GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
+
ZONING COMMISSION
+
PUBLIC HEARING
+

IN THE MATTER OF:

Comprehensive Zoning
Regulations Review: Medium
& High Density Residential Zones

Thursday,
December 9, 2010
Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 08-06-14 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 W. SCHLATER Vice Chairman
GREG SELFRIDGE Commissioner
MICHAEL G. TURNBULL Commissioner FAIA,
(AOC)
OFFICE OF ZONING STAFF PRESENT:

    DONNA HANousek, Zoning Specialist
    ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

    MICHAEL GIULIANI
    TRAVIS PARKER
    JENNIFER STEINGASSER

This transcript constitutes the minutes from the Public Hearing held on December 9, 2010.
T-A-B-L-E O-F C-O-N-T-E-N-T-S

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CHAIRMAN HOOD: Excuse me. Good evening ladies and gentlemen. This is the Public Hearing of the Zoning Commission of the District of Columbia for Thursday, December 9, 2010.

My name is Anthony Hood. Joining me are Vice Chairman Schlater, Commissioner Selfridge and Commissioner Turnbull.

Also, the Office of Zoning staff, Ms. Hanousek and Ms. Bushman. Office of Planning staff, Ms. Steingasser, Mr. Parker and Mr. Giuliani.

I must be getting pretty good.

This proceeding is being recorded by a Court Reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room.

Let me see, the subject of tonight's Zoning Commission Case is 08-06-14.
This is a request by the Office of Planning for the Commission to review and comment on proposed concepts for Text Amendments to the Zoning Regulations.

This is one in a series of hearings on various subjects currently under review as part of the broader review of the Zoning Regulations.

Tonight's hearing will consider regulations applicable to Medium and High Density Residential Development Zones.

Notice of the hearing was published in the DC Register on November 5, 2010 and copies of the announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR 3021 as follows: Preliminary matters, presentation by the Office of Planning, reports of other Government agencies, reports of the ANC, organizations and persons in support, organizations and persons in opposition.
The following time constraints will be maintained in these hearings: ANCs, Government agencies and organizations will have 5 minutes, individuals will have 3 minutes.

The Commission intends to adhere to the time limits as strictly as possible in order to hear this case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations, if necessary, and notes that no time shall be ceded.

All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door. Upon coming forward to speak to the Commission, please, give both cards to the reporter sitting to my right before taking a seat at the table.

When presenting information to the Commission, please, turn on and speak into the microphone, first, stating your name and home
address. When you are finished speaking, please, turn your microphone off, so that your microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engage the Members of the Commission in conversation during any recess or at any time.

The staff will be available throughout the hearing to discuss procedural questions.

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

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

Does the staff have any preliminary matters?

MS. HANOUSEK: No, sir.
CHAIRMAN HOOD: Okay. Thank you, Ms. Hanousek.

Let's go straight to, I believe, Mr. Parker. I think, Mr. Parker, before you begin, I think we have five recommendations. Can we just go through all five?

DR. PARKER: Absolutely.

CHAIRMAN HOOD: And then we will ask our questions after you are finished.

DR. PARKER: Absolutely. That sounds great.

Good evening, Mr. Chairman and Members of the Commission. I'm Travis Parker with the D.C. Office of Planning.

We are here tonight to chat about recommendations for R-5 Zones. Just a little background here, we had a public working group on this issue that met in 2009. We had five meetings and we talked about a whole range of issues, housing, you know, mixed-use, regulations, building form, and, ultimately, came out with a series of recommendations that
we are going to chat about tonight.

Starting with the first recommendation, again, as you mentioned, there is only five, the first recommendation tonight has to do with side setbacks. As you are all aware, in the R-5 Zones, a side setback is not currently required. And actually, in this particular recommendation, I'm going to be talking about R-5-B through E and not R-5-A.

So in R-5-B through E, a side setback is not required. However, there are rules that if you provide one voluntarily, that side yard has to meet certain minimum requirements.

What we found in our work is that the existing Side Yard Regulations, the requirements for side yards, very rarely meets what we actually see on the ground in terms of our existing building form. And that's generally one of the problems that we have seen throughout this rewrite and that we have tried to address through a lot of our new

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In addition, the R-5 Zones provide separate rear yard requirements for different uses. And this is a problem that we have pointed out in other areas as well. When you predicate your building form requirements on your use, it often creates problems when you change uses within an existing building.

And so that's something that we are trying to correct as well in our rewrite of the code.

So in terms of side setbacks, we did a lot of research into what the existing and all the research that I'm talking about tonight has been done by the gentleman sitting next to me, Mike Giuliani, who you are going to be hearing from later.

But Mike did a lot of research into the existing situation in the city. And if you can read the screen, and I know you should all have it in front of you tonight as well, what you can see is that in the R-5-B through
R-5-E Zones, the vast majority of existing buildings don't have any side yards.

And this is to be expected in zones that don't create it. So most of the urban form in these areas is a solid street wall. And that's something that is actually probably something that we desire to keep in these areas.

There are small amounts of buildings with side yards, you know, tall stand-alone apartment buildings and also, especially in the R-5-B, there is a few houses that are, basically, lower density buildings with side yards as well.

So these are the three sort of basic topologies that we found, but, again, the vast majority, nearly 90 percent, of the total buildings in these zones are completely without side yards.

So the recommendation here is to have a side yard standard for, again, voluntary side yards, it still would not be
required, but when provided, the side yard standard would be more reflective of what we actually see on the ground and a more urban design that reflects more of a solid street wall.

So instead of providing -- requiring a side yard that can go as high as 15 or 20 feet, based on the height of the building, it would be a standard side yard requirement of 4 feet, again, if it's provided. And allowing existing nonconforming situations to build in line.

Sort of as a transition between this and the next related recommendation of courts, I want to, you know, have a little reminder discussion. And this is a graphic that sort of shows it about where we are sort of headed in the new code in terms of side yards versus courts.

Right now, if your entire building is set back from a lot line, that is a side yard. If a portion of it is set back, that
portion is called a court. And there are different requirements.

But fundamentally, it is a separation of a piece of a building from a side yard. And where we are going, where you haven't, you know, seen this graphic, but this is a concept that you have reviewed in a couple different instances, is any place that a building is set back from its side yard line, that is the side setback.

So in the place of court requirements, your side yard requirement, again, in this zone is voluntary. Any portion of this building that is set back from the lot line must be set back 4 feet.

So you can see on the board this little area of the building here, that, in the current code, would be called a court. In the future, if you set that back, it must meet Side Setback Regulations, because it is a separation from a side lot line.

So then that, obviously, explains
the Recommendation No. 2, which is courts. Right now, there are six different width and three different area standards in these zones. And having a requirement to provide a certain size of court when you don't have -- just like side yards, there is no requirement to provide it, but if you do provide it, it must be a certain size.

Again, proposing removing that to avoid the incentive to fill-in courts, filling them in, obviously, being a matter-of-right, but just using that side setback requirement to regulate where you do set back from the lot line, you must set back that minimum of 4 feet for passage and for basic maintenance.

And I'm going to stop here as well.

We had hoped that Commissioner May would be here, because we have come prepared to have an extensive discussion on the relation of our proposed side and court standards to the International Building Code.

And so we will leave it to you
tonight to know how far you want to get into that, but we have several slides at the end of this presentation and another handout that we can go in depth and Mr. Giuliani is prepared to talk in depth about courts and side yards and how they relate to the Building Code and we will come to that at the end, based on your questions.

The third recommendation has to do with lot occupancy. We are not proposing changing the lot occupancy requirement in the R-5 Zones, so the percentage would stay the same. The only change here is the same change that we made in the Lower Density Residential Zones.

Right now, if you have nonconforming side yards or courts, those count in your lot occupancy calculation. And the disadvantage of that is a building that is over lot occupancy can actually -- that wouldn't otherwise be allowed to add-on, can add-on and fill-in those nonconforming side
yards and courts. So it's again an incentive to fill-in, because it doesn't add to your current lot occupancy.

So the proposal is to not count open spaces of any kind in lot occupancy, so these narrow side yards and narrow courts would not count against lot occupancy and, therefore, filling them in would add to your lot occupancy.

The fourth recommendation has to do with use permissions. We spent a lot of time on this in the Low Density Residential, a lot of time on this in the High Density Residential. So a lot of Comprehensive Plan guidance about managing nonresidential uses in Residential Zones.

And in terms of, you know, recognizing and supporting existing, mostly nonconforming commercial and nonresidential uses, we've got a lot in the Comprehensive Plan about promoting urban neighborhoods, walkable neighborhoods.
And, you know, finally we want to talk about increasing access to healthy foods and basic services in, you know, large food residential islands that are -- not islands, but residential areas that are currently under-served for uses.

So we did a study of, again, all the R-5 Zones throughout the city. And what we did was we found over 400 existing commercial uses in these R-5 Zones. A lot of it centers in sort of Ward 1 area, but they do exist all over the city.

But what we found was a lot of ground floor inconspicuous residential uses. And we've got several slides here. This is an office use on the ground floor of this corner building. These are all R-5 Zones, all existing uses.

This is a basement office use in an R-5 building. This one is actually just a couple blocks from my home. This is a corner store called Cornercopia. You know, just a
basic small grocery with -- they make sandwiches. And the upper story is actually the home of the proprietor. He actually runs the shop downstairs and lives upstairs.

So it's the kind of thing that is very well-regarded in my particular neighborhood and is the kind of thing that historically has been in neighborhoods like Capitol Hill and Georgetown. And areas that were built before zoning have a lot of these, you know, small neighborhood-serving type of uses.

This is another one, the center of the building just to the left of the tree has a small, you know, Internet service office in it that is, again, on the ground floor and relatively inconspicuous.

Connecticut Avenue has dozens and dozens of these types of things, Pesto Restaurant. Again, just in an existing apartment building.

So, basically, what we are talking
about here in this recommendation is promoting
and protecting the existing uses that we have
in our residential areas, uses that serve
local areas, fit into local areas and not
expanding these uses or adding new ones in
areas that are well-served, but allowing this
type of situation to exist in parts of the
city that don't have these services that were
built, you know, after 1958, for example.

What we are not talking about are
things like this, you know, auto-oriented
uses, uses with parking, uses with high
traffic. You know, we definitely -- nobody
wants to live near these and we want to do
everything we can to continue to prevent uses
that would diminish the residential fabric of
our city from locating in these areas.

So the recommendation here is to
have some basic allowances for neighborhood-
serving commercial type uses, retail, service,
some limited food uses that meet some very
strict criteria.
One of the main ones that we came across was only allowing them on the ground floor and in a residential building. So you can't do it by itself. It has to be in a residential building and only on the ground floor.

We looked at concentration limits. So you could not do anything like this near an existing commercial corridor. We are looking at, you know, maybe 500 feet from an existing commercial corridor, you wouldn't be allowed to do a use like this or if you had other existing non-commercial uses in the area.

So areas that are already served by these, you wouldn't -- new ones wouldn't be able to open, because, you know, they are already there. So an example of the concentration limit would be I couldn't open a new retail in one of these buildings if there are already two retail uses within 500 feet, for example.
We are talking about limiting house of operation. An example of this would be that the use could only be open between 8:00 a.m. and 8:00 p.m., limits on the number of employees, limits of signs, lighting, screening, barriers, etcetera.

So again, the goal here is to allow us to replicate areas like Georgetown and Capitol Hill that were built pre-zoning in ways that are productive and protect, again, the residential character of areas that were built without these uses.

The final recommendation has to do with the R-5-B Zone in particular. And we have a couple strongly, you know, worded policies in the 2006 Comprehensive Plan about reexamining the R-5-B Zone and trying to provide a better match between what is in this zone and what the zone allows.

This is something that is basically exactly what we did two years ago with the R-5-A Zone. In, I believe it was, 2007, we
examined every lot in the R-5-A Zone and we came to you with suggested rezonings of most of the R-5-A Zone.

The R-5-A Zone, basically, allows everything from single-family homes up to garden apartment buildings. And what we saw is that a zone that allows that wide breadth tends to turn single-family neighborhoods into apartment neighborhoods.

So we did a study of all the R-5-A and designated those areas that are apartments and separated those areas from housing stock that was still a row house or detached house stock and we proposed a rezoning of large swaths of the R-5-A to R-5-2 or R-5-3, depending on the existing building characteristics.

What we are talking about doing is something similar with the R-5-B. And this screen shot here is emblematic of what is existing now in the R-5-B. The entire screen has R-5-B Zoning. But what you will see is
the areas that are light beige are one and two
unit row houses. More akin to an R-4-type
Zone. The areas that are orange are, you
know, four or five story apartment buildings.

And again, R-5-B allows all these
uses, but over time we see with -- you know,
if you have the right to build an apartment
building, over time we see these row houses
that exist now being cut up or torn down to
make more apartment buildings.

So the goal here is to make the
areas that are beige on this map having zoning
that more closely matches, you know, the unit
limits and the building stock of these areas.

So, again, talking about
replicating what we did in the R-5-A in the R-
5-B, looking at every lot that is Zoned R-5-B
and finding areas like the one on the screen
that are, you know, lower moderate density
that are one, two and three units and creating
some new zones that reflect those areas.

And I guess, you know, we can
actually -- the way that we have set up the new code, it's actually quite easy to create new zones. We can create zones with height limits that are tailored to a particular area. If we have these areas that are R-5-B that are solidly three or four unit zones, we can create a unit -- a zone that allows three units or that allows four units easily versus the R-5-B that has no limit on the units.

So our recommendation here is just for you to allow us to proceed and to bring you recommendations for rezoning in the R-5-B area.

One thing to note, we have got a separation of subtitles. We have got a Subtitle D in our new code that is right now R-1 to R-4. It is zones that don't have an FAR limit, but have a limit on the number of units.

We have a Subtitle E that is R-5 Zones that have an FAR limit and don't limit
the number of units. What we are talking about here is taking some areas that are R-5-B and putting them in Subtitle D. So taking away the FAR limit, but putting on a unit limit and height and lot occupancy, etcetera.

So with that, I'll stop and turn it over for questions. Again, reminding you that if you would like, we are prepared to have an in depth discussion on courts and side yards and how they relate to the International Building Code.

CHAIRMAN HOOD: Okay. I think before we start asking our questions, can we get into that?

MR. PARKER: Would you like?

CHAIRMAN HOOD: And I'll tell you why, because I think Commissioner May has asked to participate and you mentioned his name. Also, he is going to be reading the record, so he will know that you were in favor of him -- you missed him.

MR. PARKER: We were honestly
hoping he would be here.

CHAIRMAN HOOD: I better watch what I say, because he's going to be reading the transcript. So if we can kind of get into that a little bit, Mr. Giuliani, or however you want to do it?

MR. PARKER: Absolutely. I'm going to turn it over to Mike Giuliani and I will bring some handouts for you.

MR. GIULIANI: I'll give Travis a moment to do that. The idea about this part of the presentation is it is entirely oriented to discussion. I'm going to sort of give an overview. I think the two things we heard last time were well, how far could somebody push the limits for they to sort of simply rely on the Building Code?

And so what -- we are going to sort of demonstrate that through a brief discussion on side yards.

But then the other element, I think, that is key is, and I just want to
frame this for the people who are here, and
the Commission is that, you know, when we are
going to talk about courts, we are going to
refer to it as courtyards.

And I think when I -- at the last
time we were before the Commission, I think
what we are all talking about is where we have
like three building faces all facing on sort
of a central courtyard area. You know,
commonly, the Zoning Code currently refers to
courts as both that and the ones that abut
side yards.

But I think what we wanted to talk
about is that central area where we have
windows all facing onto a common courtyard,
whether it is four-sided or three-sided,
right? Okay.

So the first slide, and you should
have the handout in front of you, is the --
unfortunately, doing a direct comparison is
somewhat difficult, but we thought it was a
good idea to give you an overview of well, how
do these two tools work? And where are they similar and where are they different?

So what you will see on the far left column is we have got some main topics of interest. And we have then the two columns are the International Building Code and then Title 11.

So the first row is dealing with what ultimately creates the final width? Okay. So with respect to the International Building Code and Title 11, we have the height of the courtyard. So that's the first variable.

A key distinction in the International Building Code, on the left, is that it is clear that a courtyard is a space that has windows fronting on it. And I think this is important because where a lot of the confusion comes with respect to the current code, Title 11, is in regard to court niches.

And part of the reason why we have a term for court niche, which is like a space
that, in a sense, functions like a court, in that it is walls facing upon one another, is because we do not refer to the provision of windows.

So we have had to sort of create another method whereas, in my mind, if the Zoning Code is about air and light, well, it should be only a courtyard if it has got windows upon it, if that makes sense.

Then I'll just run through the rest of the Building Code. Another key variable is the area of windows. And what this has to deal with is, again, the fire separation requirements that we talked about last time.

And interrelated to that is the fire protection of a building. So I have put up there sprinklers. A new building that is providing sprinklers is, in a sense, able to build closer to another building wall. And the idea there is that you aren't going to have as much flame spread, because you have sprinklers there to prevent the fire from
getting out of control.

And then the final one with respect to the Building Code is the shape. You know, if it is a closed court, the standards are greater versus an open court. And a closed court would be four sides facing upon a central courtyard. An open court would be where you only have three and they face either a conforming yard or a street or an alley.

Now, zoning, the Title 11, I guess, Travis already pointed out, you know, we also have the variable of use thrown in, which I think that's one of the variables that makes it very hard to compare the two, because we have a lot more standards because of use.

We also have the zone. So in Title 11, depending on which zone you are in, the standards actually vary. And again, that sort of adds to a level of complexity and the concern that we have identified with respect to that is well, when we are talking about providing appropriate air and light to
residential uses, shouldn't that be universal across zones?

And then again, Title 11 does also recognize that depending on the shape of a court, we will apply different standards appropriately.

So then I have summated the basic intent. I think the one distinction between Title 11 and the Building Code is that it's the fire protection element that is added on that is explicitly a requirement.

Another important distinction is that the Building Code measures by stories, whereas, Title 11 measures by relative to the actual height. So, you know, for the Building Code it is -- a setback is a number of feet per story, whereas, Title 11 is a number of feet relative to the height. So it's expressed in inches.

And the final row, and this is not all of the standards with respect to Title 11, but in order to create some comparatives, this
is what we are going to focus on.

So with respect to the Building Code, they have a -- for a courtyard, it's a 6 foot minimum for two stories or less. And for each additional story that one adds to a building, you are going to add an additional foot of separation.

Okay. And this does not include the fire separation requirement, which I'm going to talk about more as we move through.

Now, with respect to Title 11, there is a minimum requirement. And I think what we are going to do is because we started talking about this issue in commercial, and because, you know, we have sort of generally been talking about this, the problem that we see with the interrelationship of use and these standards, the zoning standards, this is a great sort of indicator if you look at the bottom right column and row.

So our R-5 Zone, which is a Residential Zone, it has a minimum 10 foot
standard, whereas, our C Zone has a 15 foot standard. So there is sort of an interesting dynamic, because I would think, you know, we would probably want a better minimum for R Zone, but, you know, that's the way it is laid out right now.

And then we have two different standards for each zone that are applied relative to height. So if I go above a certain height, these, in a sense, provide a further setback. And again, this is kind of an interesting one, because in a C-2-A Zone where the 15 foot standard would apply, you are probably not going to get a building that is tall enough to actually go -- to change this beyond 15 feet.

So these are some of the sort of problems that we have been identifying through the work we are doing.

Okay. So I'm going to run through three different slides relatively quickly and the idea here is to show you, okay, well, how
do these compare to one another? Okay.

So what this chart shows us is on the left hand side you will see the width of the court and on the bottom we see the stories. And what I have done for comparison is I have made an assumption, which is one higher, which is that we have 12 feet per story, so we can make sort of a direct comparison.

And what we have is three lines that proceed up the chart. And as you can see at the bottom, the minimum standard for the International Building Code, which is the diamond, it moves up in a straight graduated manner. And, you know, at five stories, you would have to have a 10 foot court.

Then we have our R-5-C, which is the next one up, which is the square. And as you can see, you know, at one and two stories it is 10 feet, but then it actually moves into the graduated standard.

And then with C-2-A, we pretty much
have the same standard at all stories. So it's the 15 foot. So I think the graduated really would apply to the higher zones.

So, you know, at a direct comparison, well, yes, what we see is well, the one standard, the R-5 and the C-2-A, is greater than just the minimum court standard.

But that's not the only standard that applies.

So let's go to our next slide. So what we have here now is we have four standards compared. Okay. And so just to get your mind around this, what we are going to do is this is comparing a three story building and I'm going to show a model of this next, but we are going to go through one more slide and then I'm going to show you models of these same diagrams.

So what you will see, again, on the left, we have the width of our court. Okay. And on the bottom what we are now introducing into the discussion for a three story building
is the amount of window area on a building face. Okay.

And I'm going to make the assumption that I'm working on are that we have two building faces facing one another. And the way it works in that context is that there is an assumed center line between those two faces that, you know, you, basically, measure the standard to the center. Okay.

So but the width of court that is presented is for the entire width of the court were you to have two faces of windows facing upon one another.

So again, we will see the -- we see our three standards, which, you know, again, they don't change because they all are relative to height and so we have our C-2 -- excuse me. Our IBC court is lower at the 8 foot level. And then we have our -- in the triangle line, we have the R-5-C, which is somewhere in like, I think, the range of 12 feet. And then we have the C-2-A, which is
the highest standard.

Now, the diagonal that you see going up through the top, that's when we introduced the fire separation requirements. Okay. So, basically, you will see there is two nexus points with our current standards. Okay.

So what this means is when I have more than 25 percent window area, the IBC fire requirements actually establish a greater setback. They would require greater setback than our zone standards. And we are going to get into why this is important to recognize.

So I've shown two nexuses there. We have the nexus between the R-5-C and then the C-2-A. So, you know, again, window area at the bottom. Once you go beyond a certain point of window area, you are basically required a greater setback than our current standards require. Okay?

So this is the same type of chart. But what I have just tried to do is show it
with a larger building. This is now a five story building. And again, I'm going to be showing you some models, so this is just to show you a precursory to that.

But the same basic logic. And as you can see, the standards have basically moved up in terms of the zone standards. I'm going to go back quickly. You know, if you were to do a direct comparison, which you can do after the meeting, you can see that the window area requirements they don't change.

You know, so it doesn't matter the height of your building, it's a function of, again, the window area.

So now, let's look at some modeling of this. Okay. So we have three. I'm sorry, let me run through the scenario. The scenario here is it's an R-5-C Zone. Again, we are assuming 12 feet per story, two window faces facing one another and it is a three story building. So the total building height is 36 feet for all three.
So on the far left, okay, what we have is this model is assuming a 15 percent window area. So at a 15 percent window area, I am able to provide a setback of, I believe that is -- or excuse me a separation of 8 feet. It's a small court.

But I think what is important to consider here is that at 15 percent window area, we are probably not talking about a window that is serving a primary unit, okay, or a primary portion of a unit. And by that, I mean, a living room or a kitchen or a bedroom, okay?

So and then our middle example here is if we were to just apply the R-5-C standards, okay, which at three stories would end up being, and the 36 feet, 12 feet. What we could get is a window area of up to 25 percent, okay?

And at this point, we wanted to recognize that what is important to note here is that the current Zoning Code standards
don't actually require that you provide a certain window area. They simply require that you provide a court.

And that is what has created some problems in terms of the administration of the regulations is that, you know, if I want to just put a small window for purposes of bathroom ventilation or a hallway, well, and I want to create a court to do so, I'm still required to comply with the minimum standard of 12 feet in the case of an R-5-C.

So that can create a problem where I'm in a small width lot and, you know, the standard eats up most of my actual lot width.

And then the final example here is if we were to actually propose a larger window area of 45 percent, well, then what we would end up with is a standard that is greater than the minimum requirement of our code.

So because the window area in each of these faces would actually be up to 45 percent, it's actually going to trigger a
greater requirement than we would have. So it, in a sense, trumps our minimum standard now.

So I have done the same comparison with a five story building in the R-5-C Zone and, again, the comparison is pretty much the same. But what we see is a little bit more equalization.

So in the first example, you know, because I have added, I guess, three stories, I do have to increase the separation requirement to 10 feet. That would permit me a 15 percent window area. But with respect to -- because our current court requirements and the relationship to height, the middle examples shows that while we could go up to the 45 percent, which would match the building codes standards. Okay.

So excuse me, I just went the wrong way. Okay. So now, I'm going to run through the setback. And it is the same basic logic and so hopefully I can move through it a
little quicker and I don't have as many modeled examples, because I think the nature of the setback is somewhat different from the courts.

So, you know, in terms of the setback, again, a key element is -- and I think there is two major distinctions. The IBC, it is clear that a setback is a function of the height of the setback -- you know, or the height of the portion of the building that is setback, excuse me.

Whereas, one area where the setback is not clear where the courtyard is clear in our reg, the courtyard is clear in our regs, but the setback is not, is that, you know, it's a yard requirement. So it is relative to building height and it requires an entire yard.

And as the graphic that Travis showed a little earlier shows, well, that doesn't match our existing fabric and so, again, it creates a little conflict in terms
of our urban design objectives.

Again, in Title 11, we have the zone is a functional element of the setback requirement. But again, in the IBC we have the window area and fire protection, both elements, both working together. Our intents are the same. And again, the measurement approach is what I just went over in terms of the difference between the yard and the setback.

And then in this case, kind of interesting are, you know, when we take our R-5 and our C Zones, they actually have -- they use the same standard, except C-1, C-3, they use the 3 inches per foot, and the Building Code is a similar standard for the side setbacks, 3 foot minimum, which is, basically, half of the courtyard standards at two stories or less and then 1 foot per story as you increase, as you add stories to the height of the building.

So again, this is a direct
comparison of our standards to the IBC setback standards, exclusive of the fire protection requirements.

So here we have our -- the R-5 and C-1 proposed which is a 4 foot setback. And, again, the idea here is we want to just provide that minimum for things like access and maintenance for, you know, whether or not there is or is not a window. I mean, that's kind of the way we have approached it.

The more -- higher angle diagonal is the existing standard, which I think you will see in the comparison, it is more, but the question that I would like to ask you is well, what's the benefit of that? And then our IBC, again, is represented with the diamond. Okay?

So a direct comparison, again, here we have the existing standard and we have the nexus. It is greater than 25, but you would have to go to the 45 percent, so you would be limited to 25, based on our current standard
for a three story building.

And then at a five story building, the nexus goes up to about 75 percent window area, based on the existing standard.

So now, but where does this all end up, I guess, in the final sort of -- you know, when a building is modeled, okay? So what, you know, both of these examples assume is the R-5-C and C-2-A standards.

Now, I think a more important distinction here is you can't build a C-2-A building at this scale on the left. This is assuming that we maxed out at five stories, 60 percent occupancy and the maximum FAR of the zone, which I believe is 3.

So what do we end up with? Well, on the left what you will see is I made an assumption. It's a 40 feet by 100 foot lot, which I think would mimic a lot of the more apartment building-type lots that the R-5-C and up really addresses.

So this is a simplified model, but
I think what is important is so we do have a very small-like court here. But what is important to note is that based on the lot size and the occupancy restriction in this context, you know, this dimension is actually representing a width of about 35 feet.

Okay. Well, if you look at, you know, previous cases that come before you, you will sort of see when you create a double-loaded corridor, generally, 30 feet is the depth that is common from the exterior window to, you know, the back of the unit. Okay.

So even though we have these windows here, they are probably not going to be the primary windows that serve the unit, because we still have the entire rear face of the building and, you know, a unit would occupy sort of back to the middle of the building here.

And then for this case or for the example shown, let's assume the other side is a street, that's what I have assumed. And so,
you know, you would still have that whole face and this area would be about 30 feet deep.

So what we are ending up with here is it is a small setback, but, again, well, what's it's purpose? It's probably going to serve a bathroom. It's probably going to serve a hallway or just providing a little bit of extra light, whereas, my main window is serving a bedroom or a living room are probably going to be on the back or front of the building.

So this example is intended to show because it is a setback you could be directly abutting a lot line, but there is the instance where you would actually have sort of open courts or open setbacks facing one another.

And the example on the right actually does result, because it is a lower building, we have a more compressed standard. This is actually about 4 feet for three stories. And, again, you couldn't get more than about 15 percent window area within the
example provided.

And I guess the last element is that, you know, the 40 feet, I chose that as the metric, because if we were to apply the 15 foot standard on this lot, well, we basically push -- you know, the setback would go to a point where you would probably make the lot unbuildable.

And again, going back to our previous presentation, you know, what the Comp Plan directs us to do is to identify barriers to infill development. And so the basic procedure we have gone through is we looked at the existing building stock, looked at what it looked like and I think what -- we are all in agreement that it's -- you know, the District has a great building heritage.

See what works. We have tried to come up with a standard that sort of fits a middle ground and let's let the Building Code take over when we are dealing with window areas that sort of are greater than minor
window areas.

So I would be happy to answer any questions, if you would like.

CHAIRMAN HOOD: Okay. Thank you very much, Mr. Giuliani, and also, Mr. Parker. We appreciate that. We will open it up for questions.

Let me start off with two. So I'm trying to understand, Mr. Giuliani, exactly what we are trying to achieve here. And just right there, is it that the more window area that we have, like for example, I think that's the one with 15 percent.

Let's go to the courtyard, page 3.

MR. GIULIANI: Okay.

CHAIRMAN HOOD: Now, the 15 percent, let me ask, do we have any situations that exist right now in the city like this that we know of?

MR. GIULIANI: Well, okay. I mean, I can't cite like sort of specific addresses. If we want to do so, I think we could do
that. But, you know, when you will usually find this, I think, is when you probably have a large site and it's -- you know, this court is sort of a part of a larger building, probably fronts on two or three streets and it's like a double-loaded corridor. And this is like a secondary light shaft around the back.

The idea here is this is not a courtyard. Like I live at -- I live in Mount Pleasant and, you know, I enter through a courtyard that is much larger. That's not what this is. This is, you know, in a sense a courtyard area that is purely for light and air. It's not really intended to serve an entry function or an aesthetic function.

CHAIRMAN HOOD: Okay. So in a situation like this, are there windows all the way around? I think the --

MR. GIULIANI: Yes, the assumption is that, yes, there would be ones all the way around.
CHAIRMAN HOOD: And, basically, like you said, it would be used for kitchen use, bathroom use or whatever the case is, right? Correct?

MR. GIULIANI: Yes. Well, that's the assumption is that if you have other more opportune walls, you would use those for that purpose.

CHAIRMAN HOOD: So if I understand your presentation, we go so far and then once the code -- once the Title 11 gets to a certain point, then we will incorporate IBC?

MR. GIULIANI: It's applied right now. I mean, this example, that's what it is intended to reflect. It's that, you know, our court standards, you know, the middle one -- let's make sure I'm looking at the right now, too.

The middle one shows us well, okay, this is what our court requirements -- that's what they prescribe. But again, you are not required to do the 45 percent.
And then so if I was -- let's say, if I wanted to propose -- I think the better example, again, due to the height, this one sort of better reflects, you know, if I have a three story building and I wanted to do more, well, then it pushes me over.

The difference is because of the height of the building, there actually happens to be a perfect nexus between our regulations and the Building Code, which they do have a similar logic, you know, that they would -- we would actually find that they do meet at points.

But I think the difference is is that our standard, the Title 11 Standards, always assume the worst case scenario. And I think what we need to recognize is that infill lots don't have an ideal situation in all circumstances.

CHAIRMAN HOOD: So am I correct to say the more windows, the larger the windows, the more the setback?
MR. GIULIANI: Correct.

CHAIRMAN HOOD: Okay. So okay.

Let me -- okay. Let me ask this, Mr. Parker.

Is this methodology going to be easy to the
layman person? I mean, are we going to --

MR. PARKER: Let's be clear. This
is our analysis of the existing standards
versus the IBC Code.

CHAIRMAN HOOD: Oh, okay.

MR. PARKER: With the intent of
justifying Recommendation 2, which is saying
we don't need separate zoning court standards.

We are going to have a side yard setback on
the side. So courts that are along a side
yard now will still be regulated through side
setbacks.

These types of courts are well-
regulated depending, by the IBC, on the amount
of windows. And, therefore, we don't need to
maintain separate standards. We've got apples
and oranges. Right now, we no longer need
apples, because we have got oranges.
CHAIRMAN HOOD: So the general public probably would never even see this?

MR. PARKER: I hope not.

CHAIRMAN HOOD: Okay. Because they probably --

MR. PARKER: I don't understand half of it.

CHAIRMAN HOOD: Okay. Okay. Let's talk about the uses right quick. You mentioned that, Mr. Parker your testimony, the, I think it was, Recommendation 4 --

MR. PARKER: Sure.

CHAIRMAN HOOD: -- you said we were trying to get those, I guess those, viable uses that exist now that work in certain areas of the city that exist now and they work, I think you mentioned Adams Morgan and certain areas.

MR. PARKER: Yes.

CHAIRMAN HOOD: Is there going to be a trigger or a mechanism? Say that there is a use that the community wants, is there
going to be like a special exception process where they can come in and somebody can maybe
defacto in, even if they are closer than the 500 feet that you mentioned?

MR. PARKER: That's entirely up to you. We hadn't proposed any such thing. We proposed, you know, tight restrictions and if those restrictions aren't met, going through a variance process. But it's entirely up to you. If you want to create a special exception process where the neighborhood is in favor of some use that doesn't meet these restrictions, we are open to that as well.

CHAIRMAN HOOD: I'm not necessarily advocating. I'm just wondering why there is no trigger there. I mean, there is, obviously, a reason that we have this strict application of the specific use of so many feet. And, obviously, in your analysis, there is, obviously, a reason that you did not put the trigger in there. And I guess that's what I'm trying to fully understand.
MR. PARKER: Well, I guess, we are proposing a trigger. Right now, we have got 400 and some odd uses that are completely nonconforming. So if they burn down, you couldn't put them back without a use variance.

And, you know, I went to Georgetown a couple weeks ago and showed them pictures of like Sara's Market and, you know, the local hardware store in Georgetown, Wine & Spirits, so these are uses that have been around for 50 or 100 years and they are nonconforming, so you couldn't rebuild them if they burned down.

That's the first problem.

But the greater problem is areas that aren't Georgetown, areas that have been built up in the last 50 years as, you know, solid block upon block upon block of row house or apartment buildings, with no hardware store, with no local, you know, little market or corner store, being able to replicate that Georgetown experience or that Capitol Hill experience in those other parts of the city.
under strict controls.

That's the idea. And saying that, in those areas that already have it, we have got concentration limits, so we can't get more. But the areas that don't have it, that first and second store can go in.

CHAIRMAN HOOD: People in the city are saying they want to stop some of that, they don't want as much as they have. Are you hearing that?

MR. PARKER: I have not heard that people don't want as much as they have. I have heard that people don't want more. There are people that -- there are neighborhoods that --

CHAIRMAN HOOD: Some that want some?

MR. PARKER: There are some that want some.

CHAIRMAN HOOD: Okay.

MR. PARKER: Yes.

CHAIRMAN HOOD: I have heard that.
Okay. All right. That's all I'm asking right now. I'm still trying to wrap my hands around some of this.

Okay. Let's open it up and thank you both. Appreciate it. Well, thank you all. Let me open it up for questions to Commissioners to start us off. Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. On your last page here, on page 6, with the five story buildings and the three story buildings, these are three -- what we are seeing is three separate lots --

MR. GIULIANI: Correct.

COMMISSIONER TURNBULL: -- that are being built. Some of them are being built right to the lot line, so they wouldn't have windows on them. They could, but they are right on the lot line and most likely they are not, because someone else can build up to them.

I guess looking at this, 4 feet for
three stories seems -- I just -- again, I'm just worried about substandard developments being built. Although, technically, you are getting light and air. When you are 36 feet down from the roof, I don't know how much light that window in the basement is going to get.

But, I mean, I guess in theory, it has light and air. But I mean, I empathize and I appreciate what you are trying to do. I'm just worried about these yards, these little courts becoming so tight. And that although we are assuming they are going to be secondary uses, there are some developers that you could have some bedrooms back there.

And I'm just concerned, that's all, about how this would lay out. And I guess the other thing what I'm concerned about is using the word story. I mean, we have had enough BZA cases where you get into the word story and where you are measuring from and what's the height.
And I'm -- that has always been a tough issue as far as matching existing. There is always somebody who says well, it is only three stories. Yes, but it's three stories measured from where? And I'm assuming you have got that covered in other areas where you are going to measure from, so you've got to go back.

And we have went through this before on a different section, I think, where you were measuring. I guess I'm a little leery about giving something totally to the Building Code when it is an urban land use issue and, yes, they can have sprinklers. I'm just concerned that the overall image or what we are building might look like we are giving up something along the way, as far as design and as far as what people are getting.

I mean, a developer has a right, yes, and I -- to come in and build this, but I'm just -- are we giving up something from the zoning that is -- I'm looking for a word.
I'm not like we are selling out, but I just --

MR. GIULIANI: I think --

COMMISSIONER TURNBULL: -- am worried.

MR. GIULIANI: -- just one variable. Again, we haven't gone to the lowest standard that the Zoning Code currently uses, because some would be not too much different. You know, and again, I have tried to -- and the reason you are bringing the questions you are is because the examples provided, you know, make assumptions about well, what if it was a 12 foot --

COMMISSIONER TURNBULL: Yes.

MR. GIULIANI: -- you know, per story building? It could be a 10 foot per story building, which would change things. But, you know, in a sense, this part of the presentation was intended to answer the questions that were brought up.

I think issues that we still have
to deal with are the fact that both setbacks for light and air and courtyards for light and air apply regardless of whether you have windows. To me, that has definitely got to be cleaned up. That's a major one.

We have many -- you know, I think what I just heard is well, that we want to provide a minimum appropriate standard. Well, which one in the code is the right one? Because we have got a lot. So that is sort of definitely something that we need to apply.

And the third issue to me is well, okay, is it important that we distinguish between secondary space and primary space? Because, you know, I think the idea of the way the code works is that when you are dealing with sort of a window that is not intended for a primary purpose, why shouldn't you be able to provide just a small lightwell?

And I think what we want to do is recognize that when we are dealing with the smaller urban infill lots in both our
Commercial Districts and Residential Districts that we afford that flexibility when it is necessary.

COMMISSIONER TURNBULL: And I appreciate that. I am just concerned.

MR. PARKER: And, I mean, another thing to consider is, you know, looking at these examples here, you can see that this 4 feet minimum that the Zoning Code has is only achievable on a three story or lower building for walls that have virtually no windows, 15 percent or less window space.

So those are, you know, really going to be prohibited from being bedrooms and other things, because the bedroom and the living rooms are -- the size of those is dependent on the amount of window.

COMMISSIONER TURNBULL: Yes.

MR. PARKER: So, you know, if you -- the only way that you could do a 4 foot court is with almost no windows. So, therefore, those have to be secondary,
bathroom windows or other things. So --

COMMISSIONER TURNBULL: Now, but
the window thing is in the IBC.

MR. PARKER: That's the point.
That's the point is that the IBC is going to
prevent you from doing a 4 foot court if you
have bedroom or living room window, if you
have got more than tiny windows on this wall.

COMMISSIONER TURNBULL: So there is
no longer any worry about a variance? Nobody
can come to the BZA for a variance and say,
you know, I really can't do this. I really
need 3 feet.

MR. PARKER: It's IBC. You can't
get a variance.

COMMISSIONER TURNBULL: Well,
that's what I'm saying. You have eliminated
the whole variance scenario by doing that.

MR. PARKER: I mean, well, you
can't currently get a variance.

COMMISSIONER TURNBULL: Right.

MR. PARKER: We are not changing
the International Building Code.

COMMISSIONER TURNBULL: Right.

MR. PARKER: So --

COMMISSIONER TURNBULL: But I'm just saying when we have a hearing on something --

MR. PARKER: Right.

COMMISSIONER TURNBULL: -- we are totally relying -- we have to be -- we are going to have to have the IBC Code next to us to be able to know what we are actually -- what is in our jurisdiction and what isn't in our jurisdiction?

MR. PARKER: No. I mean, I guess the point is for side yards --

COMMISSIONER TURNBULL: I mean, we are going to be -- the applicant is going to have to say I'm coming in. I'm building this building. I've got a 4 foot. I'm going three stories. I've got a 4 foot side yard. And he is going to sign off and say I only have 15 percent window area on this elevation.
MR. PARKER: He's not going to have to tell you that. I mean, he is going to have to tell the Building Inspector. Just now, I mean, it's the same situation now. They have to come to you and make sure that they meet zoning. And they have to go to DCRA Building Inspectors and make sure that they meet Building Code.

And they don't justify to you now how much percent window they have and whether they are meeting --

COMMISSIONER TURNBULL: Right.

MR. PARKER: -- the other standards. They won't have to in the future.

COMMISSIONER TURNBULL: All right.

It just seems narrow, but I'll have to weigh this and think about this a little bit more.

Let me -- when you talk about the R-5-B and you are talking about row houses, preserving the character of the row house, the other apartments buildings are you talking about moving it to Subtitle D? Those units
won't become automatically R-5-C. They are going to be -- I mean, you are moving these buildings into a whole new category.

MR. PARKER: Yes. We are talking, yes, moving the other direction. Like an R-4-B.

COMMISSIONER TURNBULL: Okay.

MR. PARKER: An R-4-C.

COMMISSIONER TURNBULL: Okay.

MR. PARKER: Sort of thing.

COMMISSIONER TURNBULL: Okay. So we are looking to see a Map Amendment that is going to change several areas of the city then?

MR. PARKER: Yes. And create some new zones.

COMMISSIONER TURNBULL: Okay. And you say that the setback 4 feet, if provided, would be -- is a minimum, but it is they don't have to provide it.

MR. PARKER: You don't have to now.

COMMISSIONER TURNBULL: Right.
MR. PARKER: Right.

COMMISSIONER TURNBULL: So if they do, it has got to be 4 feet?

MR. PARKER: Yes.

COMMISSIONER TURNBULL: Okay. Well, that's enough questions for now, Mr. Chair.

CHAIRMAN HOOD: Thank you, Mr. Turnbull. Any other questions? Vice Chairman?

VICE CHAIRMAN SCHLATER: Thank you, Mr. Chair. I don't think I have any questions on No. 1. On Recommendation No. 2, removing the requirements for courts, I guess the most fundamental question I have is why do we need -- what's the compelling argument for, I haven't heard it yet, why we need to remove court requirements?

Has there been, I don't know, a lot of people coming and going saying we hate these court requirements? We need to get rid of them and they are just too burdensome and,
you know, this is an antiquated standard. What's driving this?

MR. PARKER: There are a lot of variants. I don't have the number off the top of my head, but it has been in our previous reports. A lot of variances from court standards. Court standards again, like some of the other standards, are voluntary. Again, you either have to provide a court or you don't. And the standard is for if you provide a voluntary court.

And this does a couple of things. It encourages the infill of nonconforming courts. And the majority of existing courts in the city are nonconforming, because the majority of courts were built before the Zoning Code.

So when we have area and width standards, that's maybe great for a new building, most buildings in D.C. aren't new buildings. So it becomes matter-of-right to fill-in a court and a variance to keep a
court, if you are adding on to an existing
building. That's the main reason right there.

VICE CHAIRMAN SCHLATER: Is there
potentially a solution for addressing them for
existing buildings versus new construction?

MR. PARKER: There certainly is. I
think what we have tried to show tonight, and
a couple of things, the reason that we don't
need them even for new construction -- and
here is one.

We have got -- when we say courts
in the current code, we basically have two
things. We have the dog-leg on a row house,
for example, a court that faces a side yard.
And we are stating the principle here that
there is really no difference in the amount of
space you need between your building and the
side yard, whether it is an entire yard or a
portion.

So treating that as a side setback,
so when we say remove court area and lot
requirements, we are saying, in that case,
transfer court requirements to side yard requirements.

VICE CHAIRMAN SCHLATER: Yes.

MR. PARKER: So we are not getting rid of anything there. We are just calling it something else.

In the case of a three-sided court within a building or a four-sided court in the middle of a building, that's where we are talking about, you know, how the IBC controls that and how zoning does it differently and how the IBC does it in a way that is actually more related to what we are trying to do.

Those courts aren't about neighbors or privacy, because they are entirely internal. They are about light and air to the units within a building and that's what the IBC does.

And, you know, that's what the IBC is designed to do. So, I guess, it is entirely up to you whether we keep court standards for, you know, those internal courts
or not.

I think we have tried to make the case that the IBC is the code that is, you know, intended to do that and does it in a more appropriate way.

VICE CHAIRMAN SCHLATER: Just by looking at these charts, and I think I just need some more time to go through them and understand the implications of what it is, but IBC seems to be less restrictive in most cases. I mean, would that be your analysis?

MR. PARKER: No. Well, it can be less restrictive in some, but if you will look here, I mean, this is really what we are talking about. On this chart, you can see, and this is just one example, there are so many variables that we can make 1,000 charts, because they are apples and oranges.

VICE CHAIRMAN SCHLATER: You are not -- it's very rare to have a building with 50 percent or more of glass on the facade.

MR. PARKER: Right. But the nexus
is that -- is at the 25 percent. If you provide more than 25 percent --

VICE CHAIRMAN SCHLATER: Yes.

MR. PARKER: -- in most cases, your IBC is bigger, is greater than your Zoning Code. So the point is IBC has a greater separation for buildings with a lot of windows or, you know, even equal window and wall.

And I guess the point that Mike was talking about tonight is the areas that are -- the buildings -- these courts that are down to 15 percent or less windows may not need a 20 foot court or a 15 foot court. Those are areas that are, you know, maybe designed just for a row of bathroom windows or just for access to the rear door of a building with no windows.

And so we have got courtyards that require, courtyard rules, a 15 foot court and I just want to put a doorway entrance in the back or a row of bathroom windows.

VICE CHAIRMAN SCHLATER: Yes. I
guess maybe what -- you are getting a little pushback on courts from everybody. And I think part of it is is that, you know, the underlying Zoning Act tells us that we are supposed to be regulating light and air into buildings. And I don't think we are going to lightly walk away from our responsibility to do that.

So I think it requires further study. And I thank you for the analysis. It is helpful and we will take a look at it and keep working through this.

MR. GIULIANI: And in the spirit of that sort of last comment, I guess the -- just some guidance in terms of would the Commission feel that it is safe to say that because the intent of the Zoning Code is dealing with light and air that there should be more relationship to the provision of windows? And that if you don't provide windows, that well, these standards aren't necessary?

Just for the purposes of like what
Travis was saying, you know, when we have access corridors or just setbacks that are intended for mechanical space or things like that.

VICE CHAIRMAN SCHLATER: I think that makes sense. A couple more.

CHAIRMAN HOOD: Let me do this. Does everybody agree with that last statement? Everybody agrees. I'm not sure if I'm there, but I just wanted to see if everybody else agreed. But still, I mean, I don't think that is done.

MR. GIULIANI: Absolutely.

CHAIRMAN HOOD: All right. Okay.

VICE CHAIRMAN SCHLATER: I'm not sure I understand Recommendation No. 3. What the -- how the court and side yards get worked into the lot occupancy calculations, but I think I'm just going to go through what we got tonight and noodle on that. I don't need to dwell on it.

One of the ANCs noted on the
limitation on neighborhoods serving non-retail uses that it didn't seem fair that they would be limited to buildings originally -- pre-1958 buildings.

MR. PARKER: We agree. That's something we talked about in working groups past, but not only it may not be fair, but it's hard to judge.

VICE CHAIRMAN SCHLATER: Right.

MR. PARKER: And so I think we can probably limit the impacts without that. I know we can limit the impacts without that.

VICE CHAIRMAN SCHLATER: I think I can agree with that.

MR. PARKER: Okay.

VICE CHAIRMAN SCHLATER: And I also agree that Cornercopia is an excellent little neighborhood store. The sandwiches are good and we should encourage that where we can. So I'm a full-throated endorsement on that recommendation.

And then on Recommendation No. 5,
I'm confused, because how much rework of the map are we doing as part of the Zoning Code Rewrite?

MR. PARKER: Well, we aren't doing a lot. We have proposed a lot in downtown. We have proposed remapping the entire Center City --

VICE CHAIRMAN SCHLATER: Yes.

MR. PARKER: -- to clean up a lot of areas there. But other than that -- well, no.

VICE CHAIRMAN SCHLATER: Are we remapping the city? Are we renaming the existing zones?

MR. PARKER: For the most part, we are renaming the existing zones. We are remapping --

VICE CHAIRMAN SCHLATER: That's something different from remapping?

MR. PARKER: Right. We are remapping downtown. We are creating TOD Zones.
VICE CHAIRMAN SCHLATER: Right, that is different.

MR. PARKER: That is different. And then this would be a third. And the reason being that, again, we have these two different subtitles. You know, D, which is the lower moderate, and E, which is the higher density, the Medium and High Density Zones. There are a lot of areas in the R-5-B that belong, you know, in the D and not in the E.

This could be a separate process, something that comes after the zoning review. We are certainly open to that.

VICE CHAIRMAN SCHLATER: All right. I guess the question is in the implementation of this, are you going to come forward with every area that is to be rezoned? So we would say yes, we want to divide the R-5-B Zone so that we are not impacting these row house neighborhoods.

MR. PARKER: Eventually we are. I mean, it doesn't have to be part of the zoning
review. I mean, that's what we did in 2007 with R-5-A. We came in with 1,000 lots and said this is our proposal for what these all should be zoned and this is why.

We have got all the data to do it and we will eventually bring that to you, whether it moves as fast as the rest of the ZR or not is an open question.

VICE CHAIRMAN SCHLATER: Certainly supportive of the intent of that recommendation, but I think it's a case-by-case basis. There are parts of the city where you might have row houses that you do want to up-zone and increase the density there, because that's near a Metro stop or it's a high density bus corridor.

So I just think it is done on a case-by-case basis. I'm happy to do it as part of this process, but I just wouldn't want to say blanket yes.

MR. PARKER: Right. And when that happens, there will be a map and a discussion
of each individual area that is rezoned. What is there now, I mean --

VICE CHAIRMAN SCHLATER: And will all the owners of those individual lots be notified?

MR. PARKER: Yes. Well, I'm trying to remember how the notification happened with R-5-A, but we will replicate that process exactly. I think we worked through ANCs.

VICE CHAIRMAN SCHLATER: Yes, okay.

Okay. Thank you very much.

CHAIRMAN HOOD: That process actually worked pretty good, didn't it?

MR. PARKER: Everyone was very happy with that.

CHAIRMAN HOOD: I remember that process. I think it started with John Moore.

MR. PARKER: Yes.

CHAIRMAN HOOD: Who has been retired for some time now. Okay. Any other questions? Commissioner Selfridge?

COMMISSIONER SELFRIDGE: Thank you,
Mr. Chairman. The courts have been discussed in detail. I would just share some of the concerns in general. I'm not sure I understand the impetus completely.

And by going to IBC, obviously, is it better? I guess we're trying to get to the better standard or are we just doing it to simplify it? I guess it has been covered, but those would be the questions I have.

MR. PARKER: Certainly. I mean, yes, that's always a possibility. I think what we are trying to do is not to overburden the BZA, but actually define what we want, you know. And we want to say these are the lists of characteristics of commercial uses that we want to support, the Corncopias and, you know, the Sara's Market in Georgetown.

And if we can be successful in
defining the limits that make that type of business, we want to allow those, you know, and allow them in limited numbers, you know, and limited intensity.

But if you don't feel that we get to the point where we have created those limits accurately, we can always look at a special exception as well.

COMMISSIONER SELFRIDGE: I would just worry a little bit about the over-commercialization of some of these residential areas. And I don't -- I would be more concerned about the burden maybe on the homeowner and the residents in terms of having some of these unwanted businesses in the neighborhood or maybe an over-density of it.

And it seems to me a special exception process isn't too burdensome that somebody could go through. So I would just be curious. Maybe there will be some testimony on that tonight --

MR. PARKER: Yes.
COMMISSIONER SELFIDGE: -- if that's a way that we could go just to kind of slow walk through this expansion.

And then that was really my only point. I think Recommendation 5, I'm in favor of, I think. Vice Chairman Schlater made some good points, particularly about notification. That property owners who were going to be potentially rezoning their properties are well-notified and have an opportunity to weigh in on it.

And then also Recommendation 3 I thought made a lot of sense. I never quite understood why these courts were counted towards lot occupancy and certainly to the degree that it would encourage people to fill them in. I think you want to remove that incentive.

MR. PARKER: Okay.

CHAIRMAN HOOD: Any other questions or comments? Okay. I'm going to do this. I'm going to ask Commissioner Speaks, who is

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in the audience, if you could come up and see
Ms. Hanousek? Ms. Hanousek, if you could
raise your hand, so they can -- can you just
come up and talk to Ms. Hanousek for a moment,
please? Okay.

Okay. Let's see, we do have some
ANCs who have weighed in. We do have two
requests from ANC-6B and 6D to leave the
record open and also ANC-6C. Let's go ahead
and deal with ANC-6C.

Mr. Parker, I'm going to ask you to
help me out here. Have you seen their letter?

MR. PARKER: I have and as I told
Commissioner Schlater, we agree with their
concern and we won't have the pre-1958 as a
condition.

CHAIRMAN HOOD: Okay. Good. I
must have missed that. Okay. Okay. Let's go
with is anyone here in support? Okay. Could
you come forward? Okay. Mr. Alpert, you can
-- we notice you didn't sign in. Are you here
in support?
MR. ALPERT: In part.

CHAIRMAN HOOD: Okay.

MR. ALPERT: Should I just say what I --

CHAIRMAN HOOD: In part?

MR. ALPERT: -- support or do you want me to say what I think in general?

CHAIRMAN HOOD: You're closer to support than what I have on the list, so you can go ahead and testify.

MR. ALPERT: All right. Thank you. All right. Thank you very much. Members of the Commission, my name is David Alpert. I run the website Greater Greater Washington, which covers issues of planning and zoning and transportation in the D.C. Metropolitan area.

I'm here to support much of the recommendations, but not all of them. I have some concerns about some of them. I think the first, I don't have the numbers in front of me, because I forgot my copy.

But the ones concerning the courts
and the filling in of courts and also the International Building Code issue that you were just discussing, all of those I actually think are a good idea.

I believe that we should be somewhat flexible in terms of the specific court requirements when it doesn't affect other buildings.

In my opinion, the primary purpose of the zoning that we should be concerned about with things like courts is the way it interacts with potentially other people. The zoning is to make sure that:

(1) I think in my interpretation about when you say that you should regulate the light and air is that you are really concerned about how one building might interact -- might affect the light and air of another building. It is how does this building, you know, impact other people.

And that's really what zoning is primarily concerned about. And when, you
know, you have these -- the rear setback requirements and things like that, which, you know, are not really changing, with respect to things like those interior courts, you know, there are a variety of different people who want a variety of different amounts of light.

Obviously, no building should be unsafe. No building should have sort of so little light that it's not healthy or anything like that, that is all very important. But it seems like that is what the Building Code addresses is how to make sure the building is healthy.

And if somebody is interested in living in some place that maybe has a little bit less light, but is -- still complies with the Building Code, I don't think we should necessarily outlaw that as an option.

I believe most developers seem to want a lot of light nowadays and they are building buildings with a lot of windows anyway, so I don't really think everyone is
going to be trying to build these really dark apartments.

So I would actually encourage you to try to go ahead with at least some variation of that recommendation.

I used up most of my time on that one, so I apologize. But I think I was supposed to have five minutes. I don't know if I did.

My concerns are about -- I also support in general the recommendation to have the expansion of retail and other commercial uses in some limited way. I think that there are a lot of places in neighborhoods that we are very limited in terms of where we have commercial uses.

Of course, you know, as someone who has an alley that doesn't have any restaurants, I don't want to have a restaurant that generates a lot of trash that would bring in a lot of rats, for example, in my alley.

But I think the Office of Planning
is generally on the right track in terms of trying to make it possible for some very limited numbers of businesses to go into spaces where they are not really going to affect -- you know, we aren't really going to, again, have impacts on others.

Like I was saying before, we should think about how the zoning -- really the purpose is to diminish the impact or remove it on other people.

And so if a business can go into a building and it doesn't have an impact on the neighbors, because it is not going to generate trash, it's not going to use chemicals, which will create a smell, or something like that, I think it is worthwhile to be somewhat flexible.

I do think that Commissioner Selfridge when you were saying about maybe moving slowly on one of these, I think that was the one you were talking about. I think that that makes sense.
You know, maybe this is something that could be piloted a little bit in some places, because people I have talked to, including ANC Commissioners, have expressed some concern about well, exactly how will this work? You know, what will the rules be and how specific will it be?

And I know that is mostly an issue for the next phase, but I think we should find ways to maybe, you know, get at this. You know, give it a chance to -- for people to figure out how to really make it work, because, obviously, we don't want to be willy-nilly putting a lot of commercial uses in a lot of places that will really create a lot of change. I don't think that's really the purpose.

Finally, the part that I am most concerned about that I don't really support or I'm not sure I support is the R-5-B change to have the row house and the apartment building sections.
I think that, in essence, what it appears that we are doing is significantly down-zoning large parts of the city. And while sometimes you have done that at the request of a neighborhood, I think it might be better to leave that to an official down-zoning.

There are a lot of blocks, including mine, that are very mixed also between apartment buildings and row houses. Mine is in Historic District, so it's not like the buildings really will get larger. But there are neighborhoods where a lot of the buildings are much smaller than the zoning allows and that has sort of always been the case.

And, you know, we shouldn't, I don't think, necessarily, just because the Comprehensive Plan called them orange, say, okay, well, now we are going to limit them all to the size that they were.

And I would especially be concerned
about the provisions that all of a sudden all
those row houses will have limitations on the
number of units that they can have. Though
I'm not sure exactly if I'm understanding
correctly what they are proposing.

I think that if neighborhoods are
concerned about pop-ups, I don't like a lot of
the pop-ups. I think they are really ugly and
that we should do something about those sort
of eyesore pop-ups. But I think that the best
way to address that issue would be through
some sort of conservation district using a,
you know, Historic Preservation mechanism,
maybe a little bit lighter weight than what we
have in order to address that issue as opposed
to just sort of wholesale down-zoning large
parts of the city, you know, just kind of in
that way.

So that's it and I'm up with my
time and so I would be happy to answer any
questions you have.

CHAIRMAN HOOD: Okay. Thank you,
Mr. Alpert. Any questions, Commissioners?
Not seeing any, thank you very much.

MR. ALPERT: Thank you.

CHAIRMAN HOOD: Appreciate your testimony.

MS. STEINGASSER: Chairman Hood, I know it's a little unorthodox, but could I add something really quickly about --

CHAIRMAN HOOD: Sure.

MS. STEINGASSER: -- this R-5-B?

CHAIRMAN HOOD: Go right ahead, sure.

MS. STEINGASSER: I want to be really clear for the audience and for the record. OP will not --

CHAIRMAN HOOD: Hold on one second.

MS. STEINGASSER: Okay.

CHAIRMAN HOOD: Mr. Alpert, I think she is -- Mr. Alpert? Mr. Alpert, I think she is addressing one of the issues you brought up.

MS. STEINGASSER: I just want to be
really clear. OP is not planning in any way or at any time to come forward with a wholesale down-zoning of anything. It is a tool that we have heard over the last couple of years, it has also been referred to as an R-4-A and a B, where there is significant community support and that the community would initiate a zoning to protect residential character.

Pop-ups is one of the main concerns we hear about. And what we are looking at is something that is between the Apartment Zones and the Row House Zones where the building may have three or four dwelling units already, but the overwhelming character, and you see it a lot in Columbia Heights, is a three story and suddenly they can go up to 50 feet.

And the neighborhoods don't mind the unit count, but they are very concerned about the structural thing. So that's what this is a tool we are creating. We are not planning to rezone anybody's neighborhood
without their full support of the ANC. And it would come forward in coordination, if not initiation, from the communities.

I just wanted to be really clear about that.

CHAIRMAN HOOD: Thank you, Ms. Steingasser. Thank you, Mr. Alpert.

MR. ALPERT: Okay.

CHAIRMAN HOOD: Appreciate it. Okay. Let me go to my list. I have opponents. Let me start with Ms. Hargrove, Anne Sellin, Ms. Righini, hopefully I pronounced that correctly. Righini? Righini, I'm sorry, come forward. Robin Diener and Marilyn Simon.

Ms. Gates, are you going to testify? Is there anyone else here who would like to testify in opposition? Do you want to testify? Come on to the table. Is there anyone else who would like to testify? Opposition, in between? Okay.

Sorry, once we get your testimony
we are going to get started, but let us get your testimony first and we will start with you. Okay. Ms. Hargrove, you may begin.

MS. HARGROVE: Thank you, Mr. Hood. I want to say, first of all, that I have got too much of a paper for five minutes, but I will try to do my best to get through some of it, at least, and hopefully all of you will enjoy nighttime reading before you go to bed in between all of these terrible cases that come so rapidly one after another.

So let's start with the distribution of the R-5-B Maps through R-5-E Maps in the city.

They are up on the wall. We cannot put them in an 8.5 x 11 thing very comfortably to put all four of these areas and one map that shows them. It's not very good with the light on. But in any event --

CHAIRMAN HOOD: Ms. Hargrove, if we cut the lights, are you going to be able to see your testimony?
MS. HARGROVE: Thank you.

CHAIRMAN HOOD: Okay.

MS. HARGROVE: What you will see, if you look at them in sequence, there is not much R-5-B. There is a little bit of R-5 -- there is a lot of R-5-B. It's the most prevalent of the zones involved. There is some R-5-C along the corridors primarily, Connecticut Avenue for example. And there is no R-5-C, which is a result of the zoning case years ago, which we can talk about if you are interested.

But in any event, the R-5-B is largely clustered in the inner city and takes place largely in Adams Morgan, Dupont Circle and Columbia Heights, that's where the predominant use of it is.

But if you look at this, if you look at these -- if you look at it in this way, it is important to see that the major arguments that the OP was using that we need Commercial Zones in these residential
neighborhoods by converting a Residential Zone
to a commercial use, that we might start with
a particular map that OP posted in its
proposal, which shows something, which is
really mysterious to figure out, where you are
supposed to have access to good health and
good food and that sort of thing.

It's not clear what all that would
cover, but you will see from the blob that is
in the middle of the city that the areas which
get the best representation that is having
good or excellent services near to the
residential neighborhoods is in the inner
city, in the R-5-B and the R-5-D, since C has
gone bye-bye, is mapped.

That's an important consideration
because if we want to use need as the criteria
for changing a whole zone, we need to be able
to see whether that criteria is met largely
within the zone or not.

Let's go to the next map. There
you see what is an example of Adams Morgan and
there is also going to be a map shortly of Dupont Circle. This doesn't include all the commercial, but the striped areas are commercial.

In Adams Morgan, you have a lot of access to commercial corridors for uses. For example, you have got 18th and Columbia Road, you have got nearby 17th and Dupont Circle, you have got Florida Avenue, you have also got U Street, you have got Kaloroma for both, which has been converted to a largely commercial strip.

So and you can walk over to 14th Street, if you are at the edge close to 16th Street. So there is a lot of commercial, even beyond what you see on that map.

And the point of showing it to you is that it is really a really, really good place to live if what you want is access to commercial while still having Residential Zoning.

There is also a map of the Dupont
Circle area, which Anne Sellin will discuss further later on. You can see there is an enormous amount of commercial there as well. Plus, they have access to the things I just mentioned in Adams Morgan and also in nearby Columbia Heights and also beyond any areas along 14th Street.

So all of those are areas where people can get goods and services and they include all the basics like food, lots of grocery stores now, drug stores, shops of all kinds, too many restaurants, frankly. We have loads of them in the area, because they are really kind of hard to manage. After all it is -- has liquor which is involved, which is a controlled substance.

But in any event, you can see from those maps that the residential areas have excellent services nearby.

Now, when you look at all of these together, there are certain things you might conclude and that is that actually we don't
need commercial uses, not more of them than we currently have. Some of the buildings that were commercially used that were nonconforming have been converted to residential and everybody is pleased about that.

Just as someone implied earlier, there are some good commercial uses here and there in the city that you would hate to see go away. But on the other hand, it is also good to be able to preserve your Residential Zones for residential and not to have to have your -- any commercial competing with your commercial strips not doing as best as they possibly can.

To go forward with the next presentation, which is the commercial uses in R-5 Districts. This is an OP map that was prepared to show a bunch of dots. And I can't tell what those commercial uses, quite frankly, are, because as you may know, there are only two or three uses that have been added to the R-5 Zones that were not already
in the R-4 Zones, that includes hotels, which are no longer going to be placed there, since the order in the 1980s, which says we no longer will have them.

And it includes art galleries, which Anne Sellin can explain is an anomaly and was supposed to be for public art galleries, rather than private ones, but it did come to light there.

And it seems to me there is another one, which is mainly adjuncts to residential apartment buildings, which are designed totally for the apartment people themselves. You have to enter them from the apartments and they are not supposed to be things that are widely used in the neighborhood and adjuncts to hotels, which I doubt that any of us would think have much of a bearing on what is needed by way of local residents for commercial uses.

So altogether, I would like to say the following and I'm going to have to have a blend of light from time to time to go with
what we are covering.

The conclusion from all of this is that there is no need for making the nonconforming commercial uses conforming suddenly overnight or bringing additional commercial uses in the zone. But there is also a very important reason that I want to get out before my time is out.

And that is that it's all of this is very much in contradiction to the Home Occupations Code.

CHAIRMAN HOOD: Ms. Hargrove, how much more time? I'll tell you what we will do. Let's make a deal, because I'm going to have to do it with everybody. We will give you one minute to give us your closing thought.

MS. HARGROVE: What shall it be since there are so much? I would say that I think there has been no showing of the -- that I would say that the Comprehensive Plan does, indeed, say that there should be some
commercial added to residential in corridors, but it doesn't specify which zone nor does it say it has to be in every block in the corridors nor does it say that there should be anything indicated other than corridor development of that sort.

So we are really reaching further, you know, than, it seems to us, the Comprehensive Plan stipulates. And I would also say we are very thankful for any revisit of the R-4 and R-5 issue, because that's -- actually most of this zoning that is R-5-B was slated to be R-4 in the Lewis Plan.

It was largely because of the Urban Renewal Plans that were slated for the area, including the Adams Morgan Urban Renewal Plan and the freeway, the Northwest Freeway that was supposed to go down Florida and U Street that resulted in so much of the area and Dupont Circle and Adams Morgan being rezoned R-5-B.

You can look that up yourself and I
have the maps at home.

CHAIRMAN HOOD: Thank you very much, Ms. Hargrove.

MS. HARGROVE: Thank you.

CHAIRMAN HOOD: Let's go to Ms. Sellin. And let's just do this, Donna, let's put six minutes on the clock for everybody. And that's going to be the wrap-up and everything. So we are across the board. Okay. Ms. Sellin?

MS. SELLIN: Well, I'm Anne Sellin of --

CHAIRMAN HOOD: Is your microphone on?

MS. SELLIN: I'm Anne Sellin representing the Residential Action Coalition. I have distributed my testimony and I addressed 1 through 3, but I think I'll go immediately to the lower part of my testimony.

This flies in the face really of the Comprehensive Plan, which says "The residential character of neighborhoods must be
protected, maintained and improved. Many District neighborhoods possess social, economic, history and physical qualities that make them unique and desirable places in which to live."

These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced.

And there is another quote from the Comprehensive Plan. The proposal to change R-5 Zones in Dupont Circle as a matter-of-right, and that's really what the advertisement says, matter-of-right, there are no checks whatever to commercial use would be a grave assault to a thriving highly desirable residential community for Historic Districts would be directly affected, the Dupont Circle, 16th Street, Strivers and Greater 14th.
During all of the discussions with the Planning Office over the last two and a half years, Historic Districts were never taken into account by the planners.

On our commercial streets, we have vacant buildings. Their reinforcement and improvement is what is needed. Over the last 32 years, all citizens groups in the neighborhood combined to rezone our area to protect its housing and architectural character.

There were six different rezoning cases. This entailed huge efforts on the part of our citizens and cost a great deal of money and sustained volunteer forces over the years.

We did the surveying, rationale, photography and worked with the Planning Office. With Adams Morgan, we helped create a new mixed-use C-2-B Zone and applied it to the 1500 Block of U and to 17th Street.

The last rezoning was just two and a half years ago and it took two years to
prepare. All these rezonings were necessitated by the over-zoning of 1958 to accommodate the misbegotten and unrealized Northwest Freeway and Urban Renewal Plans.

The rationale in 1958 was to -- that row houses and all commercial buildings could be destroyed for highrise development.

One of the problems that remained unremedied was the Special Purpose Zone, created in '58 at the pass of NCPC. It was to serve as a Transition Zone permitting offices for nonprofits and professionally licensed businesses by special exception to coexist with housing.

However, over a period of 20 years, virtually all the housing evaporated with the exception of four apartment buildings. The reason is that virtually all the special exceptions were granted by the BZA over the objections of the neighborhood. All special exceptions.

Whole blocks lost all their
residents. Loss of housing, especially in this highly desirable area, is fiscally disastrous for D.C. revenue due to lost taxation. Economist Thomas Muller demonstrated in a study that housing in D.C. per square foot yields more tax revenue to the city, because residents pay more in income tax than office taxes garner.

Office workers many being commuters pay no income tax to D.C., thanks to Congress. Nonprofits pay no taxes, other than real estate. The tax yield by residents is more pronounced now in Dupont Circle, this is to residents who become more affluent.

Numerous economic studies by the Control Board enforce this conclusion. If this proposal were to pass, the Dupont Circle neighborhood would be transformed over the years to stores and offices with a dramatic displacement of residents just as happened in the Special Purpose Zones.

Conflicts are perpetual between
businesses and residents where they lie cheek
to jowl with an intersect at commercial
streets, particularly troublesome are places
that sell liquor, liquor stores, restaurants
and bars and we have a super abundance of
restaurants and bars. The predominate on most
of our commercial streets.

But to have any office or store
next door or even in the same building is
highly undesirable. People moved here relying
on Residential Zoning for their quality of
life. Others have chosen mixed-use areas. It
would be a disaster for the city to pull the
rug out from under us.

The 3,000 square foot limit for
commercial suggested amounts to the size of a
row house. Even if only one floor were used,
expansion throughout a building would result.
The bleeding of commercial throughout
buildings in the C-2-B Zone continues, because
the city refuses to police its restrictions,
despite pleadings by residents.
In this neighborhood, commercial north and south streets run every two blocks. We are served abundantly by stores catering to neighbor's needs. Puzzling is why the Office of Planning does not seek commercialization in R-1 and 2 Zones, which are the farthest removed from stores and services, but we do not suggest that.

Particularly frightening is the suggestion in the open planning sessions that any block with a commercial use be mapped commercial, even if there is only one use. Thereby increasing its height and undoing all our rezoning efforts.

There are mistakes that are unrelated to what is on the ground in the proposal. For example, the statement about 16th Street having the most non -- the most commercial uses between Mass Avenue and Piney Branch. The largest portion of this area is single-family and not relevant to this case.

The nonresidential buildings in R-5
were mostly built as schools, churches and organizational and institutional entities, such as The Carnegie, The Jewish Community Center and Masonic Lodges.

CHAIRMAN HOOD: Okay. Could you give us your closing sentence?

MS. SELLIN: None of these serve the residents' needs excepting the Jewish Community Center, whose fitness program is open to all residents.

The only commercial uses on 16th in R-5 is historic 16th and T built as a residence and the legal accessory use restaurant, the Woodner and dentist offices in the 3800 Block.

CHAIRMAN HOOD: I'm sorry. I'm going to have to cut you off.

MS. SELLIN: Okay.

CHAIRMAN HOOD: We have your testimony.

MS. SELLIN: And I do have some slides of what serves the neighborhood I could run through at a second each, if you would
CHAIRMAN HOOD: I'll tell you what, at the end if we ask questions of you, then you can show us your slides, at that time. I added an additional minute.

MS. SELLIN: Okay.

CHAIRMAN HOOD: So we could get our closing --

MS. SELLIN: Thank you.

CHAIRMAN HOOD: -- statements.

MS. SELLIN: Thank you, Mr. Hood.

CHAIRMAN HOOD: And I want to be fair, because if not, I have to go back to Ms. Hargrove and give her additional minutes. See, I try to be fair.

MS. SELLIN: Okay.

CHAIRMAN HOOD: We may ask you questions.

MS. SELLIN: It's a tremendous case actually and I didn't even get to address the courts and side yard requirements, which--

CHAIRMAN HOOD: Okay.
MS. SELLIN: -- are very important actually.

CHAIRMAN HOOD: Well, we have your testimony and we will read it. Stick around and see if we have any questions for you. Okay. Ms. Righini?

MS. RIGHINI: Righini.

CHAIRMAN HOOD: Righini. I'm sorry. Let's begin. It's getting late and we probably haven't had dinner yet, so don't make us hungry.

MS. RIGHINI: For the record, I'm Marilou Righini and my family and I lived in our home in an R-5-B District of the Kalorama Triangle Historic District. And we have lived there since 1964 and have been active in the community over many years.

I actually served as president of the Kalorama Citizens Association during the period when we obtained our Historic District.

This evening, however, I would like to speak in opposition primarily to
Recommendation 4, and you have my testimony in front of you.

Actually, I take great exception to this recommendation, which would allow commercial activity in R-5 Zones as a matter-of-right, which makes it much more difficult for resident and property owners to monitor unwelcome impacts that such commercial activities could have over the long run.

When we talk about use categories, such as retail, service, office, food and alcohol services, we can envisage such activities as invidious tools for block-busting of our five neighborhoods across the city.

A recommendation creating, and I quote, "contextually appropriate performance standards" that will "include a maximum square footage" and may, and I underscore may, also include a laundry list of items that concentrate limits to prevent multiple uses on the same block, such as the maximum hours of
operation, number of employees, garbage, storage, signs, lighting, noise, odor is really a recommendation for disaster.

It is difficult enough to control these issues in our commercially zoned areas, let alone if residents and owners are faced with controlling them on a block-by-block basis in R-5 Zones.

A recommendation suggesting, and this was suggested in the written material I got off the web, a 3,000 square foot would be the upper limit of any size of commercial use not currently allowed in R-5 Zone is yet another tool of the destruction of these residential neighborhoods.

For example, many of the houses in Adams Morgan don't even reach the 3,000 square foot limit. Are we going to be encouraging wall demolition between houses to obtain this limit? We have limitations already on home occupations in these residential areas. We do not need your suggested usages.
I question the pressing need for commercial uses at all in R-5 Zones. In Adams Morgan, as has already been mentioned, we have grocery stores, pharmacies, banks, hardware and service areas. We also have an excess of ABC establishments.

All these commercial uses are within 5 to 15 minutes walking distance. We don't need commercial uses in our residential areas.

We -- if they are nonconforming uses, let them remain nonconforming. As taxpayers and homeowners, we want to continue to feel assured and protected by our Residential Zones.

And one last comment. On April 16, 2009, at its regular monthly meeting, the Kalorama Citizens Association unanimously adopted a resolution concerning the ongoing review of the D.C. Zoning Regulations protection of residential neighborhood from intrusions of commercial uses.
This resolution was reiterated during the announcement about this hearing tonight at our KCA meeting of November 18. And for the record, I have attached it to my testimony.

CHAIRMAN HOOD: Okay. Thank you very much, Ms. Righini. We appreciate your testimony.

MS. RIGHINI: Thank you.

CHAIRMAN HOOD: Let's go to Robin Diener.

MS. DIENER: Good evening, Commissioners. Thank you very much for this opportunity to speak to you tonight. My name is Robin Diener. I'm a resident of the Dupont Circle area.

I grew up in the suburbs of Baltimore, which I quite hated, and when I finally took a trip to Georgetown as a young woman, I vowed that I would live in Georgetown. I end up now in Dupont Circle, but I did work in Georgetown and went to
school there and I very much love the Historic Districts of our city.

I'm not an expert on these matters at all and I yield entirely to the people on this panel who know a lot about this. I did want to let you know that I'm not testifying in the capacity in which I serve as President of the Dupont Circle Citizens Association.

But I just have to let you know that we didn't get any notification about all of this. I mean, we weren't sought after, no mailings, no emails directed to our association to know about this.

And certainly we could arrange to find out about it and I am here because I do know about it going on. But it would be helpful if there was a little more direct contact, so that we could find more people in our groups who are interested in this and who can have the time and energy to sit through all of this, because it is quite a task you have taken on.
What I guess I want to say and I'm going to change my testimony a lot and make it briefer. As far as density goes, and we know that the city is seeking greater density throughout -- our officials are looking for greater density.

We don't need more density in Dupont Circle. We are good. Things are very teeming and vibrant. I'm especially concerned with commercial businesses, as other people have alluded to here, because, over and over again, we see a sort of innocent commercial use that isn't an alcohol-serving establishment turn into one over time.

And that it is much more difficult, it has a lot of impact on neighbors and it's much more difficult to deal with than say a lovely art gallery or something like that, which we would welcome.

And so if these ideas of sprinkling in businesses can be very, very tightly controlled, then perhaps that can work. But
what works in Dupont Circle is the -- two things.

Very close proximity of residents and businesses, but at the same time a clear delineation. And where we do not have that clear delineation, we have big problems.

So I think everybody knows about 17th Street where we have commercial on one side of a three block area and almost exclusively residences on the other side. This is a big problem.

Also, the problem is when businesses come around the corner off of the commercial area, now into a residential street, and tend to creep down over time. These just become hot spots and very, very difficult things to deal with in the community.

So I guess I'll just conclude by saying that, you know, the current zoning that we have actually works pretty well. When we have problems, it seems like it is because
guidelines were not in place or things were changed.

I live in a single-family house located directly behind the Cairo apartment building of the height limitation fame. And where the Cairo, and this may not be relevant to this, so I'm sorry if my example is not valid, but I know that where the Cairo to have been situated just around the corner on 16th Street, a much broader boulevard than the little residential street, it wouldn’t have been a problem.

And I could grow petunias and I could have solar panels on my roof. I think that some of the heros of the SmartGrowth Movement are actually some of my heros as well, Andres Duany and Elizabeth Plater-Zyberk and Witold Rybczynski.

And I'll close now at the meeting. At the Atherton lecture at the National Building Museum on May 14th on the subject of D.C.'s height limit, having noted that a lot
of density could be achieved with just medium-rise buildings, Witold Rybczynski concluded
Washington is a nice anomaly, we should leave well enough alone.

And you know, that's not very helpful to say we should leave well enough alone. You know, people have worked hard on this, but I just wish that our neighborhood could have been included a little more directly in this.

CHAIRMAN HOOD: Okay.

MS. DIENER: And I have included my testimony, a list of the wonderful amenities that we have just within 15 minutes walking in Dupont Circle.

CHAIRMAN HOOD: Okay.

MS. DIENER: Thank you.

CHAIRMAN HOOD: Thank you very much. Ms. Simon?

MS. SIMON: Thank you. My name is Marilyn Simon and I am speaking on behalf of Friendship Neighborhood Association.
Today I will comment on two of OP's recommendations, Recommendation 4 to 11 on residential uses in Residential Zones and Recommendation 5 to divide the R-5-B Zone between apartment areas and row house areas, based on existing building characteristics.

OP's recommendations to broaden the nonresidential uses in Residential Zones conflict with the role of the Zoning Regulations as a contract that protects residents and businesses that have invested in the District and provides homeowners with predictability about the development that will be allowed in their neighborhood.

These recommendations also remove choices of neighborhood characteristics currently available to D.C. residents. D.C. residents who seek a medium or high density residential neighborhood currently have a number of choices.

They can choose a neighborhood with Commercial Zoning providing a mixed-use
neighborhood or a medium to high density residential neighborhood that is close to a Commercial Zone or a medium to high density residential neighborhood that is further from a Commercial Zone.

In choosing between these three options, the residents can weigh the impacts of being near commercial uses and the possible inconvenience of having to walk a longer distance when running errands.

OP's recommendation will remove the second and third option from D.C. resident's menu.

To address the impact of commercial uses in Residential Zones, OP offers a number of standards. These loose standards contrast with the requirements of home occupations, which are carefully controlled and most importantly require that the building serve as the residence of the practitioner, as the principal residence of the practitioner.

OP's standards are totally
inadequate to control impacts. For example, OP has not considered the impact of traffic and parking or the potential for littering or loitering. The inadequacy of OP's proposal illustrates how difficult a task this is and how unlikely it is that an acceptable set of standards can and will be drafted.

By recommending that a distance of 500 feet be used to determine whether a proposed nonresidential use is too close to a Commercial Zone, OP is at odds with many of their recommendations using a quarter or half mile as an easy walking distance.

This undercuts other zones relating to a walkable Commercial Zone by having the commercial uses lead into a much larger area threatening the viability of the nearby commercial area and creating a type of retail sprawl.

We also note that the recommendation is inconsistent with the Comprehensive Plan which calls for encouraging
nodes of commercial development as we see on commercial corridors such as Connecticut Avenue, with nodes of commercial development interspersed with medium and high density residential development.

FNA’s concern with Recommendation 5 is the reliance on the existing building characteristics to determine which R-5-B Zone should be classified as row house areas and incorporated into Subtitle D.

The reliance on existing building characteristics means that some currently undeveloped areas which should be included in Subtitle D will instead be classified as apartment zones.

The Friendship Heights Plan includes an arc of areas Zoned R-5-B and designated on the Comprehensive Plan Map as moderate density between the more intensely developed Friendship Heights Regional Center and the surrounding low density residential neighborhoods Zoned R-1-B and R-2.
Part of the arc has been developed as a townhouse development, which provides a buffer between the single-family homes and the intense development on Wisconsin Avenue, and my submitted testimony has some photographs.

The portion of the arc west of Wisconsin Avenue is largely undeveloped and is across the alley from a group of semi-detached homes on Harrison Street. Like the homes east of Wisconsin Avenue, these homes could be buffered with a row house development.

The new development could even be done with underground parking and a single curb cut as was done at the Villages of Bethesda on Arlington Road.

In conclusion, we ask that the Zoning Commission in providing guidance to the Office of Planning ensure predictability and protect residents' current choices of neighborhood characteristics by directing the Office of Planning to drop its recommendation to allow commercial used in Residential Zones.
We also ask that the Zoning Commission clarify the process for determining which R-5-B Zones should be incorporated into Subtitle D to include not only areas with existing townhouses, but also undeveloped areas, such as the R-5-B, moderate density buffer zone in Friendship Heights that are most appropriately classified as row house areas and should be included in Subtitle D.

Thank you very much.

CHAIRMAN HOOD: Okay. Thank you.

I know you are either an ANC Commissioner or a president or vice president, one of the three. See if I've got a good memory.

MR. CRAWFORD: My name is Peter Crawford. I'm President of the Condominium Association of the Oakland Condominium on Columbia Road, N.W.

And I come here tonight on behalf of the Board of Directors of our condominium, our 25 unit medium-rise, five story building adjacent to the Wyoming Condominium on one
side and Schuyler Arms on the other and across
the street from a number of historic row
houses.

I'm here tonight to oppose the
proposed rules on a couple of bases. I am
concerned about the setback issues, but I want
to say I have had some clarification this
evening from the presentations that was quite
helpful and I'm going to reserve my comments
on those issues.

The bigger issue for us is the
commercial development encroachment concerns.

CHAIRMAN HOOD: I think your mike
cut off. Try again.

MR. CRAWFORD: There we go.
Columbia Road is an interesting place. To our
immediate west, we have the Hilton, lucky us
and we are about to get a lot more Hilton,
really lucky us. We have just endured the
renovation of the existing structure and now
we are going to get to endure the construction
and the, what I think as a skeptic, excessive
use of a huge condominium development on that site.

But it goes to the point of the encroachment of commercial development in the Residential Zones. The Hilton is there and there's not much we can do about it, at this stage of the game.

But if you look at the residential characteristics of the rest of our block and few blocks there along Columbia Road, it is, essentially, residential. There is a 7-11 on the corner of Wyoming that somehow got put there many, many years ago and will, I guess, continue to be there.

But for our neighbors, if we want the commercial uses, we can walk up the street towards 18th Street and Columbia or we can, you know, walk down Belmont or Kalorama down to the lower parts of 18th and Florida. We don't want the encroachment of the commercial use in the strictly residential blocks. And we have fought hard to preserve the residential
characteristics of the neighborhood.

Several of the people who have spoken tonight have talked about the potential unintended consequences of this measure: Noise, crime, trash, the inability to enforce the standards once they are put in place.

We are concerned about attempts to put commercial uses inside residential buildings. From our own condominium we have fought hard to make sure that our rules prohibit that.

But, for example, the rental building next to us two doors up, the Gelmarc Towers, there would be nothing to stop that owner/developer from allowing those kind of uses. We think that would be detrimental to the neighborhood.

With that, I'm going to conclude my remarks and I'll yield my time back to you all. This needs a lot more thought. It needs a lot of very careful consideration. We don't want commercial development coming in willy-
nilly. We don't want it random. We want a good plan and we respect the work that you are doing on our behalf. Thank you.

CHAIRMAN HOOD: Okay. Thank you very much, President Crawford. We appreciate your comments.

Let me do this. Let me -- I have a few quick questions I want to ask. Let's go back to Ms. Righini. There was something I was going to come back to you for and I didn't write it down. What was I coming back to you for?

MS. RIGHINI: Nothing.

CHAIRMAN HOOD: You had some slides, that what I was doing. Yes, I wanted to see those second slides.

MS. RIGHINI: Right.

MR. GIULIANI: Just tell me where you want to start. If this is the right place or further on?

CHAIRMAN HOOD: It going to take a second you said. No, I'm just joking.
MR. GIULIANI: It is incorporated in the same presentation though?

MS. RIGHINI: No, not really. I will just say that it's with regard to that slide.

CHAIRMAN HOOD: Let's get on the microphone. Is this a joint effort between you and Ms. Hargrove? If it is, I will -- if my colleagues will indulge, we will allow three minutes. Okay. Since you all -- you know, I look at the testimony and everybody has done such a great job in preparing for this, I want to make sure that we allow for adequate time.

So we will allow for three additional minutes, Ms. Hargrove and Ms. Righini.

MS. RIGHINI: I'll be very quick. These are -- this is a picture of the Wyoming apartments, the landmark, which is also a part of the Historic District, and the apartment building which my neighbor to my left lives in.
to show that this is sort of a bulwark in a
way against the Hilton and the -- in the area
behind it.

The -- it is important to note that
across the street there are not only these
beautiful row houses which, again, are part of
the Historic District, but the Lothrop
Mansion, which is the apex of our neighborhood
at the junction of Columbia Road and
Connecticut Avenue.

It is a very defining place and a
very lovely place. We would hope that it
would not be encroached on by commercial uses,
although we have loads of commercial uses and
we enjoy many of them. But I think I would --
there are also some row house pictures, real
quick, if you can show them?

These are on Wyoming Avenue between
19th Street, which backs up to the Hilton, and
also 18th Street. These are lovely houses with
families and other people living in them
trying very hard to retain their residential
character.

And I think it is important to not impose commercial uses on them which are unneeded totally.

One more slide and then Ann should take over. She has far more slides. This is the -- shows a building which is one with the courtyard in the front, which we discussed earlier. And we would have some comments at another time about that. And appreciate the presentation that was made tonight.

But in general, we think that any standards that you consider with regard to these other things that have been offered should be done within the context that we don't plan these standards for the bare minimum.

We plan for the best that we can get. And in 1958 when the Zoning Regulations were put forward, they were put forward with the notion that they would create a lot of nonconformity in the old buildings. And we
are aware of that. And we have to take into account the difference in the old buildings and the new buildings and making any judgments and do further land use studies.

MS. HARGROVE: This is one of our large apartment buildings on New Hampshire Avenue.

Next. New Hampshire Avenue, just row houses that are residential north of Dupont Circle immediately.

Next. This is one of our vacant buildings, commercial buildings at 14th and U. It has been vacant for over four years right across from the Reeves Center. This is the kind of building that has to be supported for commercial use.

Next. This is a new furniture store on 14th Street. I'm just showing a bunch on 14th Street, which serves the neighborhood.

Next. The Source Theater, of course, on 14th.

Next. Home Rule, a new store that
serves kitchenware. We have probably more
than almost 35 percent of linear footage on
14th Street is restaurants and fast food.

Next. This is a flower shop on
14th Street, a new shop.

Next. A nursery on 14th at S.

Next. Another home furnishing
store that has just taken over from an
automobile supply store, the last one on 14th
Street. We do have an automobile repair
hanging over there.

Next. This is a large -- two
vacant buildings on 14th Street, retail use
that have been vacant for quite a while.

Next. This is a wine shop and a
pizzeria. The building on the right is a
particularly wonderful Egyptian Revival, it
was Wardman's, Harry Wardman's office for --
it was an auto showroom.

Next. We have FedEx.

Next. Whole Foods, which people
flock to and is very good organic food. This
is the 1400 Block at P.

Next. There are three banks in this block.

Just the next two quickly. We have seven banks in our neighborhood, a paint store at the end of that block at 15th and P.

Next. This is a series of buildings just a block from 14th Street and a block from U Street with courtyards, which are entered. They -- a lot of work was done to keep them for low income residents.

Next. Here is a supermarket on U Street that has been there forever.

Next. We have several supermarkets. We have several cleaners.

Next. This is on 17th Street, our Safeway at 17th and Corcoran.

Next. There is a shoe repair and our hardware store on 17th Street.

Next. CVS. We have three CVS Pharmacies in the neighborhood.

Next. And I'm just noting the SP
which was zoned and we have lost all of this housing to offices. This is the 1300 Block.

Next. These were Zoned SP and again lost. 1700 Block of N.

Next. As well as this wonderful romanist building.

Next. On Connecticut Avenue we have a lot of retail and a lot of restaurants. This is the PNC Bank. We have three PNC Banks in the neighborhood.

Next.

CHAIRMAN HOOD: Ms. Sellin, how many more pictures?

MS. HARGROVE: Oh, just a few. A hair cutters. We have several.

CHAIRMAN HOOD: Well, like one or two? I'll tell you what, let's look at two more and then we are going to cut it off.


This is clothing.

Next. A drug store.

CHAIRMAN HOOD: Okay.
MS. HARGROVE: Okay.

CHAIRMAN HOOD: I think we get the general --

MS. HARGROVE: You get the general impression.

CHAIRMAN HOOD: Yes. We --

MS. HARGROVE: These are all walkable within 15 minutes.

CHAIRMAN HOOD: And let me apologize. I called you Ms. Righini, but you are Ms. Sellin and Ms. Hargrove. I appreciate that, because we may have some questions that we may want to ask everyone.

I think my question for Ms. Righini was about the -- and I'm not sure. I really don't -- I'm trying to figure out if those who are in opposition all agree, especially with Recommendation 4?

I'm not sure if you all are on the same page or not. I'm hearing -- I think I have heard one thing and I'm not exactly sure who said it, but I don't think you all are on
the same page, which is fine. But I think that this Commission is going to have to strike that balance and this goes back to what Mr. Parker mentioned.

When we talk about the uses and whether or not a special exception -- do you want to comment on that?

MR. PARKER: Well, I want to say a few things actually. At first, I think I can immediately reassure 83 percent of the people sitting at the table, our recommendation will have exactly zero impact on Adams Morgan and Dupont Circle.

To say it another way, our recommendation, as we have proposed it, would allow zero new commercial uses in Residential Zoning in Dupont Circle or Adams Morgan. And I can explain that.

Basically, the most successful neighborhoods in D.C. have one of two characteristics. Either they are surrounded by or bisected by Commercial Zoning,
commercial strips or they have a lot of nonconforming existing -- and the first one is like Adams Morgan and Dupont Circle or they have a lot of nonconforming, preexisting corner stores like areas of Georgetown or Capitol Hill.

These are all successful areas and these are the areas that we don't want to change. We want to protect these areas. The goal of this recommendation is to allow other areas of the city that don't have these characteristics to be more like your area.

And so what we are proposing is limits on these types of uses in terms of concentration that don't allow more in your areas, that don't allow commercial uses where there is a nearby commercial strip or where there are existing nearby nonconforming stores, but only allow them in areas that don't have it, like East Capitol Hill or Petworth or Shaw or all of these areas that were built without these corner stores or
where the corner stores have gone away over time.

So I guess the point I'm making here is we are proposing limits on where these things can go, where if there are two existing stores within walking distance, you couldn't put a third or if there is any Commercial Zoning, whether there are stores in it or not within walking distance, you couldn't put a commercial use.

So this is for areas that are not your area. These are for areas that want to be like your area.

CHAIRMAN HOOD: Okay. Okay. Let's go to questions then. I saw another hand of someone who wanted to testify, so I'm going to let Ms. Gates come up. You can come on up, Ms. Gates.

But let's ask the questions, Commissioners, of those who have already testified. Ms. Gates, if you can hold off a second, we will come to you.
Okay. Commissioner Selfridge?

COMMISSIONER SELFRIDGE: Well, I was just going to comment on what Mr. Parker said. I think the devil is in the details here. And I'm very sympathetic to the panel today in terms of what they are trying to accomplish.

When I review the OP report here, it kind of lists what is allowed. And what I have heard a lot of reference to is convenience stores, but it seems like convenience stores are allowed and, you know, daycares, museums. And I don't actually want museums, but it seems like there is some allowable uses.

I guess what are we trying to get into some of these neighborhoods that aren't there already or are not allowed already?

MR. PARKER: We are not trying to get anything into Dupont Circle or Adams Morgan, because they have -- you saw all the slides of what they have.
What we are trying to get, and I'll get back to some of the earlier -- oh, it's in a different presentation, so never mind.

What we are trying to get is areas that aren't served to get a Sara's Market or a Corncopia in residential areas where, like my neighborhood, there are no service. I don't live near a grocery store or a lot of restaurants or other things. There is not a lot there.

And a service like Corncopia is absolutely essential for me to go and get a vegetable or to be able to walk and get a, you know, gallon of milk.

So these are the types of things that in neighborhoods that don't have them, which you don't see here tonight, are much needed. And we need, we very much need, to make sure that the neighborhoods that do have them are protected from additional impacts. That's absolutely clear and I agree with everything that the panel said about that,
Dupont Circle, Adams Morgan, extremely well-served.

But these areas that aren't, we need to figure out how we can allow them and what conditions we can put on them, so that those areas can become more like these areas.

COMMISSIONER SELFridge: Like Vice Chairman Schlater, I've been at Cornercopia. It is a great place and I certainly would like to see more of those in some of these neighborhoods. But I guess it seems like you can get that. Is that not -- maybe convenience store is too narrow and it needs to be expanded.

I guess without debating each and every item, I would like to see more restrictions and the details of how you propose going about this just to make sure that we can protect those existing neighborhoods.

CHAIRMAN HOOD: Okay. Any other questions, Commissioners? Commissioner
Turnbull?

COMMISSIONER TURNBULL: Yes, thank you, Mr. Chair. First of all, I want to congratulate the panel. It's a very well-informed panel and, obviously, you are very -- you have read through all this stuff very carefully. And I think I really appreciate your input.

And I'm just looking at Recommendation No. 4 and I think there is -- it's hard to look at No. 4 and not say that it won't apply to Adams Morgan or Dupont Circle. I'm not sure what needs to be in here, but I mean, there is a lot of limited set of neighborhood-serving nonresidential uses subject to contextually appropriate performance standards, which you haven't -- which are up in the air.

The standards will include a maximum gross floor area limit of 2,000 square feet, limitation to the ground floor and only in a building that includes a residential use.
There are other standards in here, too, but what is in this that says to them don't worry about Adams Morgan and Dupont Circle?

MR. PARKER: It's clearly not enough. Absolutely, there is a reason that they are here and I think that's very fair. It comes down to two things. One thing that is here and one thing that is not here.

The first bullet under may include should be a shall include concentration limits to include to prevent multiple uses and it's not just on the same block, but it's within walking distance. It's within, you know, 500 feet or something like that.

And then a second one that is related to that, but isn't directly listed, is if you have got existing Commercial Zoning within, you know --

COMMISSIONER TURNBULL: Okay. So you would add --

MR. PARKER: Absolutely.
COMMISSIONER TURNBULL: -- something in that on that. Okay. Well, I still see some angst, some faces that are looking a little bit worried.

MS. HARGROVE: Well, I think one problem with that is how do we measure these distances? The OP is frequently in conflict with itself, unfortunately, as to how far we are supposed to walk to Metros and that sort of thing.

So if huge Metro and Bus Districts now that are supposed to encourage development and people presumably are going to walk to these services, you know, if they can walk there, they can walk within 15 minutes anywhere in either of these two neighborhoods. If you are talking a half a block or four blocks, you are going to get there to those services.

Secondly, there is an assumption that bothers me a little bit. Yes, I want neighborhoods who don't have the commercial
services to have them. I don't know so -- but
they will best get them by a small corner
store that can't deliver much by grocery
stores -- by groceries. You know, it is more
likely to be snack foods, rather than the
wonderful ones that you two mentioned in
perhaps advantaged areas of town.

You might instead get a really
awful use that will be very difficult, even in
spite of any kind of standards you write.

In my judgment, we should say just
by clearly that in neighborhoods that have
uses already, that your standards are rendered
moot. We don't need those standards. We
don't need the uses.

In neighborhoods that do need the
uses, perhaps we better take a second look at
the Corridor Zoning that you have spoken
about, which is supposed to offer some relief.

That's a standard zone. That's not mucking
up an existing zone somebody -- by saying over
here we are going to do one thing and over
there we are going to do something else.

There is supposed to be consistency and uniformity of the zones. So it may be that we should look again at that one requirement in the plan that suggests that there should be some commercial usage along corridors. And if you put it together with the other standard that have been set for commercial uses in the Commercial Zones as well as others.

One other standard that I think of that I was going to mention tonight, it's very clear that you have to take into account whether these things are needed or appropriate in the areas. Obviously, on a commercial corridor, you wouldn't put something in where you have got four churches in a row or something or maybe all institutions.

So we have to look at all these things in terms of what is needed, but certainly mucking up the R-5 Zone this way may not be the best way to go.
CHAIRMAN HOOD: Okay. Let's go back to Mr. Turnbull.

COMMISSIONER TURNBULL: No. I think --

CHAIRMAN HOOD: Ms. Hargrove --

COMMISSIONER TURNBULL: -- Ms. Hargrove's comments are right in line.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: I think there are some issues we really need to look at.

CHAIRMAN HOOD: Oh, Mr. Turnbull concurs with everything Ms. Hargrove just said.

COMMISSIONER TURNBULL: All right. But I think the consensus that Mr. -- that the Chair was talking about is that I think on 4, you are pretty much in agreement that there are issues that you have with the way it is setup right now.

What about the fifth one? R-5-B trying to protect the row house areas, is that
something that -- is there unanimity or is there --

MS. SELLIN: I can say that there are areas where say R-E on Connecticut Avenue just are -- I guess it is 20th -- 22nd Street just below Massachusetts is zoned for high density residential.

But it also encompasses about -- for three story row houses on a corner of O Street and those -- that zone could just be chopped right off right there and the other part encompassed in the R-5 Zone.

So there are adjustments that can be made, that's certainly true. I think it could be worth looking at R-4, more R-4 Zones, as Mr. Parker has suggested. I would like to see, you know, what the suggestions are.

CHAIRMAN HOOD: Okay.

COMMISSIONER TURNBULL: Okay.

MS. SELLIN: I don't know what they are and I don't know what is being thought of.

COMMISSIONER TURNBULL: Yes, okay.
I guess I was just trying to get a feel, but there is a lot of similarity, I think, in content. Now, we didn't go through the other three recommendations, but it sounded like R-4, what I got out of the group, is that they really have some issues with R-4.

R-5, it is getting there. I think they are in agreement that you may need to be doing something to protect the row houses. And so I think -- but there is still some work to be done on that.

MS. HARGROVE: Oh, may I add an additional thought? We got that into the plan, because we thought that there was room for an R-4-A and an R-4-B. Most of those were rezoned for R-4 now would be the R-4-A Zone.

The R-4-B would be somewhere between the R-4-A, which really limits the building to two units, and an R-5-B, which really doesn't have a limit on units and which can go much higher in height, so that there might be a related Height Act -- I mean,
height limit that would be set.

   All of this has to be worked out
and much study has to be done about the
differing areas, but there is no question that
there were areas of the city that were Zoned
R-5-B that were in the Lewis Plan to be R-4.

   COMMISSIONER TURNBULL: Yes.

   MS. HARGROVE: Because you have to
realize that was the period of urban renewal
and freeways and that sort of thing. We don't
have them any more. We need to be able to
have these zonings go appropriately with their
titles.

   I should indicate there are even
independent houses on Adams Mill Road, for
example, that have an R-5-B Zoning. They
should be an R-1, I suspect. It's just there
is -- there are some anomalies still to clear
up that we need to do.

   COMMISSIONER TURNBULL: Okay.

   MS. SELLIN: We also have a very
small street that we rezoned to R-4 and we
looked all over the city to find out similar houses that are double, two story houses that are not row houses. They are just one house. Kind of like -- and I finally found some in Ward 5 several blocks of them.

CHAIRMAN HOOD: Oh, now, I woke up.

MS. SELLIN: Yes. And that -- they are anomalous, but they ought to be treated. So, you know, maybe they could come under this rubric of 4-1, 4-A or something like that. I don't know.

COMMISSIONER TURNBULL: Okay. Thank you.

MS. DIENER: And, Mr. Chairman, may I ask a question?

CHAIRMAN HOOD: I want to address one of your points, but I wanted to make sure Mr. Turnbull got his answers.

COMMISSIONER TURNBULL: No, I was just -- I mean, we have five recommendations and we really haven't touched on the first. Well, we have touched on, but the group has
really been focusing more on that fourth recommendation, I think. It's really the one that really sticks in their craw.

MS. RIGHINI: I just had a question for Mr. Parker along these same lines we have been discussing?

CHAIRMAN HOOD: Why don't you -- why don't we do this? Let us finish asking our questions. And typically, we don't usually go back and forth at this time, but since we are all like we are the coffee shop, we can have a discussion tonight.

But I wanted to make sure, Mr. Turnbull, are you straight? Did you want to ask some more questions?

COMMISSIONER TURNBULL: I think that's fine. I mean, as I say, I think we spent a lot of time on Recommendation 4 tonight. I mean, I think it is really -- at least Mr. Parker is looking that he agrees. So I think No. 4 has been a big issue.

CHAIRMAN HOOD: And I will tell
you, I'm sorry, go ahead, Vice Chairman.

VICE CHAIRMAN SCHLATER: Just to piggyback on that. I think maybe applying some of the proposed standards that you are putting forward to different neighborhoods that have been mentioned tonight might be helpful in giving people comfort when we get to the point where we are being asked to make a decision in giving you guidance on these items.

MR. PARKER: I can think of at least two neighborhoods that we will come with maps for.

VICE CHAIRMAN SCHLATER: Very good.

Thank you.

MR. PARKER: Yes.

CHAIRMAN HOOD: And I also understand everyone who is here tonight, they are the ones who have it. But I like where Office of Planning is going, because they are looking at the ones who don't have it. And you mentioned Ward 5, I'm glad to know that
you have been out there, Ms. Sellin, I appreciate it.

    But I can tell you, I want to speak for the unspoken tonight about those, the line, so I think the line they are going down is fine, but make sure they get the protections as she has already said. But then there is a lot of folks in this community that want what some of you all have. I just want you to know that and I'm one of them.

    When I saw the case, I actually got jealous. To be frankly honest, I got jealous. But anyway, I'm going to go to Ms. Gates.

    But let me just respond to Ms. Diener. You mentioned about notice. What ward are you in, 2?

    MS. DIENER: Yes.

    CHAIRMAN HOOD: Yes. The ANC is on notice, properly notice and a lot of times you have to work through your ANC. I'm a civil association president myself. We don't get the notice. I have a good rapport with all my
ANCs in Ward 5 and that's one way you get the notice.

I think, did we advertise this in the Register, DC Register? Yes. So the word is -- plus, the Office of Planning's website. I'm not sure if it's on the Office of Zoning's website, I believe it is. So there are a number of ways that have been out there.

And I know that Office of Planning has been hitting the pavement to make sure this got out there. And also, it has been advertised a few times, I think, on the Council Channel and others.

So the notice has been out there. And they have -- this whole process has been trying to be inclusive from, I think, day one.

So I just wanted to clarify that.

We don't send notices to civic associations and citizens organizations. We don't do that. We send it to the ANC.

MS. DIENER: Yes.

CHAIRMAN HOOD: So hopefully your
ANC from now on will notify you when they get it or I don't know, do you attend your ANC meetings?

MS. DIENER: We do have representatives who attend them, yes.

CHAIRMAN HOOD: Okay.

MS. DIENER: I -- if I could just make a brief comment? This is not actually a criticism of the Zoning Commission, Office of Planning, anyone. It is a kind of a citywide issue. I just think in the District of Columbia we need to find some better ways to reach our citizens.

I work in my day job with a project of advocacy for the library. The library is in an incredible position. They have my library card. They have my email. And they refuse to notify the public about new libraries being built in neighborhoods and things, except through a few of these channels that you have mentioned.

And I just think in this day and
age we can explore some additional ones.

People are really, really busy and being able
to reach them by email is a great way. I
think most citizens would rather be over-
informed if they could, and maybe that's just
my opinion.

CHAIRMAN HOOD: Right. And I
agree.

MS. DIENER: Yes.

CHAIRMAN HOOD: I agree with you
wholeheartedly.

MS. DIENER: Yes.

CHAIRMAN HOOD: Because I know --

MS. DIENER: I am aware that a lot
is being done and it certainly is a burden or
the burden is somewhat on us to be proactively
informing ourselves. I understand that. I
agree with you on that.

CHAIRMAN HOOD: And one thing I
have to applaud the Office of Zoning, they are
even using social medias. I think Facebook.
I don't know if they are Tweeting yet, but I
know they are doing Facebook in the Office of Zoning. So, you know, they are trying to use all those social medias.

MS. DIENER: Just send an email.

CHAIRMAN HOOD: Okay. Let me -- okay, hold on one second. We have a comment from Commissioner Selfridge. And then --

COMMISSIONER SELFridge: Mr. Parker, I'm sorry, I think I have heard two different numbers tonight: 2,000 square foot and 3,000 square foot. What is OP proposing?

MR. PARKer: Our analysis showed that most of the existing commercial uses in these zones average around 3,000. But in discussion with the Task Force and others, we decided to lower what would be an acceptable number down to 2,000. So the proposal is actually 2,000.

CHAIRMAN HOOD: Let me go to Ms. Gates. I think some comments were made and Ms. Gates was not going to testify, but there were some comments made and her hand went up.
So somebody drove you to testify, so go right ahead, Ms. Gates.

MS. GATES: Thank you. My name is Alma Gates and I will speak tonight on behalf of Neighbors United Trust.

And let me just say to you thank you. I am way off here, because I represent a group in the R-1-A to R-5-A Zone. We have the exact same concerns. And when we hear about the zoning that is being proposed for our neighbors in R-5-B and above, it scares the pants off us, because we know it is around the corner.

Last year when the Amendments to the Comprehensive Plan were put out, OP proposed rezoning an entire block of MacArthur Boulevard and turning it into commercial use. Not one property went for that.

So there are areas of the city, there are neighborhoods in the city and we do have lots of two story houses in Palisades that are single houses, but not every area in...
the city wants this kind of density.

Believe it or not, we can walk to everything probably within 15 minutes. We have a Safeway and we do have scattered commercial. But we like it that way. People made an investment in their neighborhood and they want it to stay like that.

So that's why I'm sitting here at the table.

Another issue are the conflicts with home occupations and what is in the code. They are just not helpful. So that you can have home -- I know in my neighborhood there are home occupations going on, they are never enforced. They are never watched.

Just as I have a woman who lives across the street from me who has four people living in her house in an R-1-B house. So, I mean, these kinds of things go on all over the city. The zoning doesn't seem to be helping it.

Putting in additional density and
commercial use in zones isn't always what neighborhoods want. And so I was very happy to hear the panel tonight speak on that and I just wanted you to know that people who live in lower density areas feel the same way.

And we are afraid that it is going to move, because people say well, we want other neighborhoods to have it. If we want it, we will ask for it.

And just to follow-up on one other thing, we don't want anyone else's rats either. Thank you.

CHAIRMAN HOOD: Okay. Thank you very much, Ms. Gates. I think we might be able to end on that.

Any other comments or questions for this panel?

I want to thank you all. As Commissioner Turnbull said, you are very informed and it shows a lot, that's why we allowed the extra time. You put a lot of work into your presentation and we appreciate it.
And than you all very much.

Okay. We have two requests in front of us to leave the record open. And I would propose, Ms. Hanousek, that the record stay open until December 22nd at 12:00 noon. Okay?

MS. HANOUSEK: Okay.

CHAIRMAN HOOD: We are going to leave the record open for everyone, December 22nd, 12:00 noon. It would be good, President Crawford, if we can get your testimony. Do we have it? I didn't think you turned it in. Okay. So he is going to amend his testimony, so that would be good.

So we will leave it open, December 22nd, 12:00.

Ms. Hanousek, do we have anything else before us tonight?

MS. HANOUSEK: No, we don't.

CHAIRMAN HOOD: Okay. Again, I want to thank everyone for their participation, especially Office of Planning
and the hard work they are doing, those who participated and testified and my colleagues.

With that, this hearing is adjourned.

(Whereupon, the Public Hearing was concluded at 8:59 p.m.)