

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:                               :
                                                : Case No.
COMPREHENSIVE ZONING REGULATIONS : 08-06-13
REVIEW: MIXED USE ZONES;                :
SETBACKS                                  :
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Monday,
October 25, 2010

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-06-13 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room, 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD SCHLATER	Vice Chairman
PETER MAY	Commissioner (NPS)
GREG SELFRIDGE	Commissioner
MICHAEL TURNBULL	Commissioner
	FAIA, (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

MICHAEL GIULIONI
TRAVIS PARKER

This transcript constitutes the minutes from the Public Hearing held on October 25, 2010.

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

2 6:30 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the Public
5 Hearing of the Zoning Commission of the
6 District of Columbia for Monday, October 25,
7 2010.

8 My name is Anthony Hood. Joining
9 me this evening are Vice Chairman Schlater,
10 Commissioner Selfridge, May and Turnbull.

11 We are also joined by the Office of
12 Zoning staff, Ms. Sharon Schellin, Ms. Donna
13 Hanousek and Ms. Esther Bushman. Also, the
14 Office of Planning staff, Mr. Parker and the
15 gentleman to his right. What's your last
16 name? I'm sorry.

17 MR. GIULIONI: Giulioni. Michael
18 Giulioni.

19 CHAIRMAN HOOD: Okay. Also from
20 the Office of Planning.

21 This proceeding is being recorded
22 by a Court Reporter and is also webcast live.

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1 Accordingly, we must ask you to refrain from
2 any disruptive noises or actions in the
3 hearing room.

4 The subject of tonight's hearing is
5 Zoning Commission Case No. 08-06-13. This is
6 a request by the Office of Planning for the
7 Commission to review and comment on Proposed
8 Concepts for Text Amendments to Zoning
9 Regulations.

10 This is one in a series of hearings
11 on various subjects apparently under review as
12 part of the broader review of the Zoning
13 Regulations.

14 Tonight's hearing we will consider
15 General Rules applicable to Mixed-Use and
16 Setbacks.

17 Notice of the hearing was published
18 in the DC Register on October 1, 2010 and
19 copies of that announcement are available to
20 my left on the wall near the door.

21 The hearing will be conducted in
22 accordance with provisions of 11 DCMR 3021 as

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1 follows: Preliminary matters; presentation by
2 the Office of Planning; reports of other
3 Government agencies, reports of the ANCs;
4 organizations and persons in support;
5 organizations and persons in opposition.

6 The following time constraints will
7 be maintained in this hearing: ANCs,
8 Government agencies and organizations 5
9 minutes, individuals 3 minutes.

10 Again, all persons appearing before
11 the Commission are to fill out two witness
12 cards. Those cards are located to my left on
13 the table near the door.

14 Upon coming forward to speak to the
15 Commission, please, give both cards to the
16 reporter sitting to my right before taking a
17 seat at the table.

18 To avoid any appearance of the
19 contrary, the Commission requests that persons
20 present not engage the Members of the
21 Commission in conversation during any recess
22 or at any time.

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1 Please, turn off all beepers and
2 cell phones, at this time, so as not to
3 disrupt these proceedings.

4 At this time, the Commission will
5 consider any preliminary matters.

6 Does the staff have any preliminary
7 matters?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: Okay. I guess we
10 will get right into it. I'll turn it over to
11 the Office of Planning.

12 MR. PARKER: Good evening, Travis
13 Parker with the Office of Planning. The
14 majority of our presentation will be
15 PowerPoint tonight, so if the lights could go
16 down, that would be great. Thanks.

17 And the presentation tonight will
18 be done by Michael Giulioni.

19 CHAIRMAN HOOD: Okay. Before Mr.
20 Giulioni gets started, Mr. Parker, can we make
21 sure that we get a copy of the PowerPoint
22 presentation?

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1 MR. PARKER: We will put one in the
2 record. Absolutely.

3 CHAIRMAN HOOD: Thank you.

4 MR. GIULIONI: Can everybody hear
5 me all right? Okay. So basically, before we
6 get started, I want to just give you sort of a
7 broad overview.

8 We are going to present in two
9 large parts. Okay. So the first part is
10 going to be reviewing the recommendations that
11 apply to all zones within Title 11. And then
12 I'm going to focus specifically on, I guess I
13 have put, "Mixed-Use Zones," because we are
14 encompassing actually a few different Zone
15 Chapters which includes the Commercial, the CR
16 Mixed-Use Zone, the SP Zones and the
17 Waterfront Zones.

18 And so when we review those
19 recommendations, I'm actually going to break
20 it up a little bit more for discussion with
21 respect to each actual subject area.

22 But the first part is going to be

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1 kind of long, because it all interrelates.
2 All right. And of course, if you have any
3 questions throughout for clarity, please, feel
4 free to stop me.

5 So the first thing I'm going to do,
6 I'm going to talk a little bit about why are
7 we sort of talking about these universal
8 changes to lots, lot lines and the application
9 of yards. So I'm going to focus on some
10 problems that we encountered and then we are
11 going to actually go through each of the
12 subjects, yards, lot lines and lots and I'm
13 going to sort of flag problems, propose our
14 recommendations and go through examples, so
15 that you get a real sense of what we are
16 proposing based on examples that are here in
17 the District.

18 As we began to approach the Mixed-
19 Use Zone recommendations, what we found is
20 that when we were trying to actually model the
21 proposed recommendations, in terms of rear
22 setbacks and side setbacks, due to the lack of

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1 clarity regarding, I guess, lot line
2 definitions and how yards generally work, we
3 couldn't actually find out well, what's going
4 to happen if we propose changes to how
5 setbacks work?

6 So from there, we basically resolve
7 well, what we're going to have to do is
8 evaluate lot lines, yards and lot types
9 comprehensively for the entire District. And
10 I think you will see that what we are
11 proposing will hopefully clear things up a
12 bit.

13 And I guess the example at the top
14 is, you know, right now as far as lot lines
15 go, we only have one definition for a type of
16 lot line and that's a street frontage lot
17 line.

18 So, you know, what are the problems
19 with this? Generally, it makes things
20 difficult to interpret and administer. There
21 is a general lack of clarity, which is one of
22 our objectives to fix through this initiative

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1 to improve clarity.

2 We have unpredictable outcomes.
3 When it comes to zoning, I think, something I
4 have heard clearly, when we go to meet with
5 the community, is that we should know what is
6 going to happen with our regulations.

7 And then the third problem is that
8 in many instances the outcomes are actually
9 inconsistent with the current policy
10 objectives that are outlined in the
11 Comprehensive Plan. So based on how, let's
12 say the history of interpretation, we may be
13 ending up with results that we do not desire
14 any more.

15 Now, so I've sort of done this
16 graphic here. I'm going to go through in
17 order. I'm going to start with yards and then
18 move on to lot lines and then talk about lots.

19 But the idea of the cogs is that these things
20 all work together. And so it's important to
21 keep that in mind. And again, that's why we
22 structured this part of the presentation like

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1 that.

2 So our first problem, there is
3 general confusion in the code and we cited
4 this in the report. It has sort of come
5 through BZA cases between a yard and a
6 required yard. We actually don't have clear
7 rules or definitions for what is a required
8 yard versus what is a yard.

9 And generally, what we find is that
10 if we look at our yard requirements that we
11 currently have in the code, they are actually
12 inconsistent with what is actually desired,
13 which is a setback. A requirement that you
14 sort of are removed from a lot line in a
15 certain manner by a certain distance.

16 In many cases, we don't actually
17 require a yard, which would be like an open
18 space with grass clear from the ground to the
19 sky.

20 So what we are proposing is that we
21 start by adding a new terminology. And I have
22 started already using it, so hopefully we all

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1 become acclimated to that. And that is the
2 term setback. And we would be adding three
3 terms both the front, rear and a side setback.

4 And then we also want to clarify
5 what is an existing yard. And we are going to
6 clarify that for again the front, rear and
7 side.

8 And important, the last point is
9 that we want to separate regulations from
10 definitions. So definition we just simply
11 want to be to aid an interpretation versus a
12 regulation which was, you know, an actual
13 prescribed rule of what we want to achieve.

14 And this should hopefully become
15 clear and this is something we generally try
16 to do throughout all chapters that we have
17 been looking at.

18 So this illustration is intended to
19 sort of bring it all together and so I'm going
20 to -- if you follow my pointer here, the basic
21 idea is this:

22 Is that, you know, here we have

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1 highlighted in the gray, we actually have our
2 rear setback. Okay. And so it is a minimum
3 requirement that a building must be behind,
4 must be set behind.

5 Whereas, we still have a rear yard.

6 You know, a yard is the space between the
7 main building and a defined lot line. And
8 this is important because we do have
9 regulations in the code that are associated
10 with the rear yard, that entire area, versus
11 other ones that are associated with the
12 setback.

13 Now, to lot lines. So for lot
14 lines, I'm going to give you some context,
15 sort of identify or review some policies that
16 support our proposed recommendations and then
17 give you some context, like help you
18 understand well, why is this relevant to the
19 District.

20 And then we are going to go through
21 actually five examples and those are going to
22 deal with both Residential and Mixed-Use areas

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1 of the city. I'm going to highlight the
2 problems that we currently have based on our
3 definitions.

4 And again, we have used -- although
5 they are not identified specifically, but
6 these are all lots that exist here within the
7 District. In some cases they may be vacant,
8 but in other cases they are just lots and we
9 have chosen not to highlight that there is or
10 is not a building on it.

11 So our Comprehensive Plan, the 2006
12 Comprehensive Plan, gives us some pretty
13 strong guidance about what we should be doing.

14 We should be promoting infill while
15 preserving character. And in the context of
16 commercial areas, we want to create an
17 appropriate street wall and those two
18 policies, they basically focus on Urban Design
19 Policy 3.1.6 and 3.1.7. They focus on
20 ensuring that we have a continuous commercial
21 street frontage and that we don't have often
22 the terms used like a gap. So we want to make

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1 that wall continuous.

2 I guess why this is important here
3 in the District. Based on surveys of lots, in
4 low to mod areas, what we found was that about
5 10 percent of lots are actually corner lots.
6 And overall 20 percent are regular lots. So,
7 you know, we can sort of say with pretty much
8 confidence that 1 in 5 lots doesn't have clear
9 direction regarding lot lines and where you
10 should measure a setback from.

11 And in our Mixed-Use areas, we also
12 found that about 20 percent of the lots in
13 Mixed-Use areas, again, about a fifth are
14 actually located on corners. And this is
15 especially important because corners are sort
16 of prime real estate. You know, they have, in
17 effect, two fronts, two faces that we want to
18 make sure we are addressing properly with our
19 regulations.

20 So all in all, again, about 1 in 5
21 lots without adequate direction, clear
22 direction.

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1 So again, now, I'm going to go
2 through each example. And basically, what I'm
3 going to start by doing is I'm going to take
4 you through each example. We've got five.
5 And I'm going to sort of familiarize you with
6 the context and then go through the problems
7 based on that context. And then we are going
8 to come back -- after I have actually
9 presented what we are proposing, we are going
10 to come back and see how our proposals improve
11 the situation.

12 So our first example is a main
13 street urban area. Let me just get my pointer
14 here. So what we have here, this is a corner
15 lot and the problem based on the current
16 application of a rear lot line is that we
17 don't know on a corner lot which is the
18 appropriate lot line. It is actually left to
19 the applicant to decide which to choose.

20 Now, in this context, what we feel
21 is that in both instances it's really
22 unnecessary because, again, what we have is we

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1 have two streets, Street B, Street A and both
2 of these streets, in a sense, we want to
3 create a continuous wall.

4 We have an existing row building
5 pattern here that we want to continue and then
6 on our more main street face, we want to also
7 fill that out.

8 Sorry, again, this is a Mixed-Use
9 main street urban area. Travis wanted me to
10 highlight that.

11 So, I guess, just a final point
12 about this, the way we are sort of approaching
13 is that really what we have here is two side
14 lot lines. And there is no rear lot line. We
15 have a side lot line here and a side lot line
16 here.

17 So we are going to move on to the
18 next slide. So in our second example, we are
19 highlighting a type of lot that actually is
20 quite common in the District. I can't give
21 you specific numbers, but I think we all
22 recognize them due to the L'Enfant Street

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1 Plan, so this would be defined as a triangular
2 lot under the District's current definition.

3 So within this context, we actually
4 would have upwards of three options of where a
5 setback could be drawn from. So I could
6 actually place the front of my building along
7 Street B, the setback would be along Street A.

8 I could place it along Street A and then my
9 setback would be along Street B or I could
10 maybe put my entrance here and then my rear
11 would actually be against these abutting lots.

12 I think, generally, what you can
13 see is that the applied setback based on the
14 zone would result in really an impractical
15 application of a setback based on the context.

16 You would be setting back from the street.

17 And then I think also if we were to
18 have this setback, basically, sorry, potential
19 rear setback C, what we would end up with is a
20 gap on the street wall. So this is really
21 discouraging appropriate and compatible
22 infill, which is something we want to address.

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1 And our third example, we are now
2 going to go to this is actually a residential
3 context, a lot to mod residential context.
4 And we have on this side got our potential
5 side setback. And this generally makes sense.

6 You know, we can see from this lot that we
7 have two side yards. And that would be
8 maintaining that pattern.

9 But again, we have a rear setback
10 here which leaves us with an area to build
11 which is highly limited and I don't think
12 would allow us to set back in line with this
13 building. And again, the question is sort of
14 what are we setting back from?

15 Okay. And our fourth example, we
16 are going to look at another main street
17 commercial area. And we have got -- this is a
18 highly regular lot. And again, these are more
19 common than one would think. And so because
20 it has upwards of seven sides, the question is
21 okay, well, which is our rear?

22 And I have just hypothetically

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1 chosen to hear both of which would result in,
2 I think, again, that gap in the street wall
3 that we don't necessarily desire.

4 So along Street B, we may have a
5 setback here if we were to choose that as our
6 rear lot line or along here, along Street C.
7 And in both contexts, really what we want to
8 do is maintain a main street building pattern.

9 And I think what is important here
10 is that where it makes most sense to put a
11 rear lot line, we are not assuring that. Here
12 we have an existing built out row house area.

13 And what would probably make the most sense
14 to have a setback along here, we are not
15 providing it.

16 And our final example, we are going
17 to do another low density area of the city.
18 We have a five-sided lot, an interior lot
19 here. And this house sort of has an
20 interesting orientation. The driveway and the
21 actual garage entrance is actually here.

22 So an applicant may be able to, in

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1 their favor, say well, this is the front of my
2 building. Therefore, this is my rear. They
3 have a required rear setback where, in a
4 sense, they are already set into it, which
5 would result in this lot line becoming their
6 side lot line and resulting in a minimal
7 setback where we probably do want a larger one
8 and no setback along this lot line here.

9 Okay. So now, I'm going to walk us
10 through the actual proposed recommendations
11 and we are going to actually then come back to
12 those examples again.

13 So street frontage, we have
14 actually truncated this as well, but the idea
15 here is that we don't want to actually change
16 the definition. What we actually want to
17 change is the title terms.

18 So instead of a street frontage, we
19 want to use street lot line and that's just,
20 basically, for uniformity with all the lot
21 line-related definitions. So this is going to
22 be a lot line that abuts a street.

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1 Under the current definition, there
2 is actually a second sentence which is
3 associated with, basically, where one gets to
4 choose the front. And that actually has some
5 relationship to choosing the front for the
6 purposes of height. And we are actually going
7 to take that. That is going to be maintained,
8 but it is going to be codified within the
9 regulations regarding height.

10 So it's not going away, it's just
11 being moved. Now, as far as the lot line,
12 which currently is the line bounding the lot,
13 we're going to try and bring some clarity and
14 this is for interpretive purposes where a lot
15 line is a single straight or curved line
16 segment between two vertices of any angle that
17 form the boundary of a lot.

18 And the idea there is where we have
19 breaks in the lot, we want it to be clear
20 where there is a change in angle, excuse me.

21 And Recommendation 5, here, these
22 are two definitions that we are actually going

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1 to be adding. And the first is side lot line
2 and that's a lot line that intersects a
3 frontage lot line or actually it should be
4 street lot line. And a rear lot line is a lot
5 line that does not intersect the frontage lot
6 line or abut a street. And I've got some
7 graphics that portray this, so it's easier to
8 understand.

9 So we have got six examples here.
10 And the first thing to run through is the
11 street lot line. So here we have a basic
12 standard interior lot which makes up most of
13 the District. And so street lot line would be
14 as it is, just the line that actually abuts
15 the street.

16 In our second example, we have a
17 corner lot and a corner lot would now have two
18 street lot lines, both of them are street lot
19 lines. A through lot would also have two
20 street lot lines, interior lot. You know, it
21 has a single street lot line, interior regular
22 lot. And then a triangular lot would have --

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1 it fronts on two streets, it would have two
2 street lot lines. And the same for our final
3 context here.

4 For side lot line, we have, in our
5 standard example again, two side lot lines. A
6 corner lot would actually have two side lot
7 lines, because when you really look at many
8 lots in the District, that's what these are.
9 You know, in terms of how the buildings
10 address one another, one facing this street.

11 Our through lot would have two side
12 lot lines. Our regular interior lot would
13 have two side lot lines, because those are the
14 only ones that intersect the street. And we
15 would have two side lot lines here. We have a
16 small break in the straight line here. And
17 then we have two side lot lines on our final
18 sort of corner regular example.

19 And then the final one, we have
20 rear lot line. So in our standard lot, we
21 have a single rear lot line and, as you would
22 expect, it is opposite the front. Whereas, on

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1 our corner and through lots, there would no
2 longer be a rear lot line, as we are deeming
3 those lot lines to not represent that
4 relationship between lots.

5 And in our regular lot, we would
6 actually have two lot lines that are rear.
7 And again, in this context, there would be a
8 triangular lot context. There would be no
9 rear lot line.

10 And in our last irregular lot
11 example, there would still be two rear lot
12 lines.

13 So now what I'm going to do is I'm
14 going to bring you back to all those examples
15 and show you, okay, when we put them through
16 or when we apply these new definitions, what
17 do we get?

18 So on our first example, which
19 again was a main street commercial area
20 context, both of our lot lines opposing the
21 street lot lines, so this lot line here and
22 this lot line here, they would be deemed

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1 street lot lines or excuse me side lot lines.

2 And so no rear setback would exist.

3 So when someone would go to the rule for rear
4 setbacks, they would not have to apply it in
5 this context.

6 And we think that would be good
7 because, again, we would be filling out and
8 maintaining a continuous street wall and
9 achieving the policies that we have cited in
10 the Comprehensive Plan or from the
11 Comprehensive Plan.

12 And our triangular lot, which I
13 think are challenging enough to work on, we
14 would have the same benefits. We would have
15 two side lot lines off of abutting what are
16 also already side lot lines of the adjacent
17 row building pattern. And no rear setback
18 would be required. And it would allow for the
19 appropriate build-out of this type of lot.

20 Now, in our detached building area,
21 again, this was a single-family example, we
22 would still have a side lot line and so we

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1 would still apply an appropriate setback in
2 this context. Whereas, the rear setback there
3 is no rear lot line and, therefore, none would
4 apply.

5 And our Example 4, which again is
6 in a commercial main street area, what we
7 would be doing is we would be facilitating a
8 continuous street wall along Street C and
9 Street B, because no rear setback would be
10 required from either of those.

11 However, these two lot lines would
12 now be deemed rear lot lines and, therefore, a
13 setback would be required from both of them.
14 And again, that would be where it would
15 probably be most logical which is abutting the
16 rear yards of the adjacent residential areas.

17 And I think the last point that I
18 have sort of highlighted here is that, you
19 know, this is a highly complex lot, but the
20 application of what we are proposing is really
21 straightforward. You apply the definitions
22 and it's very clear for everyone what is going

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1 to happen, predictability.

2 And our final example is a five-
3 sided interior lot. And again, we would have
4 two rear lot lines and, again, those are
5 located abutting the rear of other lots, other
6 lots here to the north and the south. So that
7 would be appropriate.

8 But we would have two less
9 restrictive side yards abutting the side yards
10 of the adjacent buildings on either side. And
11 again, we have sort of a complex, more complex
12 lot here, but the application is very
13 straightforward for applicants, for the Zoning
14 Administrator and his staff to apply and it
15 avoids confusion.

16 Okay. And I'm almost done with our
17 first part of the presentation, but we are
18 going to take you through the remaining
19 element, which is lots.

20 So we do have in the current Title
21 11 four different lots types. We have corner,
22 interior, through and triangular lot types

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1 defined.

2 And our changes in lot line
3 definitions, basically, because what we are --
4 the general approach here is that we are
5 focusing on the relationship of lots to one
6 another. You know, we are defining lot lines
7 based on how lots face one another and face
8 the street.

9 Whereas, the current definitions
10 really don't have any basis in much of
11 anything that we can find. So two of those
12 definitions, you know, we are not -- a corner
13 lot will still exist, but for regulatory
14 purposes, a corner lot and a triangular lot
15 really serve no function right now.

16 So we would just remove those. And
17 I think part of the reason we are proposing to
18 do this is that our profession recommends
19 that, you know, when you maintain definitions
20 that are not used, they can actually
21 complicate interpretation, because well, why
22 do we have them there if we are not using

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1 them?

2 So people might lean on them for
3 evidence when actually there is no real
4 purpose for them.

5 So again, what we are proposing is
6 to remove corner and triangular lot
7 definitions and we want to maintain and modify
8 the interior lot and through lot definitions.

9 The reason is that both of those definitions
10 they help us as guide posts in applying our
11 rules appropriately.

12 So you will see that further when
13 we come back for the low to mod zones, which
14 is where this actually has the most
15 application as a through lot is necessary to
16 apply certain tools appropriately, a through
17 lot definition.

18 And so just a recap here of what is
19 an interior lot. That is a lot that is
20 abutting a single street, as you can see here.

21 And actually, we are not changing the intent
22 of a through lot, but we did find a problem

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1 with our definition and so that is not
2 represented in the report, but it is
3 represented in the presentation.

4 And so what we are proposing is a
5 through lot be defined as now is it's a lot
6 with four distinct points where the side lot
7 lines intersect street lot lines. So these
8 are side lot lines and as each one intersects
9 a street lot line, it assures us that we do
10 have a through lot.

11 So I would like to pause now and
12 answer any questions that you might have.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, let's open it up for any
15 questions or comments. Anyone? Commissioner
16 May?

17 COMMISSIONER MAY: Okay. I don't
18 have a lot of questions about this part, but I
19 guess can we go to one of your slides? It's
20 Figure 9 in the report.

21 MR. GIULIONI: Let me find that.

22 COMMISSIONER MAY: Example 1, Main

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1 Street Urban Area Setback --

2 MR. GIULIONI: Okay.

3 COMMISSIONER MAY: -- Analysis for
4 Corner Lot. Okay. That's fine.

5 MR. GIULIONI: Okay.

6 COMMISSIONER MAY: Just so I
7 understand what you imagine the context to be
8 here, the idea is that what might be on Street
9 B would be a commercial area?

10 MR. GIULIONI: Yes. It would be a
11 main street frontage.

12 COMMISSIONER MAY: Okay. And then
13 Street A might be residential?

14 MR. GIULIONI: Yes, in this
15 context, it actually is residential. And here
16 we have a row building pattern and you may
17 have other contexts where you have a different
18 pattern, but, again, we are sort of
19 approaching it like the H Street Plan.

20 COMMISSIONER MAY: Yes.

21 MR. GIULIONI: Where each of -- any
22 lot line that faces a street, in a sense, is a

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1 face to the street. And we want to give it
2 the presence it deserves.

3 COMMISSIONER MAY: Yes. But of
4 course, in a totally residential context, it
5 is extremely common to have a rear yard --

6 MR. GIULIONI: Correct.

7 COMMISSIONER MAY: -- and a corner
8 lot like that.

9 MR. GIULIONI: And actually, we do
10 have a proposal and we sort of anticipated
11 that, but we felt it was more conducive to
12 bring it forward when we actually present the
13 low to mod language.

14 COMMISSIONER MAY: Okay.

15 MR. GIULIONI: But there will be a
16 means by which an effective rear yard will be
17 applied in a corner lot context when it is an
18 entirely residential area.

19 COMMISSIONER MAY: Okay. That
20 answers my question. And then if you could go
21 to your Example 3 for a second? There it is.

22 Tell me what your interpretation

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1 would be of the property next door in terms of
2 required setbacks there.

3 MR. GIULIONI: Within this context?

4 COMMISSIONER MAY: Yes.

5 MR. GIULIONI: Okay. We would
6 actually have three side lot lines. We would
7 have one, two and three and the remainder
8 actually would be --

9 COMMISSIONER MAY: I'm not seeing
10 that.

11 MR. GIULIONI: Oh, I'm sorry. I'm
12 looking on the wrong one. My bad. Here we
13 go. I'll step back. Okay. So we would have
14 a side lot line here.

15 COMMISSIONER MAY: Yes.

16 MR. GIULIONI: We would have a
17 second side lot line here.

18 COMMISSIONER MAY: Yes.

19 MR. GIULIONI: And we would have a
20 third side lot line here. Then these would
21 actually form our rear setback lines.

22 COMMISSIONER MAY: Okay. And if

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1 that existing building were not there,
2 theoretically, as long as if you honored the
3 side lots, side line -- side lot setbacks --

4 MR. GIULIONI: Yes.

5 COMMISSIONER MAY: -- you could
6 build a through, a property that fronts on
7 both Street A and Street B?

8 MR. GIULIONI: Theoretically, you
9 could. I don't know --

10 COMMISSIONER MAY: Have to deal
11 with the rear setback from those couple --

12 MR. GIULIONI: Correct, correct. I
13 guess, yes, theoretically, you could.

14 COMMISSIONER MAY: Okay. Thank
15 you.

16 MR. GIULIONI: The real impact is
17 that someone could choose which street they
18 wanted to front.

19 COMMISSIONER MAY: Yes, that's
20 probably the more likely practical one. But
21 there are lots of unlikely, unpractical
22 developments that occur around, so I'm just

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1 trying to anticipate what bad things might
2 happen, even with the best intended
3 regulations. That's it.

4 CHAIRMAN HOOD: Any other
5 questions?

6 COMMISSIONER TURNBULL: Yes.

7 CHAIRMAN HOOD: Mr. Turnbull?

8 COMMISSIONER TURNBULL: Yes, thank
9 you, Mr. Chair. I just had one question,
10 which was not really a question, I'm just
11 looking for some clarification.

12 Looking at something on like you
13 have got Figure 16 on page 17 of the OP
14 report.

15 MR. GIULIONI: Let me go to that
16 one.

17 COMMISSIONER TURNBULL: Well, I'm
18 just curious, if we are looking at Street C,
19 and assuming those are row houses, it is
20 residential?

21 MR. GIULIONI: Actually --

22 COMMISSIONER TURNBULL: I'm just--

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1 MR. GIULIONI: Sorry.

2 COMMISSIONER TURNBULL: --
3 wondering how do we relate and maybe it
4 doesn't relate. I mean, I guess it doesn't
5 really relate. We don't concern ourselves now
6 where we have a lot of buildings that are
7 built into the public space, as far as picking
8 whole neighborhoods that the front porch and
9 everything go beyond the lot line.

10 Does that affect anything of what
11 you are proposing here, as far as lot line and
12 the public space?

13 MR. GIULIONI: Not at all. I mean,
14 those rights are granted through the actual
15 Building Code portion of the DCMR. And so we
16 wouldn't be changing that. And, I think right
17 now, they just apply to residential uses are
18 allotted certain --

19 COMMISSIONER TURNBULL: Right.

20 MR. GIULIONI: -- allowed
21 projections. But, I mean, there will be a
22 relationship, again, through the low to mod

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1 text when we propose it. You know, if there
2 is a required setback, what we would like to
3 make sure is that people are given those same
4 projection allowances.

5 So if you are required to setback
6 from a street lot line, you should get the
7 same allowances, so that we can repeat the
8 same pattern that the District already has.

9 COMMISSIONER TURNBULL: I was going
10 to say we still are going to have some
11 projection allowances that we have now, that
12 are similar to what we have now going beyond
13 the lot line, above and --

14 MR. GIULIONI: I would say yes.
15 Travis? I don't think there is any intent on
16 our behalf to change those.

17 COMMISSIONER TURNBULL: Okay.
18 Thank you.

19 CHAIRMAN HOOD: Any other
20 questions? Okay. You can continue.

21 MR. GIULIONI: All right. So I'll
22 get set up here again. Because these issues

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1 that we are about to get into, they are a
2 little bit more focused on sort of the policy
3 objective. They are more we are addressing
4 changes that deal with policy.

5 And so, of course, they are a
6 little bit more nuanced and we want to afford
7 the appropriate time to talk about them.

8 So what I'm going to do, again, we
9 have got, I think there is, one, two, three,
10 four, we've got actually eight issues. But
11 the first thing I'm going to do is take you
12 through sort of the policy that has been
13 shaping, I guess, a lot of what we did through
14 the Commercial Working Group and some of the
15 other working groups that have been
16 incorporated into these recommendations.

17 So like why are we proposing what
18 we are proposing? And then we are going to
19 come back and actually tackle each of the
20 subject areas, which are identified on this
21 screen.

22 So I've just put this slide

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1 together. This sort of highlights and this
2 isn't all of them, but this is some of the key
3 policy guidance which we have used to shape
4 our work. But what I have tried to do is we
5 have distilled it down and I think we have
6 covered this in the report as well into four
7 key points about well, why are we making the
8 changes that we are making, you know, in these
9 parts of the city, the regulations that deal
10 with these parts of the city.

11 So first off, there is a lot of
12 direction about we want to remove barriers to
13 infill development. We want to promote
14 economic development. We want to promote
15 housing, more housing options here in the
16 District. We also want to ensure that where
17 we have a built form that is good and --
18 excuse me.

19 Where we have a good built form in
20 our city, we want to ensure that we are
21 replicating that, that we are being
22 consistent.

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1 Whereas, the third point is dealing
2 with there are some areas of the city where we
3 don't have the quality of built form where we
4 have in, I would say, the majority of the
5 city. I think a lot of the District benefits
6 from a really good compact-driven form, but
7 some areas do not.

8 And what we want to do is make
9 those areas that do not, more like the areas
10 that do.

11 And then finally, another key
12 message we got clear, both from our review of
13 the Comp Plan and from the working group
14 meetings, was the need to minimize impacts of
15 changes in building density and land use
16 within our Commercial or Mixed-Use areas and
17 the surrounding Residential Zones.

18 And so that runs the gamut, again,
19 of both the physical form, but it also deals
20 with uses and how we manage those.

21 So for each topic, and this is an
22 example, so for side setbacks, what I'm going

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1 to do is I'm going to identify the issues
2 associated with this subject. I'm going to
3 put forward our proposals and then present our
4 analysis of why we think this is a good idea.

5 So the side setback or side yards,
6 as they are now commonly known, we have two
7 different standards based on the different
8 zones, the four zones I cited at the outset.

9 So we either have a 6 to 8 foot
10 minimum requirement and then there is an
11 additional standard that applies relative to
12 building height. So you have to maintain a
13 minimum standard of 6 to 8 feet, but then
14 depending on the type of zone, as you go, as
15 your building rises, you have to provide a
16 further setback relative to the height of the
17 building.

18 I think a key element here is that
19 within Mixed-Use Zones, side setbacks are not
20 required. You know, really the idea here is
21 that if you provide one, this is how you
22 should comply with the standard.

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1 And really what you would find if
2 you go around to a lot of the District's
3 commercial main streets is that we don't need
4 setbacks to ensure compatibility, because a
5 lot of our existing main streets are well-
6 built-out with continuous street walls.

7 And what we have, basically, found
8 though is that if you were to apply the
9 existing requirements, what we would end up
10 with is setbacks which are generally
11 inconsistent and undesirable with the existing
12 built-form of the District.

13 So this graphic, it is intended to
14 highlight sort of what is going on in our
15 Mixed-Use Zone. So as you can see, on the far
16 left, we have a list of all the different
17 zones. We looked at the C-1 through the SP.

18 And then what we have done, we sort
19 of invented these categories, but we have
20 three broad categories. So we have buildings
21 with no side yards. And you will see at the
22 top here, just give me a moment, you know,

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1 that runs the gamut of a few different common
2 forms.

3 Like if you were to look at a photo
4 aerial, they are not all built straight to the
5 lot line. So we have a form like this with a
6 little gap above the main street first story.

7 But as you can see, that is almost 90
8 percent, you know. If we average it out, that
9 reflects pretty much most of our buildings in
10 Mixed-Use/Commercial areas.

11 Where we do have side yards --
12 actually, I'm going to pause on that. The
13 first thing, I'm going to go to houses.
14 Houses, they do exist in commercial areas.
15 They reflect about 2 percent, you know,
16 overall. What we find is C-1 Districts, which
17 is kind of to be expected, it's a local
18 commercial area.

19 We do have a higher concentration,
20 but overall houses really make up a small
21 amount. And what we are, basically,
22 proposing, I think, better reflects, you know,

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1 how our houses actually -- where houses are,
2 where you would probably want a setback. It's
3 more consistent with those areas of the city.

4 And so what we have in between is
5 sort of buildings with side yards which run a
6 wide sort of array of types. It isn't sort of
7 a main street building that just has a small
8 setback on the side. It's often pod-site
9 developments that you would find in the more
10 auto-oriented parts of the city.

11 We have stand-alone apartment
12 buildings and garden apartments. So again,
13 those are quite common in C-1. But in many
14 instances, what we want to be promoting again
15 is more of our compact urban form.

16 So why is this an issue? Well,
17 what we did here is this is a model intended
18 to help illustrate, well, okay, if we were to
19 apply a setback, what would we get?

20 So I've taken the CR Zone and I
21 have applied the standard based on a 60 foot
22 high building. And as what you can see in the

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1 center of the slide is based on that height,
2 we would actually end up with quite a large
3 gap, about 15 feet. What benefit this serves?

4 I don't know.

5 You know, I think an important
6 other thing to consider is that our setbacks
7 are applied regardless of whether you have
8 windows or not. So, you know, it's just like
9 if you are providing a setback, this is how
10 you will do it. You are not required to
11 provide windows.

12 So what are we recommending? We
13 are recommending that we just go with the
14 standard 4 foot setback and that applies to
15 the entire portion of the building that is
16 setback. And again, this is if you choose to
17 provide one.

18 It will ensure building
19 compatibility where it is provided along urban
20 main streets. It removes the potential for an
21 unnecessary gap in the street wall. But it
22 does provide a good basic standard for minimum

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1 access, you know, if I had a dolly cart and I
2 wanted to haul some goods to the rear of my
3 building and load them in the back.

4 And again, I think the second main
5 point is that this really only applies to the
6 portion of the building that is setback. So
7 right now, yard requirement applies to the
8 entire side wall of the building. Whereas,
9 what we want to do is just facilitate it if
10 you just need a nook for purposes of service,
11 you can just provide that.

12 And the idea here is again, it
13 facilitates a minimum requirement for
14 accessing maintenance and what we are doing is
15 effectively replacing our court requirements,
16 which we are proposing in a later
17 recommendation to remove.

18 So what would happen if we do this?

19 So if we go to our model again, as you can
20 see, you know, here is our 4 foot side yard.
21 It allows for access from the front to the
22 rear where we don't have an alley, if we so

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1 chose to provide one.

2 And I think what is important to
3 note is that as cited in sort of the bottom of
4 the building is that we are vastly improving
5 the ground floor street frontage for retail
6 opportunities.

7 And the graph on the far right,
8 that's just, you know, where do we get the 4
9 feet? It's a basic architectural standard
10 that you would find in an architectural
11 standards book. And so handicap accessible,
12 it meets those minimum requirements.

13 And what we have here is a graphic
14 that depicts one of our main streets. This is
15 actually H Street, N.E. And so as you can
16 see, what we are really trying to do is where
17 we have existing buildings that have sort of
18 what we commonly know now as courts, we want
19 to facilitate additions that can be built in
20 line with those, consistent, but that maintain
21 a minimum requirement.

22 So in a sense, what we are trying

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1 to do is replicate the patterns that we
2 already have here in the District.

3 So our second subject is our rear
4 setbacks. And so the issues that we found
5 here, this is a slightly different sort of
6 policy issue. And I guess one way to look at
7 it is we are really using the Commission's
8 direction on this one.

9 And this fits the clarity ease-of-
10 use and relevance criteria, which were set out
11 by the Commission to sort of give us over-
12 arching guidance in our work.

13 So what we are talking about here
14 is making changes that we currently have eight
15 different setback rules, rear setback rules
16 when you take all the zones that I cited at
17 the outset. And what we have found is that as
18 we sort of began to look at redraft text, that
19 this quantity of rules it is difficult to
20 manage and it's unnecessarily elaborate.

21 You know, there are some nuances
22 that we think are important to maintain. But

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1 what we have also found is that we have all
2 this variety right now, but we are still not
3 able to implement certain plans that we have.

4 And so we are hoping that what we
5 are proposing it gives us the protections that
6 we need, but it actually also gives us a
7 little bit more flexibility in terms of
8 achieving the built form we desire.

9 And lastly, you know, again, I
10 talked about this a little bit at the outset,
11 is that we framed everything as yards, which
12 is not actually what we are requiring. You
13 know, just as an example, within the
14 Commercial Districts, in many instances, you
15 are not even required to provide a yard or
16 setback for the lower 20 feet of the building.

17 So, you know, we are not requiring
18 a yard. We are actually requiring a setback
19 above. So we want to change the perspectives,
20 so that everybody is clear on what we are
21 doing and why.

22 And I think just to highlight in

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1 the report, the C pages 26 and 27, what we
2 have done is we have compiled a graphic
3 representation of all the different rules for
4 you to look at. So that sort of gives you a
5 picture of where we are now.

6 And I have been using that as a
7 guide, because, you know, even I spent a lot
8 of time working on this, you still get
9 confused. So hopefully we can simplify that.

10 So what are we recommending? I
11 think to start off, our goal, in this
12 instance, is to improve clarity, to make
13 things easier to use and maintain relevance.
14 So our goal is really to maintain the basic
15 protections that we have.

16 You know, we are not starting from
17 scratch here. But what we do want to do is
18 standardize the eight rules into four, one of
19 four options. And we are going to do that in
20 four ways. These are different variables that
21 go into the setback measurement requirements.

22 So the first is there is a setback

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1 angle, which I'm going to illustrate within
2 the coming slides, but the idea here is we
3 have two angles. One that is at 3 inches per
4 foot of height and one that is at 2.5 inches
5 per foot of height. And we are going to go
6 with the single standard.

7 We want to standardize the two-
8 story exemption I briefly spoke of that exists
9 on alleys. We want to, basically, allow in
10 all Commercial Zones for an applicant to build
11 up to the alley, should they so choose.

12 And we want to remove -- the
13 standards currently apply relative to the use
14 you are proposing, which we think is again
15 hard to predict our results. It's a problem
16 when we are dealing with existing buildings
17 that are transferring the type of use. So if
18 you have an existing commercial building and
19 then it is shifting to residential, where does
20 that leave us?

21 And again, we are going to reframe
22 everything as a setback and not a yard

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1 requirement. So I'm going to take you through
2 this.

3 So these four graphics actually
4 represent what it is we are proposing. So the
5 first one, just give me a moment here, (A) is
6 a basic straightforward what you would expect,
7 you know, setback requirement that applies to
8 the entire building right from the ground
9 straight up. Very simple.

10 The second is where we desire it
11 you would have a two-story exemption for the
12 first 25 feet of building height and we are
13 moving from 20 to 25 feet, because of
14 associated recommendations in the Retail
15 Working Group, which our goal is to lift the
16 minimum ground floor to ceiling height
17 requirements. So this is to help facilitate
18 that and ensure there is no conflicts.

19 Our third example would be, again,
20 you have a straight requirement, up to a
21 certain point and then our 2.5 inches per foot
22 angle applies. But we are just going to state

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1 it as like an angular plane requirement.

2 So above a certain point at 78
3 degrees -- excuse me. Above a certain point,
4 you will have to provide a setback that is a
5 78 degree angular plane.

6 And then the last, it sort of
7 incorporates (B) and (C) where you get the
8 allowance for the first two stories and then
9 as your building gets higher, you are required
10 to set it back in line with the angular plane.

11 So I'm going to break down. Okay.

12 What happens to each element, you know,
13 because we are changing four elements? So the
14 first is, you know, what we found based on
15 doing some shadow studies is that, you know,
16 the 2.5 versus 3 inches, it results in a very
17 nominal change in what actual shadow is cast.

18 And the first and foremost thing is
19 that, you know, a building may cast a shadow
20 in one of four directions. And so in many
21 cases for three directions or for two
22 directions, it is not even casting a shadow.

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1 So if a rear yard actually runs -- a rear lot
2 line runs north to south, the rear of the
3 building is not casting a shadow in
4 association with the rear yard.

5 And then you have the opposite
6 instance which is a building that, you know,
7 it's rear lot line is to the north, which is
8 always in a constant shadow. You know, so
9 really, this only has impact on, I don't want
10 to say one-quarter buildings, because it's a
11 function of the quantity of lots, but it only
12 has an impact on one building orientation.

13 And then what we found is that two
14 of the zones, they actually -- the standard is
15 applied inconsistently. And so really by
16 changing it, we are actually putting a more
17 clear standard in effect. So by changing the
18 CR and W, you know, really we would only be
19 impacting buildings that are entirely
20 residential.

21 And so these were cited in the
22 report, but the idea here is what you are

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1 seeing is both at the summer solstice and the
2 winter solstice. So here we have a building
3 to the south, you know, and it is casting a
4 shadow to the north. Here you have the
5 angular setback requirement.

6 And as you can see in the summer,
7 here is our -- this shows the shadow cast, in
8 both instances, at peak sun, both of the
9 buildings that are to the north are in full
10 sun.

11 And then if we go to the winter
12 solstice at midday, what we see is we do see a
13 shadow cast up the building to the north. But
14 as you can see, it's almost imperceptible to
15 the eye. I actually measured it. It is under
16 3 feet. So we have this variation between the
17 two standards, 2.5 versus 3. But really we
18 are not getting much of a different result,
19 except some unnecessary complication.

20 And then when it comes to our CR
21 and W Zones, the way the CR and W Zones work
22 is, you know, if you have a building that is

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1 all residential, well, the setback, the
2 minimum requirement (A) starts from the
3 ground. But if you actually start adding
4 commercial uses to the base floors, it
5 actually pushes up where the angular plane
6 starts and so really it has no impact.

7 And this is where the 3 inch
8 standard applies. So yes, it has some impact
9 where the building is all residential, but, in
10 many instances, and these areas do facilitate
11 a lot of commercial use, it doesn't actually
12 have any impact at all.

13 Now, as far as the two-story
14 exemption, the idea here again is that what we
15 want to do is allow any building that fronts
16 on an alley to actually build to the alley.
17 This doesn't eliminate setback requirements
18 for loading or parking that, I think, have
19 been brought forward to you already. This is
20 just base building setbacks.

21 So what we are talking about here
22 is in the C-1 Zone, you are actually required

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1 to measure the lower part to the center line
2 of the alley. And so what the hatched area
3 shows is what we would be allowing. We would
4 actually be allowing you to build right to the
5 lot line. Whereas now, based on a 15 foot
6 alley, which is the most common alley size in
7 the District, you would actually have to
8 provide a 12.5 foot setback.

9 In C-2, you would have to provide a
10 7.5 and in C-3-A, you would have to provide a
11 4.5 foot. So what we are saying is let's just
12 let applicants build right to the lot line, if
13 they aren't required to provide any loading
14 setback.

15 And so why do we propose this?
16 Well, we went out and we looked at areas
17 within the District and these are all
18 Commercial Districts that actually face upon
19 Residence Districts. And so what did we end
20 up with when we do have a setback?

21 Well, sometimes we have a setback
22 that is not really adequate for parking, but

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1 you have somebody straddling the alley and the
2 setback area. We have sort of an area that
3 could just be enclosed in the building,
4 because it is used for storage anyway and
5 fenced off and we have garbage storage in the
6 rear.

7 Whereas, we found these other
8 examples where we have a full build-out where,
9 you know, the building is allowed to go right
10 to the lot line and that may be plain, but it
11 actually allows the owner to encompass their
12 garbage/trash storage within the actual
13 building. And as you can see here, abutting a
14 residential area, I think that's a practical
15 approach to a rear setback.

16 And now our final element is, you
17 know, let's start looking at this again as a
18 setback and not a yard. And I think why do we
19 want to do this? Well, because it allows us
20 predictability, so that we know where the
21 setback is going to be applied. But it gives
22 applicants flexibility to work within that

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1 envelope.

2 It is not just again a standard
3 requirement from the ground all the way up to
4 the height limit. And this is actually
5 consistent with the Lewis Plan. He actually
6 did sort of represent this in the plan and I
7 think that was included in the report where
8 you would actually control building bulk, the
9 maximum FAR, using multiple controls. One of
10 which was an angular plane requirement.

11 So these three graphics here are
12 intended to portray what I'm talking about.
13 So in each instance, we have the same setback
14 envelope, that's the dashed line. But what
15 you are enabled to do within your maximum FAR
16 requirements is build-out anywhere within that
17 limit and it always assures us the same
18 protections. So again, predictable and
19 flexible.

20 The next issue was courts and I
21 think I'm going to take a break after this
22 one, just so you know.

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1 So I guess what we found is that
2 the existing standards don't actually
3 replicate again our built form. In many cases
4 by expanding a nonconforming courts, you are
5 required to go for a variance. And so it
6 actually does the exact opposite of what we
7 want. It incentivizes one to fill in their
8 court.

9 And I think a key element, too, is
10 the court standards are actually quite
11 impractical when you want to create just small
12 spaces for building services or if you wanted
13 a small setback, so that you could just have a
14 secondary window that serves like a bathroom.

15 You know, I just can't provide a 4
16 foot minimum. I have to provide -- the
17 minimum starts somewhere around 15 feet. So
18 on a small infill lot, that kind of again is
19 counterproductive, because where we want some
20 natural air/light, it's actually impractical
21 to provide it.

22 And so what we are proposing, and I

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1 touched on this earlier, is just that we
2 regulate courts through our setback
3 requirements, through the 4 foot standard
4 minimum requirement, if provided.

5 So again, the proposed setbacks
6 would supplant the width requirements that
7 take place between the building and the lot
8 lines, so that would be our setback. And then
9 it's not like we are -- it's not that there
10 are no longer protections. The Building Code,
11 the actual Building Code, actually does have
12 court requirements.

13 So if you provide an interior court
14 that doesn't face the lot line, you are still
15 required to maintain a minimum area and those
16 are located in the minimum light/air standards
17 of the Building Code.

18 So we are going to pause again and
19 answer any questions you might have.

20 CHAIRMAN HOOD: Okay.
21 Commissioners, do we have any questions,
22 comments?

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1 COMMISSIONER MAY: Yes.

2 CHAIRMAN HOOD: Commissioner May?

3 COMMISSIONER MAY: Sorry, I've got
4 to find my place. You were suggesting with
5 the angular plane that it would be
6 consolidated at 2.5 inches rather than 3
7 inches per foot.

8 MR. GIULIONI: That's correct, yes.

9 COMMISSIONER MAY: Tell me why one
10 and not the other?

11 MR. GIULIONI: I think the idea
12 there was that it's actually the standard that
13 is more consistently applied. Again, the
14 graphic I --

15 COMMISSIONER MAY: Where?

16 MR. GIULIONI: Oh --

17 COMMISSIONER MAY: Nationally here?

18 MR. GIULIONI: No, no.

19 COMMISSIONER MAY: Or where?

20 MR. GIULIONI: If you compare the -
21 - these again are existing standards that
22 exist within the code. And our goal wasn't to

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1 remove those protections. It was just to make
2 them easier to use. And so the 2.5 inch per
3 foot requirement, it is like standard. It is
4 required standardly.

5 In the Commercial Zones, you must
6 provide it. Whereas, in the zones where the 3
7 inch standard applies, the CR and the W, it is
8 a function of your building height. So you
9 may or may not provide it. So that's one
10 reason.

11 The other reason is that it is the
12 more stringent standard and so we sort of
13 erred on the side of caution there that -- or
14 sorry, the more permissive standard. And so
15 we erred on the side of caution there in terms
16 of creating less nonconformities.

17 COMMISSIONER MAY: Right. And
18 allowing more development. Okay. My one
19 question about courts was interior courts, but
20 you are saying that the IBC Regulations are
21 going to address that?

22 MR. GIULIONI: Yes, they do in two

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1 ways. I guess there is a court standard. You
2 know, if you provide a court, it functions
3 very similarly, relative to the height of the
4 building.

5 But then there is also standards
6 associated with fire protection and I'm just
7 going to sort of talk about that a bit later,
8 but, you know, the more window area you have,
9 you are kind of required to separate the
10 building faces, because the more window area
11 you have, if there is a fire, it spreads more.

12 And so you want to separate those walls.

13 COMMISSIONER MAY: Right.

14 MR. GIULIONI: There is kind of a
15 natural protection there.

16 COMMISSIONER MAY: Yes. I think
17 when it comes to any sort of decision making
18 on this, it would be helpful to see some
19 examples of what we would actually expect as a
20 result of letting it be controlled exclusively
21 by IBC.

22 The reason I say that is that, you

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1 know, there are, as you said, these variables
2 between the amount of window opening and the
3 separation distance.

4 MR. GIULIONI: Yes.

5 COMMISSIONER MAY: And one can, you
6 know, keep the window openings to a minimum
7 and create really inhospitable places and then
8 minimize the court size, maximize the
9 footprint. Not that the resulting unit is
10 necessarily going to be that marketable, but I
11 don't think that that's really the sole
12 concern that we have.

13 So I would like to see what we
14 expect might actually result. You know, there
15 is going to be a minimum size of windows no
16 matter what, so, you know, what is that going
17 to translate to in terms of courts?

18 Okay. I'm -- I think we only got
19 as far as Recommendation 10, right? That's
20 where you stopped is courts, 10, right?

21 MR. GIULIONI: Yes.

22 COMMISSIONER MAY: Okay. So I have

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1 no more questions until we get to 11. Thanks.

2 CHAIRMAN HOOD: Okay. Any other
3 comments or questions on this section?
4 Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Thank you,
6 Mr. Chair. Getting back to when you started
7 with Figure 22, on page 23 was a chart showing
8 Zones C-1 through SP.

9 MR. GIULIONI: Yes.

10 COMMISSIONER TURNBULL: And then--

11 MR. GIULIONI: This is with respect
12 to setbacks.

13 COMMISSIONER TURNBULL: Setbacks,
14 right. Maybe I just need you to clarify what
15 I heard. I think you are saying that
16 regardless, these pictures now are like
17 existing conditions.

18 MR. GIULIONI: Correct.

19 COMMISSIONER TURNBULL: But you are
20 saying that governing all of these situations
21 now would be the minimum of the 4 foot site?

22 MR. GIULIONI: That's the intent.

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1 And I think that comes from a reading of the
2 Comprehensive Plan. You know, in most --
3 there is specific guidance that the areas
4 where we have sort of more pod-site
5 development, we do want to promote infill that
6 is consistent with the more urban compact
7 areas of the city.

8 COMMISSIONER TURNBULL: But I'm
9 just curious.

10 MR. GIULIONI: Sure.

11 COMMISSIONER TURNBULL: The sort of
12 little cartoon that you have drawn here in the
13 middle --

14 MR. GIULIONI: Yes.

15 COMMISSIONER TURNBULL: -- for the
16 sort of like garden buildings show significant
17 -- they show a lot more land around them. You
18 are saying that that is going to go away?

19 MR. GIULIONI: Well, actually, no.
20 It's not going to necessarily go away. We
21 are just prescribing a minimum. Nobody is
22 obligated to build to the minimum requirement.

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1 It is afforded to them should they so choose.

2 So --

3 COMMISSIONER TURNBULL: And did I
4 hear you say the minimum is optional?

5 MR. GIULIONI: Yes. And it
6 currently is optional in the existing code.
7 You are not required to provide a side yard.
8 It's if provided, you shall meet this minimum
9 standard.

10 COMMISSIONER TURNBULL: And so now
11 it is going to be 4 feet?

12 MR. GIULIONI: If provided,
13 correct.

14 COMMISSIONER TURNBULL: If provided
15 at all?

16 MR. GIULIONI: Right.

17 COMMISSIONER TURNBULL: So again,
18 the same option if provided. Okay. Thank
19 you.

20 MR. GIULIONI: Are we ready to go,
21 Anthony?

22 CHAIRMAN HOOD: Commissioner

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1 Turnbull, are you finished?

2 COMMISSIONER TURNBULL: Oh, yes.

3 Thank you.

4 CHAIRMAN HOOD: Okay. I have to
5 look at real live examples. Let's look at
6 page 34 of your report. And about halfway
7 through the page, up under Figure 32.

8 MR. GIULIONI: Okay.

9 CHAIRMAN HOOD: And what we just
10 went through was setback on the side. What
11 would happen here, just give me a
12 visualization and try to talk me through a
13 visualization, it's like the third picture
14 down on the left hand side.

15 MR. GIULIONI: Okay.

16 CHAIRMAN HOOD: How would that work
17 in what we just saw?

18 MR. GIULIONI: Well, what this
19 example represents is what we would be now
20 allowing. It's that these are examples. At a
21 certain point in the District's history, there
22 are actually -- you know, on a corner lot you

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1 had 100 percent lot occupancy and you had the
2 right to build out to the alley line.

3 And so what we are essentially
4 saying is that we should allow the lower
5 examples to be replicated where desired by the
6 applicant on the interior parts of a block.
7 So actually if you are looking at Figure 32,
8 the figure that is on the lower left hand
9 corner, that's actually within an interior of
10 a block.

11 It's an example where the applicant
12 has built right to the lot line. And again,
13 this is again they aren't required to. We are
14 saying, you know, we think it is pragmatic in
15 certain instances that if people want to
16 incorporate their storage there, that they be
17 allowed to do so.

18 The setbacks that are provided
19 aren't necessarily providing a benefit for the
20 District. And in certain cases, I think,
21 actually the SP Zones, they actually
22 facilitate an allowance that you may do this,

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1 you know, through an exception request and
2 conditional on that you put the storage within
3 the building.

4 So it's something that, you know,
5 we sort of do get some direction from within
6 the existing code.

7 CHAIRMAN HOOD: Have we talked with
8 DDOT about this? Because, you know, now we
9 are using alleys for a lot of things. You've
10 got trash trucks that go down alleys. And I
11 know one of the concerns that we have heard on
12 the Commission is when those trucks go down
13 those alleys, you know, will they clear? And
14 I think that's a major concern.

15 MR. GIULIONI: This doesn't -- I
16 guess, an important element is that, you know,
17 with zoning we have a lot of laws working at
18 the same time. And there is still a minimum
19 requirement that you be setback from the
20 center line of the alley, but I'm actually
21 going to have to defer to Travis on whether
22 that is required in association with your

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1 loading or whether that is just in general.

2 I will just say, one, we did try to
3 -- we spoke with DDOT about, you know, is
4 there a minimum alley width requirement, like
5 that we could sort of set? And it doesn't
6 appear as though that is something they feel
7 comfortable prescribing, because it is often a
8 function of the context that you are dealing
9 with.

10 I think when they are dealing with
11 a large scale project, they can make those
12 decisions. You know, so if a PUD is coming
13 forward, they can look at the site in its
14 context and make those types of decisions.

15 But when we are talking about
16 infill, which is a lot of what these
17 recommendations, I think, are going to be
18 dealing with, it's a little harder to
19 prescribe a standard that works citywide.

20 CHAIRMAN HOOD: And have we also
21 talked with the Fire Department and those kind
22 of people who may have to gain access?

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1 MR. GIULIONI: No, but that's a
2 good idea.

3 CHAIRMAN HOOD: Okay. All right.
4 Okay. Any other comments or questions? Okay.
5 Thank you. You can proceed.

6 MR. GIULIONI: All right. Okay.
7 So the first issue we would like to talk about
8 is how we managed the application of the floor
9 area ratio split requirement. And this just
10 impacts two zones, our C-2-A and C-2-B Zones.

11 And what we are talking about here
12 is within those zones, you are permitted up to
13 a maximum nonresidential FAR of 1.5. And what
14 we found, based on our analysis, is that in
15 many cases this is somewhat impractical on
16 smaller lots or existing lots with buildings
17 that are already built-out on the site.

18 The reason it's a problem is it
19 doesn't allow for us to -- allow the applicant
20 to build-out to the full two stories of
21 nonresidential occupancy. And this really is
22 more associated with existing buildings.

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1 If you take the existing standards,
2 you know, the idea is that well, if you got a
3 building which occupied a ground floor of 75
4 percent, you would get two stories. But as
5 many of our buildings don't necessarily meet
6 that ground floor lot occupancy standard, it
7 kind of creates a conflict.

8 And then we also have a conflict in
9 that you are not required to maintain a
10 minimum ground floor lot occupancy, so I can
11 go up to 100 percent in certain instances.
12 Often, I don't think that's actually the case.
13 It is more around 87 percent.

14 But, you know, if I'm allowed to go
15 up to a certain capacity, the goal here is to
16 sort of make it commensurate that you can
17 build a full second story on top, because we
18 think that's the intent.

19 Now, on top of the intent, what we
20 found is that there is a series of policies
21 all of which deal with promoting second floor
22 sort of office uses and uses related to our

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1 sort of creative action agenda and things of
2 that nature.

3 And there actually was a specific
4 action in the Comp Plan which identified the
5 need to look at how we could address the need
6 to fulfill the demand for more local office
7 space in our Mixed-Use areas of the city.

8 So what we are recommending, and
9 first off we are recommending, this will apply
10 only to lots that are less than 10,000 square
11 feet in area, which make up the vast majority,
12 and I'm going to get into that, is that with
13 an existing building, regardless of your
14 existing lot occupancy, you would be allowed a
15 full two stories of nonresidential GFA as a
16 matter-of-right.

17 So I could just proceed right to go
18 with the Building Department and apply for a
19 full two stories, even if I was exceeding the
20 1.5 FAR requirement.

21 And then when you are proposing a
22 new building on a lot that is less than 10,000

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1 square feet, you would be allowed to -- if you
2 were to construct residential uses as a part
3 of your project, you would also be allowed to
4 construct a full two stories of nonresidential
5 GFA.

6 So the idea here is that there is
7 sort of an incentive that well, you know, if
8 you provide the residential, you get that two
9 floors of nonresidential.

10 And we do feel that there are
11 instances though that you would also -- we
12 would also want to allow, through special
13 exception, the right to have an entire
14 building that is nonresidential uses. So that
15 would be a new building that is just two
16 stories of nonresidential use or greater. But
17 again, that would be through special exception
18 and it would be based on tests related to the
19 market area within which the lot is located.

20 So I think what is important here,
21 we have sort of put together some, I think,
22 very informative analysis about these areas of

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1 the city. So first off, C-2-A and C-2-B, 90
2 percent of the buildings are existing. And
3 I'm sure some of these areas are actually
4 historic areas, so we are not talking about
5 clearing out or razing the city here. We are
6 talking about working within the existing
7 fabric that we have.

8 Most of our lots are 10,000 square
9 feet or less. You know, when you actually add
10 up all of the lots, and my next graphic is
11 going to illustrate this, you know, 90 percent
12 of all of our commercial lots are less than
13 9,500 square feet in area. And 80 percent are
14 less than 4,500 square feet.

15 So as you can see in a very small
16 percentile, 10 percent we have a 5,000 square
17 foot drop in size.

18 Overall, this actually would result
19 in a minimum cumulative increase in
20 nonresidential FAR. It's not swinging
21 everything now in favor of nonresidential FAR.

22 And I think generally what you would find is

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1 that when you look at the balance of
2 residential uses that surround our commercial
3 areas to the actual commercial uses within
4 them, we are not creating a huge swing here.

5 So let's look through some graphics
6 to help clarify the impact.

7 So this is a histogram, okay, and
8 it is intended to help us understand. Let's
9 get the pointer here. So the idea is each of
10 these bars represents the quantity of lots
11 between a certain size range.

12 Okay. So we have 1,200 lots at our
13 top, our most common lot size that are
14 between, I think this is about, 1,500 and
15 about 1,600 or something or sorry, 1,900. So
16 between about 1,500 square feet and 1,900
17 square feet, we have 1,200 lots.

18 So each of these bars, that's what
19 we are representing. So as you can see, you
20 know, the vast majority of our lots are under
21 4,500 square feet. We do have some between
22 the 4,500 and 9,500, but it's a lot more

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1 limited.

2 And so what we tried to do is
3 quantify, okay, well, what would happen then?

4 So if you add up that, based on the lot size,
5 little bit of extra area that everybody is
6 getting, how much would it amount to?

7 So the first table we have here,
8 which is in your package, in the report
9 package, actually shows that, okay, if we take
10 what we know about how many lots actually
11 exceed 1.5 FAR, existing buildings, and they
12 were allowed to shift, you know, the existing
13 building space totally to nonresidential, what
14 would happen?

15 So the numbers on the right show
16 that, basically, between both zones, we would
17 end up with about a 3 percent increase. Okay.

18 So again, it's not substandard, but this does
19 impact a lot of lots. It impacts like
20 somewhere in the range of about 1,000 lots, I
21 think.

22 And then this graphic is intended

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1 to represent, well, okay, if we were to assume
2 that you were to clear every commercial area
3 in the city of all buildings and rebuild from
4 scratch, how much would you be allowing a
5 shift in nonresidential floor area?

6 So that would amount,
7 theoretically, to 17 percent, but this would
8 be contingent on a lot of redevelopment
9 happening all at once. So I think, you know,
10 again, we sort of have a benefit here in that
11 it provides us flexibility to a relatively
12 high concentration of lots, but the cumulative
13 impacts in terms of shift in nonresidential
14 floor space is nominal.

15 Our next issue is lot occupancy.
16 So similar to the FAR discussion we just had,
17 existing and new buildings are often treated
18 the same, so that's a problem when we are
19 changing uses between use types within
20 existing structures.

21 In many cases, a lot of our work
22 with our neighborhood planners, the smaller

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1 plans show that what we are dealing with is,
2 Georgia Avenue is a great example, where you
3 have very small lots that have very shallow
4 depth and the lot occupancy requirements just
5 aren't practical in those contexts, and as
6 well on corner lots, we have many corner lots
7 that, again, are prime real estate and we
8 aren't able to facilitate a full build-out and
9 get those fully built-out street walls, which
10 the Comp Plan directs us to do.

11 And part of what has helped us sort
12 of see this problem is that in terms of
13 variance analyses, what we see is that 1 in 5
14 building bulk variances is associated with
15 occupancy.

16 So variance is supposed to be for a
17 special circumstances, you know, where
18 somebody is dealing with a lot that is sort of
19 different. You know, it's dealing with a
20 problem. Whereas, this more appears to be
21 well, this is the standard case that we have
22 lots that aren't able to comply with the

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1 standard.

2 And again, I'm going to go through
3 an explanation, like between our other bulk
4 standards and the Building Code requirements,
5 we are somewhat duplicating regulations here,
6 both in protection to the people who occupy
7 the building and to the surroundings.

8 So what we are proposing is to
9 remove lot occupancy as a regulation within
10 the identified zones, CR, SP, W and C. And
11 what we want to do is we want to rely on our
12 existing tools, which we think do a pretty
13 good job, but then we also want to propose
14 some new tools and I'm going to get to one of
15 those later, which will help us sort of
16 control impacts on surrounding areas.

17 And the basic rationale here is
18 that, you know, Building and Housing Codes
19 they really deal with protections for building
20 occupants. The District's Housing Code as
21 well as the Building Code both have provisions
22 for minimum window areas and minimum building

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1 separation requirements, which get at the same
2 basic intent.

3 So what I have tried to do here is
4 put together a little graphic which
5 illustrates how the Building Code works. And
6 in the report, there is a more detailed
7 analysis which shows two scenarios. But what
8 is important to understand here is that, you
9 know, again, Building Code and Housing Code
10 requirements relative to the size of a room
11 that is, you know, a habitable room, which
12 would be a living room or a bedroom.

13 Based on the area of this space,
14 you are required to provide a minimum window
15 area. So you can't just close off a wall and
16 that makes good sense.

17 Now, there is also other
18 regulations that say well, okay, based on the
19 greater window area you have, you know, as
20 window area gets greater, you are also
21 required to maintain a minimum separation from
22 a lot line or another building. So in a

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1 sense, it's, I don't want to say self-
2 regulating, a control which is more a function
3 of what is going on in the building.

4 So, you know, if I have a secondary
5 space here, well, maybe I should be able to go
6 a little closer to the lot line. Whereas, if
7 I'm providing a primary room that is intended
8 to provide light to its occupants, well, maybe
9 I should be separated further. So it's a
10 different way of doing it and I think it's
11 more appropriate to the context that I
12 identified where you have got those smaller
13 lots that are challenging to infill, to do
14 infill construction.

15 The next two builds off the
16 occupancy. This is one of the tools that we
17 are proposing to actually help assure the
18 protection of surrounding areas to a building.

19 So if you are building within a zone, we want
20 to, again, provide those protections to the
21 surrounding residential areas.

22 And what I have cited here is a

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1 list of all the different land use policies.
2 And I think there is even more within the
3 report. And there is a host of them and they
4 all have to do with controlling the physical
5 relationship of new buildings within
6 Commercial and Mixed-use Zones and the
7 surrounding residential areas. So there is
8 plenty to support this approach.

9 Now, what we have tried to do
10 though is, the great thing again, the District
11 Zoning Code already has a tool that does this
12 and it is located in the ARTS, Uptown/ARTS
13 Overlay.

14 So what we did is we did an
15 analysis of that existing tool and we sort of
16 said, okay, well, how can we apply this
17 throughout the city? And, unfortunately, we
18 did identify some problems with the existing
19 tool. And I'm going to sort of highlight
20 those and then show you what we are proposing.

21 So the existing tool, a problem is
22 that the way it is applied is it is relative

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1 to a Resident Zone versus, you know, the
2 Commercial Zone that you are in. And the
3 reason this is a problem is that by using the
4 general term Residence Zone, what we may have
5 is a Residence Zone which is actually at the
6 same height as the Mixed-Use Zone.

7 And so requiring some form of
8 angular setback doesn't really make much sense
9 because, well, how is there an impact in terms
10 of, you know, providing a smooth transition to
11 a surrounding low scale area? So that was the
12 challenge with the existing regulation.

13 And the second element is that the
14 application occurs relative to your lot line.

15 So if I'm building within this zone, this is
16 the lot line which separates me from a
17 Residence Zone and regardless of how far my
18 alley or how large the alley separation is,
19 I'm always measuring from the same point.

20 And that is also kind of
21 impractical, in that, well, if there is a 30
22 foot alley between me and my neighbor, there

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1 is already a natural buffer there. And if you
2 read a lot of the Comp Plan language, that is
3 what it is dealing with is providing, you
4 know, space separation, providing visual
5 separation from the larger scale building to
6 the lower scale buildings.

7 So what we are proposing, and
8 instead of trying to explain it, we are
9 basically proposing a zone-to-zone transition
10 requirement. And so the idea is that similar
11 to the ARTS Overlay, that you would apply it
12 relative to, you know, if I'm in this zone and
13 I'm abutting a Residence Zone, I have to be
14 abutting an actual lower scale zone, you would
15 start measuring from the actual opposing lot
16 line within the Resident Zone.

17 Okay. And what we have -- the next
18 element is that what we are proposing is that
19 it's relative always to the height of this
20 zone. So if through later changes, through
21 small area plan processes, the height of this
22 zone changes, well, it's going to change how

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1 the law is applied in this zone, so it's
2 flexible for future changes.

3 So the idea is that 10 feet above
4 this point, you will draw an angular plane at
5 45 degrees and within this area you are
6 required to meet that additional setback
7 requirement.

8 So this context I have shown here
9 is an alley context, you know, where we have
10 sort of a natural break in between, that's
11 again providing us a natural buffer. But then
12 where there is no alley, the zone boundary
13 line, in a sense, is the separating lot line
14 and so you get a more strict standard, if you
15 will.

16 So in terms of the existing CR/ART
17 Zone, we are proposing that we standardize it
18 there as well. In a sense, the CR/ART Zone
19 will apply the standard as we are proposing
20 it. Within the report, there is a more
21 detailed analysis of how this would impact
22 that area.

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1 Generally, what we found is that it
2 wouldn't, in that the areas where there would
3 be any change in the application of the
4 standard as it currently is written, those
5 areas are either built-out or they are
6 abutting sort of District or, I think,
7 federally-owned land.

8 And then the areas where there is
9 vacant property, we looked out in that the
10 standard would be exactly the same.

11 Sort of now looking at it from a
12 historical perspective, about well, okay, how
13 will applicants be able to deal with this?
14 Well, I think we have got great history here
15 in D.C. of applying the same tool, but we
16 apply it from the street frontage and we also
17 have applied it in the ARTS District, so, you
18 know, between the Height Act and the ARTS
19 District requirements, we do have some
20 experience doing this.

21 More recently, it was implemented
22 in the Capitol Gateway Overlay, again,

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1 relative to street frontage. And Toronto,
2 Ontario, they have been doing this since 1986
3 and it is a highly common tool for helping
4 ensure compatibility between existing
5 commercial areas and surrounding residences.

6 So we are going to pause again
7 before we go into the last part and answer any
8 questions.

9 CHAIRMAN HOOD: All right.
10 Colleagues, any questions? Commissioner May?

11 COMMISSIONER MAY: Sure. I'm a
12 little confused about the Recommendation 11
13 where you are proposing that you could build-
14 out two full floors, but if the lot occupancy
15 in C-2-A is limited to 60 percent, that would
16 only be 1.2.

17 Are you saying that the lot
18 occupancy wouldn't be limited?

19 MR. GIULIONI: But we are proposing
20 to remove the lot occupancy.

21 COMMISSIONER MAY: Remove the lot
22 occupancy entirely?

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1 MR. GIULIONI: No, no. There is no
2 lot occupancy for commercial floors.

3 COMMISSIONER MAY: Oh, sorry.

4 MR. GIULIONI: In any Commercial
5 Zone.

6 COMMISSIONER MAY: Okay. So there
7 is no --

8 MR. GIULIONI: Lot area is 100
9 percent.

10 COMMISSIONER MAY: It's 100
11 percent.

12 MR. GIULIONI: In all Commercial
13 Zones now.

14 COMMISSIONER MAY: I got it.

15 MR. GIULIONI: I think that's
16 something that is important here.

17 COMMISSIONER MAY: Got it. Okay.
18 Right. That's what I was -- and why would you
19 allow the full second story of commercial use
20 in a -- sorry, a full commercial use of the
21 building as a special exception only for new
22 construction?

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1 Why wouldn't you want to apply that
2 to existing buildings? You are providing, in
3 essence, an incentive to tear down the
4 building.

5 MR. GIULIONI: No. The main
6 recommendation is for existing buildings. If
7 you have got an existing building --

8 COMMISSIONER MAY: Yes.

9 MR. GIULIONI: -- and you are at 80
10 percent lot occupancy, so two full stories
11 would be, you know, 1.6 FAR.

12 COMMISSIONER MAY: Right.

13 MR. GIULIONI: You can do that as a
14 matter-of-right. So it's a matter-of-right
15 for existing buildings. So there is no
16 incentive to tear down existing buildings.

17 COMMISSIONER MAY: But -- okay.
18 Maybe I'm reading this wrong.

19 MR. GIULIONI: The more strict
20 standard is actually for new buildings.

21 COMMISSIONER MAY: Or is a special
22 exception on that.

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1 MR. GIULIONI: Yes.

2 COMMISSIONER MAY: I've got it.
3 Okay.

4 MR. GIULIONI: It's actually a
5 special exception for new buildings.

6 COMMISSIONER MAY: Got it. All
7 right. All right. Let's talk about the
8 example where you showed the IBC sort of
9 diagram with the setback requirements. Yes,
10 and that one, now, if you imagine it on the
11 right, the diagram on the right that the
12 required separation E were actually a required
13 separation between two parts of the same
14 building.

15 MR. GIULIONI: Yes.

16 COMMISSIONER MAY: And so you would
17 wind up with -- and you provide a very helpful
18 chart on this Figure No. 40, which shows an
19 example, you know, 25 percent window openings,
20 the minimum required separation being 15 feet
21 and the resulting lot occupancy at 85 percent.

22 But if you imagine that's the case

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1 that you have got right there, you could
2 easily face that with something else and that
3 15 feet separation applies for both wings of
4 the same building. So you could get up into
5 the 90 percent lot occupancy and still meet
6 IBC?

7 MR. GIULIONI: I'm not sure.

8 COMMISSIONER MAY: Are you
9 following me?

10 MR. GIULIONI: No, but if you want
11 to repeat it, I'm listening.

12 COMMISSIONER MAY: Okay. Just
13 imagine that what you have got there, if you
14 take the line that is the property line and
15 consider that a mirror line.

16 MR. GIULIONI: This line here?

17 COMMISSIONER MAY: Yes.

18 MR. GIULIONI: Okay.

19 COMMISSIONER MAY: And you flip the
20 whole thing over, so you've got, you know,
21 basically another wing of the same building.

22 MR. GIULIONI: Right.

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1 COMMISSIONER MAY: And they are
2 facing a court now and the court is only 15
3 feet.

4 MR. GIULIONI: Well, sorry, that's
5 important. This actually gets back to your
6 earlier question. If I'm on the same piece of
7 property, this line becomes an imaginary
8 property line that it is measured to a center
9 point between two building faces.

10 So even if there is not a property
11 line, I'm still required to maintain that
12 separation relative to the window area. So it
13 would be, you know, I mean --

14 COMMISSIONER MAY: Another 15 feet?

15 MR. GIULIONI: Correct. So you
16 would have a 30 foot total separation.

17 COMMISSIONER MAY: I think again
18 there needs to be some sort of actual work out
19 examples of this.

20 MR. GIULIONI: Sure.

21 COMMISSIONER MAY: Because I mean,
22 we have some existing examples and some new

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1 buildings that are built with 30 feet
2 separation for residential. And they are some
3 of my least favorite buildings. So I am just
4 a little bit concerned about how this is
5 actually going to work out, so I would be very
6 interested in seeing examples of that.

7 MR. GIULIONI: Sorry, just to be
8 clear, examples like modeled examples or
9 examples --

10 COMMISSIONER MAY: Well, you know,
11 you did this sample in Figure 40 where you
12 actually did some of the calculations.

13 MR. GIULIONI: Sure.

14 COMMISSIONER MAY: Now, I don't
15 know if that is all worked out with all of the
16 IBC requirements, but it would be interesting
17 to see sort of a typical floor plate or even
18 the most extreme floor plate you could come up
19 with based on IBC and what is the result going
20 to be.

21 Because if we are not going to see
22 it in terms of lot occupancy as a limit, I

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1 want to have some comfort that the IBC is
2 going to get us somewhere close to that.

3 I would also like to know whether
4 there are, you know, any kinds of exceptions
5 in the IBC that allow those to be manipulated
6 like, you know, fire curtains with fusible
7 links and things like that that create the
8 fire separation and allow you to reduce some
9 of the distances.

10 I don't know if you can do any of
11 that in a residential setting, but if there
12 are any sort of tricks to get around it, I
13 think we would want to know it before we
14 simply rely on that. Okay. Thanks.

15 CHAIRMAN HOOD: Okay. Anyone else?
16 Commissioner Turnbull?

17 COMMISSIONER TURNBULL: Thank you,
18 Mr. Chair. I would like to continue on with
19 that same question that Commissioner May had
20 brought up on the IBC.

21 I guess I'm getting a little muddy
22 here between Zoning and Building Code.

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1 MR. GIULIONI: That's because they
2 both deal with buildings.

3 COMMISSIONER TURNBULL: Right. But
4 I guess I'm wondering what are we looking at?
5 What are we going to see? What is BZA or
6 someone going to be looking at when we start
7 getting back to all these policy actions? Is
8 it getting to be more -- it sounds like you
9 are making it more complicated for them to try
10 to --

11 MR. GIULIONI: No. I think if
12 anything, these requirements apply right now
13 whether we change the Zoning Code or not. I
14 think that's an important consideration.
15 These regulations, both within the Housing
16 Code and within the Building Code, they exist
17 and they operate independently, you know, as
18 it stands.

19 COMMISSIONER TURNBULL: Right. No,
20 we understand that.

21 MR. GIULIONI: So in the context of
22 lot occupancy, we would be simply removing the

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1 need for an applicant to have to address an
2 additional standard because the would already
3 be relying on another standard of a different
4 title of the DCMR.

5 COMMISSIONER TURNBULL: But I guess
6 what Commissioner May started to get at, are
7 we looking for reassurances? How are -- what
8 is the Zoning Commission or the BZA going to
9 see relative to this for reassurances that
10 these other issues are being met?

11 MR. GIULIONI: Okay.

12 COMMISSIONER TURNBULL: Or are we
13 not concerning ourselves with that?

14 MR. GIULIONI: I think the issue
15 that we ran across here is that lot occupancy
16 was put in place in zoning before there was a
17 Building Code. And it right said, you know,
18 residential portions of structures needs some
19 separation, need some, you know, controls on
20 light and air, etcetera.

21 Now, we have -- new buildings that
22 are going up are limited to a functional lot

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1 occupancy, as Mike showed in Figure 40, of 75
2 to 85 percent. And these Districts that we
3 are talking about have lot occupancies for
4 these areas anywhere from 75 to 100 percent.

5 So what we are finding is that the
6 functional controls in the building are about
7 the same or less than the controls that were
8 put in in 1920 in the Zoning Code. And
9 moreover, one of the sort of fundamental
10 things that we have been trying to do in our
11 zoning review is identify these instances
12 where we have different rules for the same
13 structure based on the use that is in the
14 structure.

15 Because what we want to encourage
16 through our Zoning Code is reuse and
17 readaptability of existing buildings. We have
18 got -- our city is not a green field where
19 most of the buildings are going to be new.
20 Our city is an adaptive city where we are
21 going to be reusing old structures and
22 changing old structures.

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1 And one of the fundamental
2 principles that we are trying to get away from
3 the old code, the old code is based on what we
4 want to see in new buildings. And it didn't
5 match what we had on the ground.

6 We are trying to draw up a code
7 here that describes the buildings that we have
8 on the ground in a way that we will be able to
9 reuse them. And most of our commercial
10 buildings, in these zones especially, are more
11 than 75 percent lot occupancy, more than 80
12 percent lot occupancy.

13 So if you want to adopt an existing
14 building in these zones for residential, you
15 have to get a variance. Not to build a new
16 building, to adapt an existing building.

17 And I think that's what we are
18 trying to avoid. We are trying to avoid the
19 Zoning Commission or the BZA having to look at
20 variances to change the use of existing
21 buildings back and forth from commercial and
22 residential. And we are, I guess, saying to

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1 you that new buildings going up we don't have
2 to worry about as much, because the functional
3 limitation on the residential floors is the
4 same or greater than what is in our Zoning
5 Code.

6 COMMISSIONER TURNBULL: Okay. I
7 guess there is a lot of times and I think you
8 may find this on the BZA, you get into some
9 really strange situations that although we are
10 not ruling on Building Code issues, they are
11 sort of underlying some of our zoning or how
12 we are looking at this.

13 So okay. All right. Thank you.

14 CHAIRMAN HOOD: Anybody else?
15 Okay. Continue. I think this is the last
16 one, isn't it, or two more?

17 MR. GIULIONI: No, I think actually
18 this will be the last sort of block.

19 So I'm going to handle one more and
20 then I'm going to send it over to Travis.

21 So our first one here is our plaza
22 requirements. And right now, this regulation,

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1 which is basically applied only in CR Zones,
2 so if you are in a CR Zone, new construction
3 is required to create a plaza situation.

4 Our analysis has found that in many
5 cases the guidelines that are there are too
6 vague about what is, in a sense, intended,
7 like what you want to create. There is
8 conflicts with other regulations,
9 specifically, the CR/ARTS District. You know,
10 it has a minimum building wall requirement
11 that you will build a minimum amount of a
12 building to the lot line. And then we are
13 telling an applicant that you have to provide
14 open space, so, you know, we are creating
15 conflict there.

16 The spaces that we get, you know,
17 again, because the guidelines are vague,
18 sometimes they are good. The survey that Dan
19 Emerine in our office did found that we do
20 actually have some great spaces that were
21 created as a result of this, but in most --
22 but on the other side of the coin, we have

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1 many spaces that are not good necessarily.

2 And the final sort of problem with
3 this is it really assumes large scale
4 development. You know, if I'm dealing --
5 again, I showed you our chart of lot sizes.
6 If I have a lot size under 5,000 square feet,
7 requiring an open space requirement really
8 isn't practical in that context.

9 So what we are recommending here is
10 we are going to retain the basic regulation as
11 a requirement, so it's going to be made
12 available to all zones, Mixed-Use Zones to
13 apply, but we are not applying it in this
14 instance or through the review process.

15 But we want to modify the
16 requirements, so that only if you have a lot
17 that is greater than 10,000 square feet must
18 you comply with the plaza requirements. We
19 are only going to count spaces that are open
20 to the sky, you know, only those space will
21 qualify as plaza space.

22 We are going to reduce the area

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1 requirement to 8 percent of the lot size. And
2 we are going to, you know, bring more clarity
3 to what it is, to standards that actually make
4 good space, so that as an applicant fulfills
5 their requirements, we know we are going to
6 get a good result every time.

7 And as a sort of housekeeping
8 component, we are going to remove the plaza
9 requirements that currently exist in the ARTS
10 Overlay, so when the text comes forward, you
11 won't see that requirement there.

12 So now, I'm going to turn it over
13 to Travis, who is going to handle our final
14 subject, which is use concentration.

15 MR. PARKER: So right now, the code
16 really has two strategies for handling or for
17 controlling uses and controlling the
18 concentration of uses in the District. 90
19 percent of the time that's done by just saying
20 a use that we want to review or want to avoid
21 is a special exception.

22 But in our current neighborhood

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1 Commercial Overlays, we have an additional
2 tool that we use where we have sort of a
3 special exception light where if the corridor
4 is under 25 percent concentration, a couple
5 corridors have 50 percent, then the use is, in
6 this case restaurants, going as a matter-of-
7 right.

8 If the corridor at the current time
9 measures above 25 percent, then those uses
10 have to go through a special exception
11 process.

12 Back in 2008, we first started
13 talking about this issue and the Commission,
14 at the time, basically, said this existing
15 standard is causing a lot of problems. It is
16 difficult to understand and enforce, go away
17 and look at it and recommend us some changes.

18 So we spent a lot of time on this
19 and in the Commercial Working Group, we, you
20 know, threw out a bunch of different ideas,
21 different ways that jurisdictions do that and
22 relooked at our existing way. And people

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1 generally found that of the several different
2 options that we looked at, the existing was
3 the preferred method.

4 But there are many, many issues
5 that we need to resolve if we are going to
6 continue to use the existing 25 percent linear
7 frontage.

8 And just as a little history, I
9 think this was in the report, when this was
10 created, it was created, it was basically
11 copied off what San Francisco was doing at the
12 time. They were creating a very similar
13 change where they, you know, limited uses when
14 neighborhoods crossed the threshold.

15 Within about five years of adopting
16 that, San Francisco took it away and they
17 basically said, you know, this isn't working.

18 This is too hard to enforce. And San
19 Francisco went back to a system where they
20 just did it neighborhood-by-neighborhood.
21 This neighborhood is matter-of-right. This
22 neighborhood is a special exception. And they

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1 regularly go in and update, you know, which
2 ones are matter-of-right and which ones are
3 special exception.

4 We haven't done that. We have kept
5 it in place, but I think that what we have
6 found, from our research, is that we really
7 have two options. We either need to go the
8 San Francisco route and do it neighborhood-by-
9 neighborhood special exception or not special
10 exception or if we are going to keep it, we
11 need to strengthen the program and we need to
12 solve a bunch of issues.

13 First, what qualifies and what
14 doesn't as meeting that limit? We need to
15 establish a baseline of total street frontage.

16 We need to have better date management. We
17 need to solve the property -- vesting of
18 property rights. And we need to determine
19 scale of application.

20 A lot of this was done recently for
21 the ARTS Overlay. You, I think, all have
22 recently been involved with the case in the

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1 ARTS Overlay where they have tried to solve a
2 bunch of these problems. And I think to a
3 great extent have done so successfully.

4 But I'm going to run through
5 basically each of these things. In order to
6 limit the percentage of street frontage, I
7 think, we have to solve these issues:

8 We need a precise delineation of
9 the uses. We need clear guidance on how to
10 measure street frontage, both total and as it
11 applies to those particular uses. We need to
12 outline the standards for the vesting of
13 property rights. And we need to greatly limit
14 the geographic scope of the limitation and
15 measure based on smaller blocks of land than
16 entire, you know, 20 and 30 block corridors.

17 So I think there is a lot of issues
18 there, but I think maybe hopefully it was
19 clear in our report what we were recommending
20 and what needs to be done, but we're happy to
21 answer some questions on that.

22 CHAIRMAN HOOD: Okay. Thank you,

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1 Mr. Parker and Mr. Giulioni. Did I get your
2 name right?

3 MR. GIULIONI: Yes.

4 CHAIRMAN HOOD: Okay. Mr. Parker,
5 let's look at Exhibit, I guess this is, 4, a
6 letter from ANC-6B. They particularly go to
7 your Recommendation 15. I don't know if you
8 had a chance to see that letter.

9 MR. PARKER: I don't have that
10 letter.

11 CHAIRMAN HOOD: You don't have it?
12 Let me read to you the last part of it, which
13 I think is what they are requesting for us to
14 do and we haven't heard from those who want to
15 testify.

16 It says "Therefore, we believe the
17 Zoning Commission should consider the issues
18 of limitations on retail use separate and
19 apart from the issues concerning Mixed-Use
20 Zones. If the Office of Planning and the
21 Zoning Commission are going to undertake a
22 review of these issues, it needs to be in a

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1 hearing devoted to the specific issue, not
2 mixed in with a number of technical issues. I
3 thank you in advance for considering our
4 recommendations in this matter."

5 And it basically goes to that whole
6 Recommendation 15. And I don't know if that's
7 something that we might need to look at, but
8 that's what they are requesting that we not
9 mix it in specifically and deal with the
10 limitations of the retail use separate and
11 apart.

12 They are basically asking that to
13 be a hearing all by itself. Any thoughts on
14 that?

15 MR. PARKER: I think the last count
16 of official issues that we are dealing with in
17 the Zoning Regulations is 1,200,015. I guess
18 we have tried to organize these issues by
19 type. And this is an issue that is a Mixed-
20 Use Zone issue. It is a commercial corridor
21 issue. It needs our recommendations for
22 commercial corridors.

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1 We are happy to have -- you know,
2 if this warrants additional hearing time, we
3 are happy to have it. But I think this is the
4 appropriate context in which to start
5 considering it.

6 CHAIRMAN HOOD: Okay. Is anyone
7 here from 6B? Okay. Thank you.
8 Commissioners, any last questions, comments?
9 Okay. Let's go to the -- I probably could
10 call the witness list. Let me just do it and
11 see if I miss anybody.

12 Ms. Simon, Ms. Gates, Ms. MacWood,
13 President, I think you are still the President
14 of Cleveland Park. Are you testifying?
15 Everybody who is testifying raise your hand
16 and let me see.

17 Okay. So I missed one person. I
18 don't know his name. What's the gentleman's
19 name? Cary? Mr. Cary? Kadlecek. Okay. So
20 the four of you all can come forward in that
21 order. Four, there's four.

22 It really shows the commitment when

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1 I can -- don't need the sign-in sheet. That's
2 good. The only issue that I have, I don't
3 know whether you like what you see, don't like
4 what you see, so before you start, if you
5 could just let us know where you are and we
6 will start with Ms. Simon when she gets ready,
7 I guess, unless you all have a particular
8 order you would like to go in?

9 So we will just start right to my
10 left and come right on over to my right.
11 Start with Ms. Simon and then Ms. Gates, Ms.
12 MacWood and the gentleman.

13 MS. SIMON: Can Nancy go first?

14 CHAIRMAN HOOD: Okay.

15 MS. MacWOOD: Okay. I want to make
16 -- ask a question.

17 CHAIRMAN HOOD: Sure.

18 MS. MacWOOD: Just one. Mr. Chair,
19 since we had a very long presentation, there
20 are an awful lot of recommendations that we
21 are going to try to address. There is a very
22 long report notice as well. And since we are

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1 -- there are only four of us, could we not be
2 timed?

3 CHAIRMAN HOOD: Oh, we --

4 MS. MacWOOD: We all have written
5 testimony, I mean.

6 CHAIRMAN HOOD: I was thinking you
7 would ask for maybe an extra minute or two,
8 but not be timed? I mean, this is passionate,
9 so we may be here all night. But I'll tell
10 you what, we'll be considerate and I would ask
11 you all to be considerate, so we can get
12 through it.

13 MS. MacWOOD: Sure.

14 CHAIRMAN HOOD: We will start off
15 with everybody is getting five minutes, I
16 believe, right?

17 MS. SCHELLIN: Yes.

18 CHAIRMAN HOOD: If you go up to
19 seven or eight, that would be fine. Okay?
20 Okay. We may squeeze another two in. Let's
21 see how it goes. Okay. We will start with
22 you, Ms. Simon.

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1 MS. SIMON: All right. My name is
2 Marilyn Simon and I am speaking on behalf of
3 Friendship Neighborhood Association.

4 It is difficult to assess the
5 impact of many of these recommendations
6 advertised in the public notice, since the new
7 definitions will apply in all zones and will
8 interact with recommendations and proposed
9 languages in many other sections.

10 There does, however, seem to be a
11 general theme in many of these recommendations
12 and that is to increase the allowable
13 footprint for many sites and to provide
14 matter-of-right development possibilities on
15 sites that would currently need to be combined
16 with adjoining lots to support a development
17 project without having a negative impact on
18 the light and air of neighboring property
19 owners.

20 Another thing is to discourage
21 development that has no break in the street
22 wall, based on the assumption that having

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1 impenetrable blocks regardless of block size
2 in medium and high density Mixed-Use Zones is
3 desirable.

4 To fulfill these goals, the Office
5 of Planning has reviewed several special cases
6 providing an overly simplistic analysis
7 focusing only on a few specific Comprehensive
8 Plan policies and recommending that these
9 special cases be addressed with global changes
10 to matter-of-right zoning envelope.

11 In spite of several assurances that
12 these recommendations are consistent with the
13 Comp Plan, this seems to be little analysis of
14 the impact of these changes outside of these
15 special cases.

16 In Recommendation 11, to allow
17 existing buildings in a C-2-A or C-2-B Zone to
18 have commercial use equal to the greater of
19 1.5 FAR or two full stories as a matter-of-
20 right or new construction to allow a second
21 story of commercial use as a special exception
22 in mixed-use buildings -- excuse me, as a

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1 matter-of-right in mixed-use or as a special
2 exception in commercial buildings, seems to be
3 a solution in search of a problem.

4 It seems to focus on mixed-use
5 buildings that have lot occupancies above 75
6 percent and do not have any significant amount
7 of space in the first two floors associated
8 with the residential use above.

9 Further, it seems to encourage new
10 commercial buildings in Mixed-Use Zones to
11 increase lot occupancy above 75 percent up to
12 100 percent in order to obtain the increased
13 FAR that becomes available with this change.

14 As an example, some commercial
15 corridors have C-2-A Zones along the corridor
16 next to low-density residential neighborhoods.

17 This proposed change provides an incentive to
18 push the commercial-only buildings closer to
19 the rear yards of these single-family homes.

20 Recommendation 12, to rely on
21 existing Building Code Regulations rather than
22 residential lot occupancy to deal with light

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1 and air considerations for residential
2 buildings in Mixed-Use Zones fails to take
3 into account the concerns that were raised by
4 the working group.

5 The working group suggested that
6 the 100 percent lot occupancy for commercial
7 uses is not working well and that a lower
8 limit on lot occupancy for commercial uses
9 should be implemented, one that considers
10 light and air access for neighboring
11 properties and ensures provision of open space
12 to ensure respect for surrounding buildings
13 and the character of the neighborhood.

14 Recommendation 13, to modify the
15 Transition Regulations, does not full address
16 the Comp Plan provisions requiring buffers
17 between high-density areas and low-density and
18 moderate-density residential neighborhoods.

19 For example, policy, land use 2.4.4
20 Heights and Densities in Regional Centers
21 specifically mentions the use of buffer areas,
22 as does policy LU 2.3.4, Transitional and

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1 Buffer Zone Districts.

2 Even keeping in mind the need to
3 preserve existing buffer zones and implement
4 new ones, as necessary, the recommendations do
5 not appear to be adequate for protecting low
6 and moderate-density neighborhoods where no
7 buffer zone is possible.

8 For example, the angular plane is
9 defined to begin at the property line or the
10 center of the alley from a height which is 10
11 feet above the maximum permitted height in the
12 neighboring zone.

13 As we know, prevailing heights in
14 many low-density Residential Zones are well
15 below the maximum allowed, adding 10 feet and
16 then moving up at a 45 degree angle from the
17 middle of the alley can produce a building
18 wall that will loom menacingly above the
19 dwelling on the other side of the alley.

20 In summary, I ask that you exercise
21 caution in providing guidance on global
22 recommendations whose impact cannot yet be

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1 evaluated in each of the zones where these
2 changes will affect the zoning envelope and
3 also that you consider the cumulative impact
4 on our urban environment on the light and air
5 of neighboring properties of a large number of
6 the proposed changes, each of which provides,
7 as a matter-of-right, more flexibility to
8 expand the footprint, reduce buffers, increase
9 density.

10 And I also ask that we consider
11 future requests for Map changes, that you
12 recognize the need for buffer zones it
13 restricts and to not assume that the loose
14 Transition Regulations proposed tonight or
15 even more stringent Transition Regulations can
16 substitute for the Buffer Zone Districts,
17 which currently exist or which should be
18 included in new regional centers or in street
19 car zoning.

20 Thank you very much.

21 CHAIRMAN HOOD: Thank you very
22 much. Ms. Gates?

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1 MS. GATES: Good evening, Members
2 of the Commission. I am Alma Gates, a Member
3 of the Zoning Rewrite Task Force and
4 representing Neighbors United Trust at
5 tonight's hearing.

6 The trust was established by a
7 group of residents of the Palisades
8 neighborhood who support the Comprehensive
9 Plan guidance principles for creating
10 successful neighborhoods.

11 The residential character of
12 neighborhoods must be protected, maintained
13 and improved. Many District neighborhoods
14 possess social, economic, historic and
15 physical qualities that make them unique and
16 desirable places in which to live.

17 Many neighborhoods include
18 commercial and institutional uses that
19 contribute to their character. Neighborhood
20 businesses, Retail Districts, schools, parks
21 and recreational facilities, houses of worship
22 and other public facilities all make our

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1 communities more liveable.

2 Confidence in Government begins at
3 the neighborhood level. It is built block-by-
4 block based on day-to-day relationships and
5 experiences. Meaningful citizen participation
6 and quality response of neighborhood services
7 are essential to sustain successful
8 neighborhoods.

9 Throughout the Zoning Rewrite
10 process, the working groups have been informed
11 of development policies from other cities.
12 Yet, the District of Columbia is built and has
13 identifiable neighborhoods. True, there are
14 areas of the city that need development, but
15 that development needs definition that is
16 consistent with neighboring areas of the city
17 that have contributed to the uniqueness of the
18 city and been protected by a Zoning Code that
19 has evolved and changed since 1958.

20 Careful attention needs to be paid
21 to the changes proposed in this chapter, lest
22 we evolve into the city that lost its

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1 character.

2 In the material presented to the
3 Task Force, OP noted the District has a unique
4 and historic street pattern of great and
5 diagonal streets in the older parts of the
6 city and more curvilinear streets beyond.
7 This street pattern has resulted in a wide
8 variety of lot shapes through strict
9 rectilinear lots in the older parts of the
10 city to irregular polygons in the more
11 suburban areas around the borders of the city.

12 OP is proposing blanket changes to
13 definitions under this chapter that ensure
14 development on those irregular, nonconforming
15 or oddly-shaped lots and would apply those
16 changes to all lots in all zones.

17 In other words, all lots are being
18 reduced to the lowest common denominator
19 instead of requiring some lots to seek a
20 variance. The notion of ensuring every lot
21 fits Cinderella's slipper was raised
22 continuously in the low to moderate

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1 Residential Working Group and the Task Force
2 thinking one size can't fit all and does not
3 comport with the Comprehensive Plan.

4 The residential character of
5 neighborhoods must be protected, maintained
6 and improved. Many District neighborhoods
7 possess qualities that make them unique and
8 desirable places in which to live. These
9 qualities can lead to development and
10 redevelopment pressures that threaten the very
11 qualities that make neighborhoods attractive.

12 These pressures must be controlled
13 to ensure that neighborhood character is
14 preserved and enhanced.

15 Recommendation 1, add definitions
16 related to the term setback. Rather than
17 measuring out from the rear of the building or
18 structure for a specified distance, OP is
19 recommending measuring from the rear lot line
20 in and adding a front setback to the
21 definition's list.

22 Measuring in from the rear lot line

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1 was attempted by Toye Bello, a former Zoning
2 Administrator, in BZA Case No. 17285 where a
3 30 foot high mechanically stabilized earthen
4 structure was built to level off a rear yard.

5 Mr. Bello maintained that by measuring from
6 the outside in, the earthen structure did not
7 occupy the 25 foot rear yard or contribute to
8 lot occupancy and, therefore, did not qualify
9 as a structure in a rear yard.

10 The BZA did not agree with Mr.
11 Bello and the Court of Appeals upheld the
12 BZA's decision.

13 How will this change in terminology
14 setback affect the light and air that is
15 currently ensured under the required rear yard
16 setback? If the definitions are to be applied
17 across all Zone Districts, Residential
18 Districts may be looking at new separation
19 requirements and more allowable lot coverage
20 or density, since a structure can be created
21 in the space between the required setback and
22 the building's facade or yard.

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1 Does it appear that OP is actually
2 proposing changes to lot occupancy if building
3 separation requirements are lessened and
4 accessory buildings can be constructed in a
5 rear yard? This will become more clear in the
6 rationale found in Recommendation 2, modify
7 existing definitions of yards.

8 Does the new definition for front
9 yard assume the facade facing the lot line is
10 the front of the building or structure? Can
11 OP explain how the removal of the definitions
12 for yard and yard rear depth of will lead to
13 stability in established neighborhoods?

14 How will the removal of the
15 requirement that a yard must be for the full
16 width of the lot and shall be unoccupied, not
17 encouraged or promote greater lot occupancy?

18 How effective will a description
19 with that regulatory language be?

20 We have learned that existing
21 Residential Zone Districts in the R-1-A
22 through R-5-A will be combined into one

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1 category, low to moderate-density residential.

2 And the proposed definitions would apply
3 across the entire category.

4 For R-1-A Zone Districts, it is the
5 degree of separation, setbacks, yards, light
6 and air that has given those developments
7 their low-density character. Does OP propose
8 a single identity for all properties in the R-
9 1-A through R-5-A Zone Districts?

10 Recommendation 3, modify and
11 clarify the definitions for lot lines. The
12 proposed definition of a lot line may be clear
13 to some, but it seems unnecessarily cumbersome
14 compared with the definition it is meant to
15 replace.

16 OP explained that it is difficult
17 to determine some lot lines because of the
18 shape of the lot. Perhaps a survey is the
19 appropriate means of determining lot lines
20 into difficult cases rather than attempting to
21 determine them through definition.

22 Recommendation 4, modify the use of

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1 the term street frontage and its definition.
2 By adding a street lot line, OP is proposing
3 new construction would be pulled forward to
4 the front of the property along the street lot
5 line and at the same time is proposing to
6 remove the definition of yard rear depth of.

7 This would allow a larger building
8 footprint and create more density for
9 residential neighborhoods.

10 Recommendation 5, establish
11 definitions for side lot lines and rear lot
12 lines. Establish the following definitions
13 for side lot lines and rear lot lines. Lot
14 line side, a lot line that intersects a street
15 lot line.

16 While the lot line definition seems
17 to make sense, they also seem out of context.

18 If only the description is used, it is
19 difficult to know to what it relates. In
20 other words, if I say a lot line that
21 intersects a street lot line, what am I
22 talking about?

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1 Recommendation 6, remove the
2 definitions for corner lots and triangular
3 lots. The existing definitions for corner and
4 triangular lots contain descriptive language
5 and a requirement for a maximum angle that is
6 to be formed when two streets converge.

7 Based on tonight's presentation, I
8 had a question. If a corner lot is not an
9 interior lot, how can it no longer have a
10 function?

11 Recommendation 7, modify the
12 definitions for interior lot and through lot.

13 The definitions for an interior -- excuse me.

14 The existing definition for an interior lot
15 is a lot other than a corner lot or triangular
16 lot. If the definitions for corner and
17 triangular lots are to be removed, can the
18 definitions for an interior lot still have a
19 practical purpose in applying regulations and,
20 therefore, be maintained?

21 The testimony of Neighbors United
22 Trust focuses on definitions and how OP's

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1 proposed terminology will change guidance upon
2 which the public in every Residential Zone has
3 relied.

4 The new definitions have the
5 potential to encourage greater density and lot
6 coverage in Residential Zones by providing
7 more room for a larger building footprint. It
8 appears OP is attempting to use the back door
9 to introduce these concepts, rather than
10 presenting them in each District chapter where
11 they may be of significant consequence.

12 If the Zoning Commission should
13 withhold -- excuse me. The Zoning Commission
14 should withhold approval of definitions until
15 the individual measurement rules within
16 specific Zone Districts are known and until it
17 is clear that the proposed definition changes
18 will ensure consistency with the Comprehensive
19 Plan. Thank you.

20 CHAIRMAN HOOD: Thank you. Next,
21 Ms. MacWood?

22 MS. MacWOOD: Good evening. I'm

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1 Nancy MacWood representing the Committee of
2 100 tonight.

3 The committee urges the Zoning
4 Commission to schedule at least one hearing on
5 the relationship of the proposed zoning
6 changes to the Comprehensive Plan. We think
7 you will find that in many cases the Comp Plan
8 policies would lead you to make different
9 decisions.

10 Concerning the proposal Zone,
11 Commercial and Mixed-Use, yard versus
12 setbacks, the committee questions what a
13 change in terminology accomplishes. Yard is a
14 well-understood zoning concept that is used
15 throughout the Comp Plan. Why change it?

16 If yard is replaced with setback,
17 the new definition and rules using the term
18 should be clear that the required open space
19 extends the full length or width of the
20 applicable lot line and the full depth or
21 width of the structure.

22 We wonder why OP is recommending

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1 that the yard definition no longer include an
2 open area extending the full length of the
3 applicable lot line? The point of a yard is
4 to preserve open space and keep it free from
5 structure. That isn't an arbitrary goal, but
6 aims to maintain light, air and ventilation,
7 privacy, the ability to have a screening like
8 trees and shrubs that enhance the environment
9 and, generally, contribute to the health and
10 welfare of District residents.

11 The committee urges the Zoning
12 Commission to maintain yards as the applicable
13 zoning tool and should reject any definition
14 changes.

15 Lot lines. The current definition
16 of lot line is a much clearer definition than
17 what is suggested by OP. We urge the Zoning
18 Commission to retain the current language.
19 Lot lines are the lines bounding a lot or the
20 singular version of lot line is a boundary of
21 the lot.

22 The committee recommends that since

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1 we will have front, rear and side yard
2 requirements, the definitions for each lot
3 line should use the same language.

4 A front lot line also known as the
5 street line would be a lot line separating a
6 lot from the street.

7 A rear lot line is generally
8 parallel to the front lot line bounding the
9 lot.

10 And a side lot line is any lot line
11 that is neither a front nor a rear lot line.

12 The committee urges the Zoning
13 Commission to retain the definition for corner
14 lots. We see no compelling reason to
15 eliminate this standard lot definition and
16 there may be continuing need to refer to
17 corner lots and applying use requirements.

18 Keep in mind that the Zoning
19 Commission has endorsed introducing matter-of-
20 right retail office and institutional uses
21 into Residential Zones with only undefined
22 performance standards as controls. Corner

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1 lots may be particularly susceptible to
2 undesirable impacts and, thus, specifically
3 cited for enhanced controls.

4 Side yards and courts. The
5 committee is concerned that many of these
6 recommendations will result in new buildings
7 that do not continue a District standard for
8 air, light and privacy.

9 The District has not approached
10 living conditions from the standpoint of what
11 is the lowest standard we can impose, but
12 rather what are the standards that will
13 provide comfortable living conditions. The
14 thrust of OP's recommendations seems to be to
15 maximize development potential at expense of
16 residential quality of life.

17 The Committee of 100 would have no
18 objection to reducing the side yard
19 requirements for existing or new buildings, if
20 no windows or openings are allowed where 4
21 foot side yards are provided.

22 The current minimum standards of 6

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1 to 12 feet for side yards and 6 to 15 feet for
2 open courts ensure, at a minimum, that
3 residents paying low or high rents will not be
4 subjected to apartment that may have windows
5 allowing no ventilation, light or reasonable
6 privacy.

7 We think that pressure for greater
8 density is not a persuasive reason for
9 reducing the side yard requirement that has a
10 material effect on health and welfare of
11 residents beyond fire control standards.

12 Rear yard. The committee has no
13 immediate objection to consolidating the rear
14 yard formula 2.5 inches per foot of building
15 height as long as the applicable minimal rear
16 yards remain. But we urge the Zoning
17 Commission to require more information,
18 including pictures of a variety of lots where
19 this change would apply, charts demonstrating
20 what the rear yard would be at allowable
21 heights in each of the zones using the current
22 formula and the proposed formula and pictures

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1 showing how applying a 78 degree angle to the
2 yard requirement would change the actual
3 setback on actual lots.

4 Since there are different
5 objectives and protections for development in
6 each of the zones, those purposes should be
7 carefully weighed in considering whether the
8 rear yard requirements should change for each
9 zone.

10 We do strongly object to the
11 recommendation that there be no rear yard
12 requirement at grade for buildings on alleys
13 in C-1, C-2-A and C-3-A. Many low to
14 moderate-density commercial areas have narrow
15 alleys separating the Commercial Zone from a
16 Residential Zone.

17 In many of these areas, there is
18 limited public parking and no proper off-
19 street loading, particularly in Historic
20 Districts, as you know there are no
21 requirements.

22 The rear yards provide some off-

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1 street parking and loading capacity for
2 neighborhood businesses. It would be a
3 terrible result if the commercial buildings
4 were allowed to absorb this space.
5 Eliminating what little off-street space there
6 is would exacerbate the multiple demands on
7 the street. This is an ill-conceived
8 recommendation and we urge you to reject it.

9 We also cannot support the
10 suggestion that single-family dwellings and
11 alleys in these C Zones should not be subject
12 to the standard rear yard requirements for
13 single-family dwellings. It is not credible
14 that a multi-family building would be
15 converted to a single-family home in the C
16 Zone and that the owner would be confronted
17 with frustration over nonconforming rear yard.

18 This scenario does not merit a rule change.

19 We also don't agree with the Office
20 of Planning that any use in the zone, such as
21 the single-family dwelling in the C Zone
22 should have similar allowances simply because

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1 they share a zone classification.

2 Zoning provides hierarchies of area
3 requirements based on use in order to provide
4 a variety of living and working experiences
5 and to protect health and welfare of light,
6 air and privacy.

7 Courts. The recommendation to
8 replace court rules with proposed setback
9 concept calls into question what OP really
10 means by setback. If a side setback would
11 replace a court, which is required when part
12 of the building is on the side lot line, how
13 could the same side setback ensure that there
14 would be no structure in the side setback
15 area?

16 Using a single standard to replace
17 two different standards raises at least one
18 issue. If OP actually -- is OP actually
19 proposing to keep all setbacks formerly yards
20 free from structure? Is OP -- excuse me.

21 Keep in mind that OP is also
22 proposing to eliminate from the yard

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1 definition its application to the entire
2 length or width of the lot line. Adding
3 further confusion is the OP's suggestion that
4 the replacement dimension for courts would
5 only be a distance measurement from the lot
6 line and would not require that this distance
7 be maintained along the lot line to produce an
8 actual open space.

9 The Zoning Commission should ask OP
10 to explain clearly and fully what they are
11 proposing and how it will differ from current
12 open space requirements.

13 The committee has grave doubts that
14 the setback notion is going in the direction
15 that we could support. We are also not
16 convinced that an average of five variance
17 cases per year is a burden on the BZA that
18 merits this confusing change.

19 Bonus FAR in C-2-A and C-2-B.
20 There is a big difference between applying the
21 OP recommendation to allow existing buildings
22 to occupy a second full story and raising the

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1 FAR to accomplish the same thing in new
2 buildings.

3 The existing building application
4 raises a couple of issues. Will there be
5 parking and loading impacts on converting
6 residential to commercial? Perhaps more
7 important, do the split floors provide
8 affordable housing?

9 What will happen to the residents
10 who now occupy these apartments? How many
11 building owners are seeking variances and
12 where are these buildings located? Is there
13 another pattern perhaps that appears, such as
14 code violations, which should be dealt with in
15 another way and not through zoning changes.

16 The committee does not support the
17 proposal to raise the matter-of-right FAR for
18 commercial in C-2-A and C-2-B. This is not
19 about inheriting a problem, but creating one
20 when a developer wants to fully occupy a lot
21 with structure.

22 The District has longstanding rules

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1 that relate lot occupancy to FAR. If a
2 developer wants to get these rules relaxed, he
3 may get some relief through Inclusionary
4 Zoning or he can file for a PUD, engage in a
5 public process and offer public benefits
6 commensurate with density bonuses.

7 The OP recommendation gives
8 developers an incentive to build to the
9 maximum footprint, because that will give them
10 a matter-of-right bonus for commercial density
11 and no requirement to provide public benefits
12 or create an exemplary project or achieve a
13 greater building envelope through IZ.

14 The current rules aren't arbitrary.
15 They encourage developers to maintain some
16 open space on lots, which, as we know, has a
17 positive impact on the environment.

18 In Recommendation 12, OP complains
19 that commercial lot occupancy can go up to 100
20 percent, which doesn't allow any permeable
21 space, so what good is lot occupancy?

22 The benefit is that in C-2-A and C-

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1 2-B, a developer can't get an additional full
2 floor commercial at 100 percent, so they might
3 limit lot occupancy and incorporate
4 environmental community aspects into the
5 resulting open space.

6 Yet, here OP is proposing to change
7 the very rule that encourages permeable space.

8 Is this the direction the Zoning Commission
9 endorses for the city? What would be the
10 effect on building design and environmental
11 concerns?

12 Will every new building or building
13 addition involve 100 percent lot occupancy for
14 the first two floors of commercial building,
15 especially in C-2-A where alley lots would no
16 longer have rear yard requirements?

17 What happens to buffering? What
18 happens to scale and massing?

19 Eliminate Lot Occupancy Zoning
20 Regulations in all Nonresidential Zones. This
21 is the most predictable recommendation in this
22 series. OP has systematically persuaded the

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1 Zoning Commission to get rid of residential
2 lot occupancy and replace it with footprints
3 that will result in more lot coverage than is
4 currently allowed.

5 This is happening in conflict with
6 the Comp Plan policy to recommend sliding
7 scale for maximum lot occupancy in Residential
8 Zones to reduce excessive building mass and in
9 Historic Districts to preserve the established
10 form of development as evidenced by lot
11 coverage and yard requirements.

12 Now, OP wants you to abandon the
13 directive of the Home Rule Act that cites the
14 preservation of light and air as one of the
15 main purposes of zoning.

16 OP argues that side and rear yard
17 requirements do just as effectively protect
18 light and air in Commercial Zones, but hasn't
19 OP just recommended that side yards, which are
20 not required in Commercial Zones, be reduced
21 to 4 feet where they do exist and that rear
22 yards also be reduced for eliminating some

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1 zones.

2 Then they proposed the Building
3 Codes, which are designed to provide minimum
4 acceptable levels of safety for construction
5 and occupancy, are good substitutes for Zoning
6 Lot Occupancy Rules. We disagree.

7 This is once again an effort to
8 increase lot occupancy with no concern for
9 privacy or standards that relate to public
10 policy goals beyond the minimum required for
11 safety. This is the foot in the door for
12 removing arguments concerning light and air
13 from zoning regulatory proceedings.

14 We think the Zoning Commission
15 won't need much persuading to reject this
16 notion.

17 Finally, eating and drinking
18 restrictions in overlays. The committee urges
19 the Zoning Commission to accept Option 1,
20 which clarifies the application of restricted
21 uses in primarily Neighborhood Commercial
22 Overlay Zones.

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1 The first four suggestions under
2 Option 1 are already being implemented. No. 5
3 was adjusted several years ago by the
4 Cleveland Park Community Association and is a
5 fair and logical way to update the actual
6 percentage of restricted uses.

7 No. 6 should be reconsidered. The
8 last three Zoning Administrators have rejected
9 the notion of applying the Nonconforming Use
10 Vacancy Rule to a conforming use. Restaurants
11 and bars are conforming uses in the NCOD areas
12 and, as such, there is no danger that if a
13 particular business closes, the restaurant use
14 can never be reinstated, which is the issue
15 necessitating the Vacancy Rule for
16 Nonconforming Uses.

17 There is a simple way to mark the
18 vacancy. DCRA requires businesses to notify
19 the Department within 30 days of closing a
20 business. There are penalties, including
21 fines and imprisonment, for not complying.

22 DCRA notification of vacancy should

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1 satisfy the Zoning Administrator that the
2 business has closed and should be removed from
3 the restricted use list. It is not fair to
4 other property owners who may wish to lease to
5 or open a restricted use business that another
6 property owner can use the vacancy for an
7 extended period of time to prevent them from
8 opening a restricted use business.

9 Restaurants and bars are not a
10 protected category of business and they
11 shouldn't become one.

12 That concludes my remarks. Thank
13 you very much for the opportunity to testify.

14 CHAIRMAN HOOD: Okay. Thank you
15 very much. Mr. Kadlecek?

16 MR. KADLECEK: Yes, Kadlecek. Good
17 evening, Members of the Commission. My name
18 is Cary Kadlecek. I'm an attorney with the
19 Law Firm of Goulston & Storrs and I have
20 participated in the Zoning Rewrite Working
21 Groups.

22 At Goulston & Storrs, we have nine

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1 attorneys who practice Land Use and Zoning Law
2 in the District of Columbia. Collectively, we
3 have more than 150 years of experience
4 representing developers, individual
5 homeowners, universities, institutions and
6 other landowners. As you can imagine, we are
7 intimately familiar with the Zoning
8 Regulations.

9 I am here tonight to present
10 testimony on the Comprehensive Zoning
11 Regulation Review concerning setbacks and
12 Mixed-Use Zones.

13 We would like to commend the Office
14 of Planning for their thorough analysis of the
15 issues and for their thoughtful responses to
16 the problems raised by the existing Zoning
17 Regulations.

18 We support the vast majority of
19 OP's proposals. Nevertheless, I would like to
20 provide a few comments on several of the
21 specific proposals offered in the OP report.

22 First, concerning adding setbacks

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1 and eliminating yards. We support this
2 proposed change. In my written testimony, I
3 have addressed this issue in more detail.
4 Although we support the proposed setback
5 definitions, we do have some suggestions to
6 offer the Commission.

7 For each of the four setback
8 definitions offered, the way to measure a
9 particular setback should also be included, so
10 that setbacks on irregularly-shaped lots can
11 be consistently measured.

12 For example, the mean horizontal
13 distance is a tool for measuring rear yards
14 and we believe this would be an effective tool
15 for measuring setbacks.

16 Including measurement tools such as
17 this would also account for the proposed
18 removal of the definition of depth of rear
19 yard.

20 Concerning Recommendation 4, we
21 support the change that allows the property
22 owner to choose which street is the front.

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1 However, we request that the Commission
2 include language that allows the owner to
3 change the front at a later time, provided
4 that all other provisions of the Zoning
5 Regulations are met.

6 There are instances when a property
7 is redeveloped that necessitate a building's
8 frontage to change. The current Zoning
9 Regulations are not clear that the owner may
10 make this change.

11 With respect to the proposed
12 changes to the Mixed-Use Zone requirements, we
13 support those changes and believe that they
14 will provide some much needed clarity to
15 regulations in the C, CR, SP and W Zones.

16 I have addressed some of these
17 issues in greater detail in my written
18 testimony, but some are worth mentioning now.

19 Courts have always caused confusion
20 when they are already regulated by the
21 Building Code. We therefore offer our strong
22 support for the recommendation to eliminate

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1 the specific regulation of courts and to allow
2 courts to be regulated through setbacks and
3 the Building Code.

4 Duplicative regulation is
5 unnecessary, wasteful and sometimes
6 contradictory. This change would also
7 alleviate the burden on the BZA from having to
8 hear numerous court cases when, in fact, the
9 provided court already allows adequate air and
10 light because of the Building Code.

11 The commercial use FAR limitation
12 in the C-2-A and C-2-B Zones has often created
13 problems for building owners and developers
14 resulting in under-used land. For this
15 reason, we particularly support Recommendation
16 11, the proposal to allow a full second story
17 of commercial use in the C-2-A and C-2-B
18 Zones.

19 A commercial FAR limit of 1.5
20 frequently results in a new building for which
21 second floor commercial use is infeasible and
22 impractical because it must be split with

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1 residential use.

2 By allowing a second full floor of
3 commercial use, the Zoning Regulations would
4 encourage more and better mixed-use buildings
5 while eliminating the unnecessary burden of
6 variance cases on the BZA.

7 However, we would like to note that
8 we support this change for all building sizes,
9 not just those under 10,000 square feet,
10 because the same complications of half
11 residential and half commercial second floors
12 can and do arise with larger buildings too.

13 Finally, regarding use
14 concentration, we do not support any limits on
15 concentrations of restaurants and drinking
16 establishments, no matter how they are
17 measured. The market liquor licenses and
18 other regulations already have the effect of
19 limiting concentrations of such uses.

20 However, if these uses are going to
21 be regulated, we believe that block-by-block,
22 as is now the case for the ARTS Overlay, is a

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1 more efficient and sensible way to regulate
2 such uses.

3 In addition, any new regulation
4 should be very explicit about when a property
5 owner vests his right to a restaurant or bar
6 use. In fact, we believe that the ownership
7 vests his right upon applying for a building
8 permit because it would create the most
9 certainty for the owner and for other owners
10 considering the same use.

11 In addition, any new regulations
12 should be very clear about what the restricted
13 uses are. In the ARTS Overlay, for instance,
14 many establishments, such as theaters, are
15 being counted as eating and drinking
16 establishments when they clearly do not
17 primarily operate in this way.

18 Any new regulation should provide a
19 more restrictive definition on what
20 constitutes an eating or drinking
21 establishment for purposes of limitation.

22 I thank the Commission for their

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1 time and for the opportunity to speak.

2 CHAIRMAN HOOD: Okay. I want to
3 thank you all for your testimony. Let's see
4 if we have any questions of this panel. Any
5 questions or comments?

6 COMMISSIONER TURNBULL: I just had
7 one.

8 CHAIRMAN HOOD: Mr. Turnbull?

9 COMMISSIONER TURNBULL: Ms. Gates,
10 since most of your comments were mainly on the
11 definition area, will you be submitting
12 anything on the mixed-use portion?

13 MS. GATES: No.

14 COMMISSIONER TURNBULL: Okay.

15 CHAIRMAN HOOD: And I did have one
16 question. This whole process is supposed to
17 make life a lot easier and I'm not sure who,
18 it might have been you, Ms. MacWood, said that
19 an additional five cases for the BZA, and this
20 seems to be confusing.

21 Does this seem like it is getting
22 simpler or is it getting more confusing?

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1 MS. MacWOOD: Well, certainly based
2 on these recommendations tonight, I can tell
3 you, I have been working on zoning for 10
4 years. I'm a Member of the Task Force. I
5 have been an ANC Commissioner working on lots
6 of different types of cases.

7 And it took an enormous amount of
8 time to go through both the 60 page report,
9 which we were given as Task Force Members, and
10 also these recommendations tonight. And I
11 think that's why you are not hearing from more
12 people. I mean, there is sort of the dual
13 problem.

14 One is that all of this material is
15 so complicated. How this is going to make the
16 process simpler is beyond comprehension, quite
17 frankly.

18 But the other problem is that no
19 one knows this is going on or what these
20 changes are going to be. There has not been
21 one citywide meeting that has been organized
22 by the Office of Planning, none of the ANCs

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1 citywide. We had numerous meetings citywide
2 or by wards during the Comprehensive Plan
3 cycle.

4 We have not had one. People don't
5 understand what is going on. They don't have
6 any comprehension. And I can tell you there
7 is a situation in my ANC right now in Woodley
8 Park where the Zoning Administrator approved a
9 subdivision of a lot and it was nearly
10 compliant, but it is not entirely compliant.

11 So it required the Zoning
12 Administrator to make a decision. People in
13 the neighborhood found out about that. They
14 were furious that the lot was being
15 subdivided. Then the next thing that
16 happened, while they were in the process of
17 trying to appeal to the BZA, is the house that
18 was on the lot got demolished.

19 And the proposal is for two very
20 large houses that are not in scale with the
21 neighborhood that are going to be built on
22 that property, those two properties now. With

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1 these zoning changes, that is going to become
2 a matter-of-right situation. And we are going
3 to have demolitions all over the city, I fear,
4 because you are building in incentives for
5 developers to do just this sort of thing.

6 CHAIRMAN HOOD: Okay. All right.
7 Any other questions for this panel? Comments?

8 COMMISSIONER MAY: Mr. Chairman?

9 CHAIRMAN HOOD: Commissioner May?

10 COMMISSIONER MAY: I didn't get a
11 copy of the last gentleman's testimony. I
12 don't know if that was -- okay, thanks.
13 That's what I need.

14 CHAIRMAN HOOD: All right. Any
15 other questions? Okay. I want to thank this
16 panel. It shows that you all have really been
17 on it and, obviously, from your testimony, I'm
18 sure my colleagues, when we deliberate, we
19 will be looking at some of this when we get to
20 our next step. But I want to thank you all
21 for putting in the time.

22 As Ms. MacWood has already

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1 mentioned, it's a lot of time that you all
2 have put in and we greatly appreciate you
3 giving us a different perspective, some more
4 insight from what the community feels. So we
5 appreciate that.

6 Okay. Ms. Schellin, do we have any
7 dates or do we need to make any dates?

8 MS. SCHELLIN: Yes. I was just
9 advised by OP that ANC-2F asked that the
10 record be left open for two weeks.

11 CHAIRMAN HOOD: 2F? Okay.

12 MS. SCHELLIN: I don't think we
13 have the request, but he received it directly,
14 because I don't see anything in our records.

15 MR. PARKER: They had meant to come
16 today, but hadn't had a chance to have an ANC
17 meeting.

18 CHAIRMAN HOOD: Okay. So --

19 MR. PARKER: And didn't have a
20 chance even to get in touch with those. We
21 talked earlier this afternoon.

22 CHAIRMAN HOOD: Okay. So we will

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1 leave the record open at least for two weeks
2 for ANC-2F.

3 Let me ask this, Mr. Parker, and
4 this just came up tonight, you know how the
5 chairman then has a potential new mode it's
6 doing town hall meetings. And I forgot, I
7 think it was Ms. Gates or Ms. MacWood just
8 mentioned, is Office of Planning -- I know you
9 have been doing the work groups.

10 And I know you have been doing the
11 Task Force and I know you are doing a lot of
12 stuff. And I think what she just said was a
13 great idea about a citywide meeting with maybe
14 the ANCs, maybe that will help ease some of
15 what is going on until we get there.

16 Because I will tell you, if I'm
17 here, this Commissioner is prepared to stop at
18 any time. But right now, I'm trying to -- we
19 are still feeling our way, too.

20 MR. PARKER: Yes.

21 CHAIRMAN HOOD: There is still some
22 issues that we have, but we are feeling our

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1 way. But I think that the guys that sit up
2 here with me, at any point, we don't mind
3 putting the brakes on. So I want to make sure
4 that is clear.

5 But I think she brought up a good
6 idea and you can take this back to OP. And,
7 you know, I know you all have been doing the
8 work force -- I mean, the Task Force and the
9 work groups. And I hate to throw out another
10 idea, but it may be good to do a citywide town
11 hall, who knows, for information or purpose.

12 Maybe not just an exchange, but to
13 make sure and get attention, because I will
14 tell you that in the community meetings that I
15 go to, I encourage everyone to participate in
16 the work groups and get involved, because I
17 tell them this is the time to do it now.

18 But this is the second time I have
19 heard, look in the room, this is why people
20 are not participating, which is scary. It
21 really is.

22 I mean, you take it for what it is

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1 worth, that's just my two cents.

2 MR. PARKER: We appreciate that.

3 CHAIRMAN HOOD: Commissioner
4 Turnbull?

5 COMMISSIONER TURNBULL: Yes, thank
6 you, Mr. Chair. I would go along with your
7 comments. I guess tonight's one issue or
8 presentation had me a little bit struggling
9 with the definitions and the terms. And I
10 think some of the people that were up here
11 testifying, I think, sort of echoed some of
12 the things that were in the back of my mind
13 about some issues.

14 I guess the other thing that I am
15 concerned about is, especially with this, and
16 we have done it in the past and again we have
17 not done it tonight, but, I really think that
18 the Chair of the BZA, I mean, this is a Zoning
19 Commission decision, but I really think I
20 would like the Chair of the BZA or someone
21 that she designates be here, because a lot of
22 these things are going to be BZA issues.

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1 And they really get into the thick
2 of it. I mean, we all participate on it, but
3 I would like to see them here. I mean, they
4 have done that before. They have come here,
5 Marc did and Ruthanne did. And so I would
6 like to see them here to offer comments,
7 because I think this is a Zoning Commission
8 issue in the greater sense, but the BZA bears
9 the brunt of a lot of this and I would like to
10 get their input at one of our hearings or all
11 of our hearings on this.

12 CHAIRMAN HOOD: I think that's a
13 great idea. We need to go back to that. I'm
14 going to ask Ms. Schellin to help me work with
15 that. I'll be down here with BZA myself
16 tomorrow, so I'll mention it. But we just
17 need to know when.

18 And you are right, I think we
19 mentioned that once before, because I know
20 Marc was definitely coming and also Ruthanne
21 was coming, so we want to see if Meridith can
22 arrange her schedule so she can be with us on

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1 these nights, so that's a good comment. We'll
2 try to make that happen. Right, Ms. Schellin?

3 All right. Anything else?

4 MS. SCHELLIN: We also need OP to
5 submit the PowerPoint presentation for the
6 record. And other than that, is there
7 anything else you want, you guys are looking
8 for?

9 CHAIRMAN HOOD: Other than to look
10 at the OP town hall meeting, I think that
11 would be great.

12 MS. SCHELLIN: So other than that,
13 then the record would be closed.

14 CHAIRMAN HOOD: I think that's a
15 great idea. I really do.

16 COMMISSIONER MAY: We might want to
17 give the one ANC-6B, which had requested there
18 be a hearing just about Recommendation 15, I'm
19 not really that sympathetic to that. I mean,
20 we have to handle a lot of hearings. But I do
21 want to -- if they have something substantive
22 to say about it, I would like to give them the

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1 opportunity to say it now.

2 So I would like to keep the record
3 open and see if we can get some further
4 comment from them. I don't know if they can
5 do that within two weeks, but --

6 MS. SCHELLIN: So we can leave it
7 open for them also.

8 CHAIRMAN HOOD: Right. We will
9 probably have to contact them though, right?

10 MS. SCHELLIN: Right.

11 MR. PARKER: Yes, I can reach out
12 to 6B.

13 CHAIRMAN HOOD: Okay.

14 MR. PARKER: Yes. But I think
15 leaving it open for any ANC for the next --

16 MR. GIULIONI: I would agree, any
17 ANC.

18 MS. SCHELLIN: Any ANC?

19 CHAIRMAN HOOD: Any ANC.

20 MS. SCHELLIN: Okay. So just the
21 ANCs then. Okay. Until we will say, how
22 about if we just change that to November 15th

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1 then instead of the -- we will make it
2 November 15th? Three weeks?

3 CHAIRMAN HOOD: Yes, hopefully.

4 MS. SCHELLIN: And we can take this
5 up at our November 29th meeting, because this
6 will be a guidance.

7 CHAIRMAN HOOD: Right. Okay.

8 MR. PARKER: November 29th?

9 MS. SCHELLIN: November 29th.

10 MR. PARKER: Okay. And so I'm
11 sorry, what date does the record close for
12 submittal?

13 MS. SCHELLIN: November 15th.

14 MR. PARKER: November 15th.

15 MS. SCHELLIN: For the ANCs and for
16 the PowerPoint presentation. Other than that,
17 it's closed for everybody else.

18 CHAIRMAN HOOD: Okay. Do we have
19 anything else?

20 MS. SCHELLIN: No, sir.

21 CHAIRMAN HOOD: Okay. I want to
22 thank everyone for their participation

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1 tonight, especially those who came in and
2 provided testimony. We really appreciate it.

3 And this hearing is adjourned.

4 (Whereupon, the Public Hearing was
5 concluded at 9:00 p.m.)

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