply say as  
12 always, Ms. Zartman, thank you very much for  
13 your testimony. Your observations are always  
14 insightful. Even if I may not necessarily  
15 always be there with you, you always give good  
16 solidi comments on behalf of the 100 and other  
17 organizations that you work with.

18 To the Studio Theater, I just of  
19 course have to just simply amplify what has  
20 already been said. I sat on that case as a  
21 member of the BZA when that project came  
22 forward and Mr. Jeffries well chosen word, is

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1 an understatement. It is just a wonderful  
2 tremendous venue and it's an example of when  
3 we get it right, it can work. It can  
4 absolutely work. And I think I don't take  
5 your testimony to mean that we're not on the  
6 right path here, but of course there are some  
7 things that need to be worked out because it's  
8 always the devils are in the details.

9 But the institution of the Studio  
10 Theater is to indeed be applauded for what you  
11 bring to the 14th Street Corridor. Just  
12 stunning is an understatement.

13 Thank you, Mr. Chair.

14 CHAIRMAN HOOD: Okay. Thank you,  
15 Vice Chairman.

16 VICE CHAIRMAN JEFFRIES: He is  
17 just the master of understatement.

18 Anyway, so Mr. Baker, I do want to  
19 understand your issue with Number 7 though the  
20 CLDs.

21 So, what is being proposed by the  
22 Office of Planning is that, you know, you

1 would be able to transfer but you would be  
2 disallowed to, you know, for those CLDs to  
3 allocate actual density.

4 What -- just, can you walk me back  
5 through exactly what the Studio Theater has  
6 been doing with the CLDs that this proposal  
7 will impact?

8 MR. BAKER: Absolutely.

9 MS. DEWAR: My name is Janet  
10 Dewar. I'm the Chair of the Board of Trustees  
11 of the Studio Theater.

12 The question is what have we been  
13 doing with the CLDs?

14 VICE CHAIRMAN JEFFRIES: Yes. How  
15 will you be impacted? It sounds like, you  
16 know, obviously, you know, you've been able to  
17 use the cell of these CLDs to really help  
18 underwrite, you know, much of what the theater  
19 has been doing. And so I just want to be  
20 clear of what you've been doing and then how  
21 this new language would impact that as it  
22 relates to, I guess, allocating the actual

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1 density?

2 MS. DEWAR: The difference is the  
3 change in the ratio from 3:1 to 1:1. The  
4 quantity of CLDs that the Studio Theater has  
5 are based on the original density, 3:1. And  
6 with a 1:1 and a 1:1 density that would  
7 possibly change our situation of CLDs that  
8 have already been qualified and that we are  
9 able to sell at market rates to other  
10 organizations that want to develop properties  
11 of --

12 VICE CHAIRMAN JEFFRIES: Within  
13 the--

14 MS. DEWAR: Within the arts  
15 district. And we've had one sale and we have  
16 two in the works that would be of substantial  
17 benefit to the theater.

18 VICE CHAIRMAN JEFFRIES: Okay.  
19 Mr. Chair, if you don't mind, I'd like for the  
20 Office of Planning to respond to that.

21 MR. JESICK: Yes. I apologize if  
22 there was any confusion, you know, in the

1 public hearing notice. It's certainly our  
2 intention to continue to allow transfer of use  
3 requirements and the transfer or sale of, you  
4 know, combined lot development credits or  
5 transfer development rights that sometimes go  
6 by different terms in different parts of the  
7 city.

8 MR. PARKER: In terms of CLDs that  
9 have already been generated though, nothing  
10 would take any existing CLDs away. this is  
11 talking about the creation of new. So, if you  
12 were to build a studio theater in two years  
13 after this is adopted, you'd only generate  
14 1:1. But it doesn't affect CLDs you already  
15 have.

16 MR. JESICK: And the other thing I  
17 would add real quick is I don't know if we  
18 stated this in our report. But typically what  
19 we have in all of these districts is that the  
20 new requirements only apply to new  
21 construction or significant rehabilitation.  
22 So, it wouldn't even effect existing

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1 buildings.

2 VICE CHAIRMAN JEFFRIES: Okay.

3 But I guess I'm really relating  
4 this back to Ms. Corbett's comments about, you  
5 know, really having some comprehensive aspects  
6 to the zoning regs. And, you know, obviously  
7 this is a wonderful test case of the Studio  
8 Theater being able to use sale of CLDs in  
9 order to underwrite, you know, and expand and  
10 so forth and so I'm just wondering whether it  
11 makes, you know, good policy sense to reduce  
12 that to 1:1.

13 Just, could you walk me through  
14 the reason?

15 MR. JESICK: We wanted to as one  
16 of the goals of the zoning review to simplify  
17 the regulations and that was one change we did  
18 make was to make all the bonuses 1:1.

19 Now, one change that we did make.  
20 There's a term used in the Downtown Arts  
21 Overlay called Floor Area Equivalent. But  
22 it's never defined in the zoning regs. So, we

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1 went ahead and defined it. The intent that we  
2 assumed the original authors meant was to  
3 compensate for uses like theater or like other  
4 big volume spaces. So, they're using a large  
5 volume of their building but they're not  
6 getting credit for that entire volume.

7 I think right now they only get  
8 credit for the one FAR that they would occupy  
9 the ground floor.

10 What floor area equivalent is is  
11 giving them credit for every 10 feet or we can  
12 adjust that number to whatever is --

13 VICE CHAIRMAN JEFFRIES: Pro rate.

14 MR. JESICK: Exactly. Giving  
15 credit for the volume. So, they would  
16 actually potentially generate more CLDs or  
17 more transferrable rights.

18 VICE CHAIRMAN JEFFRIES: Okay.  
19 so, there might have been some  
20 misunderstanding? In terms of -- I mean, I  
21 know we're dealing conceptually here right  
22 now. But I guess I just want to be clear. I

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1 mean, obviously, we're talking about, you  
2 know, increased FAR and bonus. I mean, to me  
3 this is very critical. You know, we can talk  
4 about, you know, organizing our zoning, but we  
5 really need to have these incentives here.  
6 So, I just want to be clear.

7 MR. JESICK: No. We did change  
8 the numerical ratio from 3:1 to 1:1 for all  
9 uses. We think that we compensated for any  
10 change by including the FAR equivalent for  
11 uses like theaters. But 1:1 is not the right  
12 ratio, I mean, we're not locked into that.

13 VICE CHAIRMAN JEFFRIES: Well, I  
14 just -- can we just -- I just want to make  
15 certain that we revisit it. I mean, because,  
16 I mean obviously this is a wonderful test  
17 case. I mean, this is exactly what I think  
18 Ms. Corbett was talking about, you know, in  
19 terms of we need to have the right incentives,  
20 you know. And, again, I hear what you're  
21 saying about the equivalent, you know. And  
22 that might cover it, but I just want to be

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1 clear that, you know, we worked out that.

2 MR. PARKER: I think it's an issue  
3 of that the ratios may not have been entirely  
4 based on but sort of compensate for the fact  
5 that things like theaters are often double,  
6 triple high --

7 VICE CHAIRMAN JEFFRIES: Right.

8 MR. PARKER: -- of regular space.  
9 And something like just saying it will be  
10 based on an equivalent ratio so a 30-foot high  
11 theater space will earn 3:1, you know, as if  
12 it was three stories. And a 40-foot would  
13 earn 4:1. So, it's trying to accomplish the  
14 same thing --

15 VICE CHAIRMAN JEFFRIES: Okay.

16 MR. PARKER: -- in a more  
17 equitable fashion.

18 VICE CHAIRMAN JEFFRIES: Well, my  
19 understanding is that the Studio Theater  
20 representatives are going to be part of this  
21 working group going forward or whatever. I  
22 mean --

1 MR. PARKER: We'll be happy to  
2 discuss with them. Yes.

3 VICE CHAIRMAN JEFFRIES: So, I  
4 just want to, you know, make certain that we  
5 get that all squared away.

6 MS. DUMAS: Mr. Jeffries, if I  
7 could jump in to answer one of your questions  
8 about how does it impact the Studio Theater.

9 I'm Kinley Dumas with Arent Fox on  
10 behalf of the Studio Theater.

11 One of our concerns and the reason  
12 we're so concerned about the two  
13 recommendation together. Even though the  
14 studio has already qualified the bulk of any  
15 CLD rights that it has, our concern is pared  
16 with the recommendation that only use be  
17 transferred and not density, that the  
18 production market value of the rights that  
19 have already been created.

20 And it also is important to the  
21 studio that the work they've done in the  
22 corridor continue and that these same

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1 advantages be available to other arts  
2 organizations that wish to locate within the  
3 corridor.

4 VICE CHAIRMAN JEFFRIES: Right.

5 MR. JESICK: So, if I can respond.

6 Again, our intention was not to  
7 take away the transfer of density. We  
8 definitely want to continue that and I  
9 apologize again if there was any confusion  
10 with the public hearing notice.

11 We actually, you know, are basing  
12 that recommendation on the current practice in  
13 the Uptown Arts Overlay and we feel that that  
14 is a good model to build off of.

15 MR. PARKER: And I think -- we  
16 think we've identified where the  
17 misunderstanding comes in.

18 If you look at Recommendation No.  
19 9, number 7 says transfer through CLDs just  
20 use, not density. And then number 9 says  
21 transfer density through TDRs.

22 MS. DUMAS: The studio is

1 completely in support of changing this to a  
2 TDR structure. It would simplify what has  
3 been done. It would simplify it for other  
4 organizations. I don't know that it would  
5 work for a studio since they've already  
6 engaged in these.

7 But I think what's lacking in the  
8 recommendation is a statement that existing  
9 CLD rights are going to continue or, you know,  
10 how this is going to be treated moving forward  
11 for organizations that already have those  
12 rights and those that are already in the  
13 market.

14 MR. PARKER: Will you accept our  
15 assurances from here?

16 VICE CHAIRMAN JEFFRIES: And I  
17 have a question for Mrs. Zartman and it's on  
18 number 12.

19 Allow art centers and similar  
20 uses.

21 You say at the end of that  
22 paragraph. You say at the end of that

1 paragraph. You said this would be a use  
2 variance under our analysis and should be  
3 treated as such. So, it wouldn't fall under  
4 a special exception.

5 Why would you go that route?

6 MS. ZARTMAN: Because of the  
7 fundamental difference in the use of the  
8 building. When a school facility is declared  
9 surplus it reverts to the underlying zoning  
10 which, as an example in Georgetown, would be  
11 R3. That would not allow the institutional  
12 use that's involved.

13 VICE CHAIRMAN JEFFRIES: Okay.

14 MS. ZARTMAN: And I don't know of  
15 any special exception provision that would  
16 stretch that far.

17 And a special exception is  
18 presumed to be blessed by the zoning  
19 regulations.

20 VICE CHAIRMAN JEFFRIES: Right.

21 Did we -- did we look at in terms  
22 of how we would handle surplus schools,

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1 adaptive reuse in terms of how we -- I thought  
2 we talked about special exception.

3 MR. JESICK: Yes. What we wrote  
4 in our report was that it could be either a  
5 special exception or a matter of right. And  
6 I think what I said in my verbal testimony was  
7 that Office of Planning was leaning more  
8 towards creating a new special exception for  
9 those sorts of art centers or art incubators.

10 VICE CHAIRMAN JEFFRIES: But could  
11 you -- how is that responding to Mrs.  
12 Zartman's concern?

13 MR. JESICK: Well, I think she's  
14 correct that presently they would be a use  
15 variance.

16 VICE CHAIRMAN JEFFRIES: Okay.

17 MR. PARKER: You have been  
18 considering a case about the reuse of public  
19 schools right now and about allowing uses like  
20 this as special exceptions.

21 VICE CHAIRMAN JEFFRIES: Right.

22 MR. PARKER: And this would sort

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1 of tie into that same theme of the reuse of  
2 these buildings with some review --

3 VICE CHAIRMAN JEFFRIES: Right.  
4 Right.

5 MR. JESICK: -- as a special  
6 exception but not as a use variance per se.

7 VICE CHAIRMAN JEFFRIES: Okay.

8 MS. ZARTMAN: i would have serious  
9 concerns about the rigger with which -- these  
10 are large facilities. Many have no parking.  
11 they need a whole variety of accommodation to  
12 carry a large public use without disrupting a  
13 neighborhood.

14 VICE CHAIRMAN JEFFRIES: But that  
15 could not be covered in the special exception?  
16 I mean, we would deal with all of that.

17 MS. ZARTMAN: You know what the  
18 community says about special exceptions.

19 VICE CHAIRMAN JEFFRIES: Yes.

20 MS. ZARTMAN: They are hard to get  
21 turned down for.

22 VICE CHAIRMAN JEFFRIES: I turned

1 down a couple, but anyway.

2 MS. ZARTMAN: Maybe the staff can  
3 give you proportions on that.

4 VICE CHAIRMAN JEFFRIES: Is that  
5 what he's saying out that special exceptions  
6 are hard to --

7 MS. ZARTMAN: Hard to get through.  
8 Yes.

9 VICE CHAIRMAN JEFFRIES: Yes.  
10 There's a couple. I don't want to talk about  
11 it but they're not going through. So, okay.  
12 Okay.

13 Thank you.

14 Well, by the way, you were part of  
15 the working group.

16 MS. ZARTMAN: I was not part of  
17 this working group. I am a member of the task  
18 force.

19 VICE CHAIRMAN JEFFRIES: Okay.  
20 And you were not part of the working group  
21 because?

22 MS. ZARTMAN: I'm part of, I think

1 16 working groups.

2 VICE CHAIRMAN JEFFRIES: That's  
3 not stopped you in the past. And we're  
4 talking about Barbara Zartman here so, you  
5 know.

6 Anyway, thank you for coming down.

7 CHAIRMAN HOOD: Okay. we  
8 appreciate everyone's testimony and all your  
9 hard work and appreciate you giving us some  
10 incite. We greatly appreciate it.

11 Thank you so much.

12 MS. ZARTMAN: Thank you.

13 CHAIRMAN HOOD: Okay. Let's -- I  
14 think that was a very good discussion which is  
15 going to lead to another very healthy  
16 discussion which is going to be interesting.

17 Do we know if Mr. Turnbull and Mr.  
18 Mayor are going to read the record?

19 Okay. Let me also acknowledge ANC  
20 6B and this was dated 11th. And it says at a  
21 regular called and properly noticed meeting on  
22 September the 9th, 2008, with a quorum

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1 present, ANC 6B voted unanimously eight to  
2 zero to support the comprehensive zoning  
3 regulations, rewrite arts and culture in  
4 principle, but reserves the right to review  
5 the text in the future comments.

6 Okay. With that, I think, Ms.  
7 Schellin, do we have anything else before us  
8 tonight for this hearing?

9 SECRETARY SCHELLIN: Just the  
10 dates.

11 CHAIRMAN HOOD: Okay. We have  
12 some dates. October the 3rd. The Office of  
13 Planning I think are you giving us a  
14 supplemental?

15 SECRETARY SCHELLIN: I think that  
16 they're going to respond to the issues that  
17 were brought up tonight. That's the purpose.

18 VICE CHAIRMAN JEFFRIES: Okay.

19 MR. PARKER: Could you identify  
20 any specific information that you're looking  
21 for?

22 CHAIRMAN HOOD: I don't -- did we

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1 ask for anything?

2 SECRETARY SCHELLIN: It wasn't  
3 anything that was specifically asked. But I  
4 think that I got that you guys wanted to try  
5 to hash out some of the questions that they  
6 brought up with the --

7 CHAIRMAN HOOD: I think -- I think  
8 for me and I want to turn to my colleagues.  
9 The way the testimony was written tonight like  
10 Committee 100, Studio Theater and even the --  
11 it went along in sequence exactly with how the  
12 recommendations were from the Office of  
13 Planning. So, I don't think I need anything  
14 else.

15 SECRETARY SCHELLIN: Okay.

16 CHAIRMAN HOOD: I don't.

17 VICE CHAIRMAN JEFFRIES: I think  
18 that for parking, I remember, you know, what  
19 happened. We had a lot of comments and then  
20 the Office of Planning went back and you know,  
21 put together another -- made some changes and  
22 revisited a few things and so I don't --

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1                   SECRETARY SCHELLIN: Right. I  
2 think they may have answered everything  
3 tonight but --

4                   CHAIRMAN HOOD: Yes. I think  
5 we're good.

6                   Okay. So, we'll leave that.

7                   So, do we still need to do --

8                   SECRETARY SCHELLIN: Leave the  
9 record open until October 10th for any  
10 additional comments that the public wants to  
11 make and then we'll consider it at our October  
12 20th meeting.

13                  CHAIRMAN HOOD: Okay. With that,  
14 anything else?

15                  SECRETARY SCHELLIN: That's it.

16                  CHAIRMAN HOOD: Okay. With that,  
17 I appreciate everyone's participation tonight  
18 and this hearing is adjourned.

19                         (Whereupon, the above matter was  
20 concluded at 6:39 p.m.)

21

22

