

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.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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ZC CASE NO. 08-06-14 - Comprehensive Zoning
Regulations Review: Medium & High Density

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Excuse me. Good
4 evening ladies and gentlemen. This is the
5 Public Hearing of the Zoning Commission of the
6 District of Columbia for Thursday, December 9,
7 2010.

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

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

15 I must be getting pretty good.

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

18 Accordingly, we must ask you to refrain from
19 any disruptive noises or actions in the
20 hearing room.

21 Let me see, the subject of
22 tonight's Zoning Commission Case is 08-06-14.

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1 This is a request by the Office of Planning
2 for the Commission to review and comment on
3 proposed concepts for Text Amendments to the
4 Zoning Regulations.

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

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

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

16 The hearing will be conducted in
17 accordance with the provisions of 11 DCMR 3021
18 as follows: Preliminary matters, presentation
19 by the Office of Planning, reports of other
20 Government agencies, reports of the ANC,
21 organizations and persons in support,
22 organizations and persons in opposition.

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1 The following time constraints will
2 be maintained in these hearings: ANCs,
3 Government agencies and organizations will
4 have 5 minutes, individuals will have 3
5 minutes.

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

13 All persons appearing before the
14 Commission are to fill out two witness cards.

15 These cards are located to my left on the
16 table near the door. Upon coming forward to
17 speak to the Commission, please, give both
18 cards to the reporter sitting to my right
19 before taking a seat at the table.

20 When presenting information to the
21 Commission, please, turn on and speak into the
22 microphone, first, stating your name and home

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1 address. When you are finished speaking,
2 please, turn your microphone off, so that your
3 microphone is no longer picking up sound or
4 background noise.

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

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

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

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

20 Does the staff have any preliminary
21 matters?

22 MS. HANOUSEK: No, sir.

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1 CHAIRMAN HOOD: Okay. Thank you,
2 Ms. Hanousek.

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

7 DR. PARKER: Absolutely.

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

10 DR. PARKER: Absolutely. That
11 sounds great.

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

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

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1 we are going to chat about tonight.

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

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

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

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1 standards.

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

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

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

18 But Mike did a lot of research into
19 the existing situation in the city. And if
20 you can read the screen, and I know you should
21 all have it in front of you tonight as well,
22 what you can see is that in the R-5-B through

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1 R-5-E Zones, the vast majority of existing
2 buildings don't have any side yards.

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

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

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

20 So the recommendation here is to
21 have a side yard standard for, again,
22 voluntary side yards, it still would not be

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1 required, but when provided, the side yard
2 standard would be more reflective of what we
3 actually see on the ground and a more urban
4 design that reflects more of a solid street
5 wall.

6 So instead of providing --
7 requiring a side yard that can go as high as
8 15 or 20 feet, based on the height of the
9 building, it would be a standard side yard
10 requirement of 4 feet, again, if it's
11 provided. And allowing existing nonconforming
12 situations to build in line.

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

20 Right now, if your entire building
21 is set back from a lot line, that is a side
22 yard. If a portion of it is set back, that

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1 portion is called a court. And there are
2 different requirements.

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

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

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

22 So then that, obviously, explains

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1 the Recommendation No. 2, which is courts.
2 Right now, there are six different width and
3 three different area standards in these zones.

4 And having a requirement to provide a certain
5 size of court when you don't have -- just like
6 side yards, there is no requirement to provide
7 it, but if you do provide it, it must be a
8 certain size.

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

16 And I'm going to stop here as well.

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

22 And so we will leave it to you

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

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

16 Right now, if you have
17 nonconforming side yards or courts, those
18 count in your lot occupancy calculation. And
19 the disadvantage of that is a building that is
20 over lot occupancy can actually -- that
21 wouldn't otherwise be allowed to add-on, can
22 add-on and fill-in those nonconforming side

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1 yards and courts. So it's again an incentive
2 to fill-in, because it doesn't add to your
3 current lot occupancy.

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

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

17 And in terms of, you know,
18 recognizing and supporting existing, mostly
19 nonconforming commercial and nonresidential
20 uses, we've got a lot in the Comprehensive
21 Plan about promoting urban neighborhoods,
22 walkable neighborhoods.

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1 And, you know, finally we want to
2 talk about increasing access to healthy foods
3 and basic services in, you know, large food
4 residential islands that are -- not islands,
5 but residential areas that are currently
6 under-served for uses.

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

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

19 This is a basement office use in an
20 R-5 building. This one is actually just a
21 couple blocks from my home. This is a corner
22 store called Cornercopia. You know, just a

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1 basic small grocery with -- they make
2 sandwiches. And the upper story is actually
3 the home of the proprietor. He actually runs
4 the shop downstairs and lives upstairs.

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

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

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

22 So, basically, what we are talking

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

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

18 So the recommendation here is to
19 have some basic allowances for neighborhood-
20 serving commercial type uses, retail, service,
21 some limited food uses that meet some very
22 strict criteria.

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1 One of the main ones that we came
2 across was only allowing them on the ground
3 floor and in a residential building. So you
4 can't do it by itself. It has to be in a
5 residential building and only on the ground
6 floor.

7 We looked at concentration limits.

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

15 So areas that are already served by
16 these, you wouldn't -- new ones wouldn't be
17 able to open, because, you know, they are
18 already there. So an example of the
19 concentration limit would be I couldn't open a
20 new retail in one of these buildings if there
21 are already two retail uses within 500 feet,
22 for example.

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1 We are talking about limiting house
2 of operation. An example of this would be
3 that the use could only be open between 8:00
4 a.m. and 8:00 p.m., limits on the number of
5 employees, limits of signs, lighting,
6 screening, barriers, etcetera.

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

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

20 This is something that is basically
21 exactly what we did two years ago with the R-
22 5-A Zone. In, I believe it was, 2007, we

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1 examined every lot in the R-5-A Zone and we
2 came to you with suggested rezonings of most
3 of the R-5-A Zone.

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

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

18 What we are talking about doing is
19 something similar with the R-5-B. And this
20 screen shot here is emblematic of what is
21 existing now in the R-5-B. The entire screen
22 has R-5-B Zoning. But what you will see is

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1 the areas that are light beige are one and two
2 unit row houses. More akin to an R-4-type
3 Zone. The areas that are orange are, you
4 know, four or five story apartment buildings.

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

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

15 So, again, talking about
16 replicating what we did in the R-5-A in the R-
17 5-B, looking at every lot that is Zoned R-5-B
18 and finding areas like the one on the screen
19 that are, you know, lower moderate density
20 that are one, two and three units and creating
21 some new zones that reflect those areas.

22 And I guess, you know, we can

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1 actually -- the way that we have set up the
2 new code, it's actually quite easy to create
3 new zones. We can create zones with height
4 limits that are tailored to a particular area.

5 If we have these areas that are R-
6 5-B that are solidly three or four unit zones,
7 we can create a unit -- a zone that allows
8 three units or that allows four units easily
9 versus the R-5-B that has no limit on the
10 units.

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

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

21 We have a Subtitle E that is R-5
22 Zones that have an FAR limit and don't limit

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1 the number of units. What we are talking
2 about here is taking some areas that are R-5-B
3 and putting them in Subtitle D. So taking
4 away the FAR limit, but putting on a unit
5 limit and height and lot occupancy, etcetera.

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

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

15 MR. PARKER: Would you like?

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

22 MR. PARKER: We were honestly

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1 hoping he would be here.

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

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

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

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

21 But then the other element, I
22 think, that is key is, and I just want to

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1 frame this for the people who are here, and
2 the Commission is that, you know, when we are
3 going to talk about courts, we are going to
4 refer to it as courtyards.

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

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

18 So the first slide, and you should
19 have the handout in front of you, is the --
20 unfortunately, doing a direct comparison is
21 somewhat difficult, but we thought it was a
22 good idea to give you an overview of well, how

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1 do these two tools work? And where are they
2 similar and where are they different?

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

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

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

21 And part of the reason why we have
22 a term for court niche, which is like a space

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1 that, in a sense, functions like a court, in
2 that it is walls facing upon one another, is
3 because we do not refer to the provision of
4 windows.

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

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

15 And interrelated to that is the
16 fire protection of a building. So I have put
17 up there sprinklers. A new building that is
18 providing sprinklers is, in a sense, able to
19 build closer to another building wall. And
20 the idea there is that you aren't going to
21 have as much flame spread, because you have
22 sprinklers there to prevent the fire from

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1 getting out of control.

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

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

16 We also have the zone. So in Title
17 11, depending on which zone you are in, the
18 standards actually vary. And again, that sort
19 of adds to a level of complexity and the
20 concern that we have identified with respect
21 to that is well, when we are talking about
22 providing appropriate air and light to

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1 residential uses, shouldn't that be universal
2 across zones?

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

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

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

20 And the final row, and this is not
21 all of the standards with respect to Title 11,
22 but in order to create some comparatives, this

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1 is what we are going to focus on.

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

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

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

21 So our R-5 Zone, which is a
22 Residential Zone, it has a minimum 10 foot

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

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

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

20 Okay. So I'm going to run through
21 three different slides relatively quickly and
22 the idea here is to show you, okay, well, how

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1 do these compare to one another? Okay.

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

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

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

22 And then with C-2-A, we pretty much

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1 have the same standard at all stories. So
2 it's the 15 foot. So I think the graduated
3 really would apply to the higher zones.

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

8 But that's not the only standard that
9 applies.

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

19 So what you will see, again, on the
20 left, we have the width of our court. Okay.
21 And on the bottom what we are now introducing
22 into the discussion for a three story building

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1 is the amount of window area on a building
2 face. Okay.

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

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

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

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1 the highest standard.

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

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

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

21 So this is the same type of chart.

22 But what I have just tried to do is show it

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1 with a larger building. This is now a five
2 story building. And again, I'm going to be
3 showing you some models, so this is just to
4 show you a precursory to that.

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

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

15 So now, let's look at some modeling
16 of this. Okay. So we have three. I'm sorry,
17 let me run through the scenario. The scenario
18 here is it's an R-5-C Zone. Again, we are
19 assuming 12 feet per story, two window faces
20 facing one another and it is a three story
21 building. So the total building height is 36
22 feet for all three.

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1 So on the far left, okay, what we
2 have is this model is assuming a 15 percent
3 window area. So at a 15 percent window area,
4 I am able to provide a setback of, I believe
5 that is -- or excuse me a separation of 8
6 feet. It's a small court.

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

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

20 And at this point, we wanted to
21 recognize that what is important to note here
22 is that the current Zoning Code standards

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1 don't actually require that you provide a
2 certain window area. They simply require that
3 you provide a court.

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

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

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

20 So because the window area in each
21 of these faces would actually be up to 45
22 percent, it's actually going to trigger a

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1 greater requirement than we would have. So
2 it, in a sense, trumps our minimum standard
3 now.

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

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

19 So excuse me, I just went the wrong
20 way. Okay. So now, I'm going to run through
21 the setback. And it is the same basic logic
22 and so hopefully I can move through it a

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1 little quicker and I don't have as many
2 modeled examples, because I think the nature
3 of the setback is somewhat different from the
4 courts.

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

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

19 And as the graphic that Travis
20 showed a little earlier shows, well, that
21 doesn't match our existing fabric and so,
22 again, it creates a little conflict in terms

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1 of our urban design objectives.

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

11 And then in this case, kind of
12 interesting are, you know, when we take our R-
13 5 and our C Zones, they actually have -- they
14 use the same standard, except C-1, C-3, they
15 use the 3 inches per foot, and the Building
16 Code is a similar standard for the side
17 setbacks, 3 foot minimum, which is, basically,
18 half of the courtyard standards at two stories
19 or less and then 1 foot per story as you
20 increase, as you add stories to the height of
21 the building.

22 So again, this is a direct

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1 comparison of our standards to the IBC setback
2 standards, exclusive of the fire protection
3 requirements.

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

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

18 So a direct comparison, again, here
19 we have the existing standard and we have the
20 nexus. It is greater than 25, but you would
21 have to go to the 45 percent, so you would be
22 limited to 25, based on our current standard

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1 for a three story building.

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

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

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

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

22 So this is a simplified model, but

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

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

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

20 And then for this case or for the
21 example shown, let's assume the other side is
22 a street, that's what I have assumed. And so,

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1 you know, you would still have that whole face
2 and this area would be about 30 feet deep.

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

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

17 And the example on the right
18 actually does result, because it is a lower
19 building, we have a more compressed standard.

20 This is actually about 4 feet for three
21 stories. And, again, you couldn't get more
22 than about 15 percent window area within the

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1 example provided.

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

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

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

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1 window areas.

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

4 CHAIRMAN HOOD: Okay. Thank you
5 very much, Mr. Giuliani, and also, Mr. Parker.

6 We appreciate that. We will open it up for
7 questions.

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

14 Let's go to the courtyard, page 3.

15 MR. GIULIANI: Okay.

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

20 MR. GIULIANI: Well, okay. I mean,
21 I can't cite like sort of specific addresses.

22 If we want to do so, I think we could do

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1 that. But, you know, when you will usually
2 find this, I think, is when you probably have
3 a large site and it's -- you know, this court
4 is sort of a part of a larger building,
5 probably fronts on two or three streets and
6 it's like a double-loaded corridor. And this
7 is like a secondary light shaft around the
8 back.

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

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

20 MR. GIULIANI: Yes, the assumption
21 is that, yes, there would be ones all the way
22 around.

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1 CHAIRMAN HOOD: And, basically,
2 like you said, it would be used for kitchen
3 use, bathroom use or whatever the case is,
4 right? Correct?

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

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

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

19 The middle one shows us well, okay,
20 this is what our court requirements -- that's
21 what they prescribe. But again, you are not
22 required to do the 45 percent.

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1 And then so if I was -- let's say,
2 if I wanted to propose -- I think the better
3 example, again, due to the height, this one
4 sort of better reflects, you know, if I have a
5 three story building and I wanted to do more,
6 well, then it pushes me over.

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

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

20 CHAIRMAN HOOD: So am I correct to
21 say the more windows, the larger the windows,
22 the more the setback?

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1 MR. GIULIANI: Correct.

2 CHAIRMAN HOOD: Okay. So okay.
3 Let me -- okay. Let me ask this, Mr. Parker.

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

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

9 CHAIRMAN HOOD: Oh, okay.

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

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

17 These types of courts are well-
18 regulated depending, by the IBC, on the amount
19 of windows. And, therefore, we don't need to
20 maintain separate standards. We've got apples
21 and oranges. Right now, we no longer need
22 apples, because we have got oranges.

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1 CHAIRMAN HOOD: So the general
2 public probably would never even see this?

3 MR. PARKER: I hope not.

4 CHAIRMAN HOOD: Okay. Because they
5 probably --

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

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

12 MR. PARKER: Sure.

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

19 MR. PARKER: Yes.

20 CHAIRMAN HOOD: Is there going to
21 be a trigger or a mechanism? Say that there
22 is a use that the community wants, is there

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1 going to be like a special exception process
2 where they can come in and somebody can maybe
3 defacto in, even if they are closer than the
4 500 feet that you mentioned?

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

14 CHAIRMAN HOOD: I'm not necessarily
15 advocating. I'm just wondering why there is
16 no trigger there. I mean, there is,
17 obviously, a reason that we have this strict
18 application of the specific use of so many
19 feet. And, obviously, in your analysis, there
20 is, obviously, a reason that you did not put
21 the trigger in there. And I guess that's what
22 I'm trying to fully understand.

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1 MR. PARKER: Well, I guess, we are
2 proposing a trigger. Right now, we have got
3 400 and some odd uses that are completely
4 nonconforming. So if they burn down, you
5 couldn't put them back without a use variance.

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

14 But the greater problem is areas
15 that aren't Georgetown, areas that have been
16 built up in the last 50 years as, you know,
17 solid block upon block upon block of row house
18 or apartment buildings, with no hardware
19 store, with no local, you know, little market
20 or corner store, being able to replicate that
21 Georgetown experience or that Capitol Hill
22 experience in those other parts of the city

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1 under strict controls.

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

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

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

16 CHAIRMAN HOOD: Some that want
17 some?

18 MR. PARKER: There are some that
19 want some.

20 CHAIRMAN HOOD: Okay.

21 MR. PARKER: Yes.

22 CHAIRMAN HOOD: I have heard that.

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1 Okay. All right. That's all I'm asking
2 right now. I'm still trying to wrap my hands
3 around some of this.

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

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

14 MR. GIULIANI: Correct.

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

22 I guess looking at this, 4 feet for

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

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

16 And I'm just concerned, that's all,
17 about how this would lay out. And I guess the
18 other thing what I'm concerned about is using
19 the word story. I mean, we have had enough
20 BZA cases where you get into the word story
21 and where you are measuring from and what's
22 the height.

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1 And I'm -- that has always been a
2 tough issue as far as matching existing.
3 There is always somebody who says well, it is
4 only three stories. Yes, but it's three
5 stories measured from where? And I'm assuming
6 you have got that covered in other areas where
7 you are going to measure from, so you've got
8 to go back.

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

19 I mean, a developer has a right,
20 yes, and I -- to come in and build this, but
21 I'm just -- are we giving up something from
22 the zoning that is -- I'm looking for a word.

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1 I'm not like we are selling out, but I just -
2 -

3 MR. GIULIANI: I think --

4 COMMISSIONER TURNBULL: -- am
5 worried.

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

15 COMMISSIONER TURNBULL: Yes.

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

22 I think issues that we still have

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1 to deal with are the fact that both setbacks
2 for light and air and courtyards for light and
3 air apply regardless of whether you have
4 windows. To me, that has definitely got to be
5 cleaned up. That's a major one.

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

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

20 And I think what we want to do is
21 recognize that when we are dealing with the
22 smaller urban infill lots in both our

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1 Commercial Districts and Residential Districts
2 that we afford that flexibility when it is
3 necessary.

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

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

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

18 COMMISSIONER TURNBULL: Yes.

19 MR. PARKER: So, you know, if you -
20 - the only way that you could do a 4 foot
21 court is with almost no windows. So,
22 therefore, those have to be secondary,

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1 bathroom windows or other things. So --

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

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

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

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

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

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

21 COMMISSIONER TURNBULL: Right.

22 MR. PARKER: We are not changing

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1 the International Building Code.

2 COMMISSIONER TURNBULL: Right.

3 MR. PARKER: So --

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

7 MR. PARKER: Right.

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

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

16 COMMISSIONER TURNBULL: I mean, we
17 are going to be -- the applicant is going to
18 have to say I'm coming in. I'm building this
19 building. I've got a 4 foot. I'm going three
20 stories. I've got a 4 foot side yard. And he
21 is going to sign off and say I only have 15
22 percent window area on this elevation.

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1 MR. PARKER: He's not going to have
2 to tell you that. I mean, he is going to have
3 to tell the Building Inspector. Just now, I
4 mean, it's the same situation now. They have
5 to come to you and make sure that they meet
6 zoning. And they have to go to DCRA Building
7 Inspectors and make sure that they meet
8 Building Code.

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

12 COMMISSIONER TURNBULL: Right.

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

15 COMMISSIONER TURNBULL: All right.
16 It just seems narrow, but I'll have to weigh
17 this and think about this a little bit more.

18 Let me -- when you talk about the
19 R-5-B and you are talking about row houses,
20 preserving the character of the row house, the
21 other apartments buildings are you talking
22 about moving it to Subtitle D? Those units

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1 won't become automatically R-5-C. They are
2 going to be -- I mean, you are moving these
3 buildings into a whole new category.

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

7 COMMISSIONER TURNBULL: Okay.

8 MR. PARKER: An R-4-C.

9 COMMISSIONER TURNBULL: Okay.

10 MR. PARKER: Sort of thing.

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

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

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

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

22 COMMISSIONER TURNBULL: Right.

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1 MR. PARKER: Right.

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

4 MR. PARKER: Yes.

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

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

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

19 Has there been, I don't know, a lot
20 of people coming and going saying we hate
21 these court requirements? We need to get rid
22 of them and they are just too burdensome and,

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1 you know, this is an antiquated standard.
2 What's driving this?

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

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

18 So when we have area and width
19 standards, that's maybe great for a new
20 building, most buildings in D.C. aren't new
21 buildings. So it becomes matter-of-right to
22 fill-in a court and a variance to keep a

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1 court, if you are adding on to an existing
2 building. That's the main reason right there.

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

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

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

20 So treating that as a side setback,
21 so when we say remove court area and lot
22 requirements, we are saying, in that case,

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1 transfer court requirements to side yard
2 requirements.

3 VICE CHAIRMAN SCHLATER: Yes.

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

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

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

19 And, you know, that's what the IBC
20 is designed to do. So, I guess, it is
21 entirely up to you whether we keep court
22 standards for, you know, those internal courts

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1 or not.

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

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

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

19 VICE CHAIRMAN SCHLATER: You are
20 not -- it's very rare to have a building with
21 50 percent or more of glass on the facade.

22 MR. PARKER: Right. But the nexus

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1 is that -- is at the 25 percent. If you
2 provide more than 25 percent --

3 VICE CHAIRMAN SCHLATER: Yes.

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

9 And I guess the point that Mike was
10 talking about tonight is the areas that are --
11 the buildings -- these courts that are down to
12 15 percent or less windows may not need a 20
13 foot court or a 15 foot court. Those are
14 areas that are, you know, maybe designed just
15 for a row of bathroom windows or just for
16 access to the rear door of a building with no
17 windows.

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

22 VICE CHAIRMAN SCHLATER: Yes. I

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1 guess maybe what -- you are getting a little
2 pushback on courts from everybody. And I
3 think part of it is is that, you know, the
4 underlying Zoning Act tells us that we are
5 supposed to be regulating light and air into
6 buildings. And I don't think we are going to
7 lightly walk away from our responsibility to
8 do that.

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

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

22 Just for the purposes of like what

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1 Travis was saying, you know, when we have
2 access corridors or just setbacks that are
3 intended for mechanical space or things like
4 that.

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

7 CHAIRMAN HOOD: Let me do this.
8 Does everybody agree with that last statement?

9 Everybody agrees. I'm not sure if I'm there,
10 but I just wanted to see if everybody else
11 agreed. But still, I mean, I don't think that
12 is done.

13 MR. GIULIANI: Absolutely.

14 CHAIRMAN HOOD: All right. Okay.

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

22 One of the ANCs noted on the

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1 limitation on neighborhoods serving non-retail
2 uses that it didn't seem fair that they would
3 be limited to buildings originally -- pre-1958
4 buildings.

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

9 VICE CHAIRMAN SCHLATER: Right.

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

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

15 MR. PARKER: Okay.

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

22 And then on Recommendation No. 5,

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1 I'm confused, because how much rework of the
2 map are we doing as part of the Zoning Code
3 Rewrite?

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

8 VICE CHAIRMAN SCHLATER: Yes.

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

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

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

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

20 MR. PARKER: Right. We are
21 remapping downtown. We are creating TOD
22 Zones.

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1 VICE CHAIRMAN SCHLATER: Right,
2 that is different.

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

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

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

21 MR. PARKER: Eventually we are. I
22 mean, it doesn't have to be part of the zoning

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1 review. I mean, that's what we did in 2007
2 with R-5-A. We came in with 1,000 lots and
3 said this is our proposal for what these all
4 should be zoned and this is why.

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

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

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

21 MR. PARKER: Right. And when that
22 happens, there will be a map and a discussion

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1 of each individual area that is rezoned. What
2 is there now, I mean --

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

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

10 VICE CHAIRMAN SCHLATER: Yes, okay.
11 Okay. Thank you very much.

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

14 MR. PARKER: Everyone was very
15 happy with that.

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

18 MR. PARKER: Yes.

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

22 COMMISSIONER SELFRIDGE: Thank you,

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1 Mr. Chairman. The courts have been discussed
2 in detail. I would just share some of the
3 concerns in general. I'm not sure I
4 understand the impetus completely.

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

10 On the use permissions,
11 Recommendation 4, could you just expand the
12 list of uses that are provided by special
13 exception?

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

22 And if we can be successful in

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1 defining the limits that make that type of
2 business, we want to allow those, you know,
3 and allow them in limited numbers, you know,
4 and limited intensity.

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

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

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

22 MR. PARKER: Yes.

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1 COMMISSIONER SELFRIDGE: -- if
2 that's a way that we could go just to kind of
3 slow walk through this expansion.

4 And then that was really my only
5 point. I think Recommendation 5, I'm in favor
6 of, I think. Vice Chairman Schlater made some
7 good points, particularly about notification.

8 That property owners who were going to be
9 potentially rezoning their properties are
10 well-notified and have an opportunity to weigh
11 in on it.

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

19 MR. PARKER: Okay.

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

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

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

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

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

17 CHAIRMAN HOOD: Okay. Good. I
18 must have missed that. Okay. Okay. Let's go
19 with is anyone here in support? Okay. Could
20 you come forward? Okay. Mr. Alpert, you can
21 -- we notice you didn't sign in. Are you here
22 in support?

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1 MR. ALPERT: In part.

2 CHAIRMAN HOOD: Okay.

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

5 CHAIRMAN HOOD: In part?

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

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

11 MR. ALPERT: All right. Thank you.

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

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

22 But the ones concerning the courts

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1 and the filling in of courts and also the
2 International Building Code issue that you
3 were just discussing, all of those I actually
4 think are a good idea.

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

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

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

21 And that's really what zoning is
22 primarily concerned about. And when, you

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1 know, you have these -- the rear setback
2 requirements and things like that, which, you
3 know, are not really changing, with respect to
4 things like those interior courts, you know,
5 there are a variety of different people who
6 want a variety of different amounts of light.

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

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

19 I believe most developers seem to
20 want a lot of light nowadays and they are
21 building buildings with a lot of windows
22 anyway, so I don't really think everyone is

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1 going to be trying to build these really dark
2 apartments.

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

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

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

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

22 But I think the Office of Planning

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1 is generally on the right track in terms of
2 trying to make it possible for some very
3 limited numbers of businesses to go into
4 spaces where they are not really going to
5 affect -- you know, we aren't really going to,
6 again, have impacts on others.

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

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

18 I do think that Commissioner
19 Selfridge when you were saying about maybe
20 moving slowly on one of these, I think that
21 was the one you were talking about. I think
22 that that makes sense.

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1 You know, maybe this is something
2 that could be piloted a little bit in some
3 places, because people I have talked to,
4 including ANC Commissioners, have expressed
5 some concern about well, exactly how will this
6 work? You know, what will the rules be and
7 how specific will it be?

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

18 Finally, the part that I am most
19 concerned about that I don't really support or
20 I'm not sure I support is the R-5-B change to
21 have the row house and the apartment building
22 sections.

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1 I think that, in essence, what it
2 appears that we are doing is significantly
3 down-zoning large parts of the city. And
4 while sometimes you have done that at the
5 request of a neighborhood, I think it might be
6 better to leave that to an official down-
7 zoning.

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

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

22 And I would especially be concerned

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1 about the provisions that all of a sudden all
2 those row houses will have limitations on the
3 number of units that they can have. Though
4 I'm not sure exactly if I'm understanding
5 correctly what they are proposing.

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

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

22 CHAIRMAN HOOD: Okay. Thank you,

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1 Mr. Alpert. Any questions, Commissioners?
2 Not seeing any, thank you very much.

3 MR. ALPERT: Thank you.

4 CHAIRMAN HOOD: Appreciate your
5 testimony.

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

9 CHAIRMAN HOOD: Sure.

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

11 CHAIRMAN HOOD: Go right ahead,
12 sure.

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

16 CHAIRMAN HOOD: Hold on one second.

17 MS. STEINGASSER: Okay.

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

22 MS. STEINGASSER: I just want to be

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1 really clear. OP is not planning in any way
2 or at any time to come forward with a
3 wholesale down-zoning of anything. It is a
4 tool that we have heard over the last couple
5 of years, it has also been referred to as an
6 R-4-A and a B, where there is significant
7 community support and that the community would
8 initiate a zoning to protect residential
9 character.

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

18 And the neighborhoods don't mind
19 the unit count, but they are very concerned
20 about the structural thing. So that's what
21 this is a tool we are creating. We are not
22 planning to rezone anybody's neighborhood

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1 without their full support of the ANC. And it
2 would come forward in coordination, if not
3 initiation, from the communities.

4 I just wanted to be really clear
5 about that.

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

8 MR. ALPERT: Okay.

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

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

22 Sorry, once we get your testimony

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

4 MS. HARGROVE: Thank you, Mr. Hood.

5 I want to say, first of all, that I have got
6 too much of a paper for five minutes, but I
7 will try to do my best to get through some of
8 it, at least, and hopefully all of you will
9 enjoy nighttime reading before you go to bed
10 in between all of these terrible cases that
11 come so rapidly one after another.

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

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

20 CHAIRMAN HOOD: Ms. Hargrove, if we
21 cut the lights, are you going to be able to
22 see your testimony?

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1 MS. HARGROVE: Thank you.

2 CHAIRMAN HOOD: Okay.

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

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

18 But if you look at this, if you
19 look at these -- if you look at it in this
20 way, it is important to see that the major
21 arguments that the OP was using that we need
22 Commercial Zones in these residential

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1 neighborhoods by converting a Residential Zone
2 to a commercial use, that we might start with
3 a particular map that OP posted in its
4 proposal, which shows something, which is
5 really mysterious to figure out, where you are
6 supposed to have access to good health and
7 good food and that sort of thing.

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

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

21 Let's go to the next map. There
22 you see what is an example of Adams Morgan and

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1 there is also going to be a map shortly of
2 Dupont Circle. This doesn't include all the
3 commercial, but the striped areas are
4 commercial.

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

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

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

22 There is also a map of the Dupont

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

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

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

20 Now, when you look at all of these
21 together, there are certain things you might
22 conclude and that is that actually we don't

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1 need commercial uses, not more of them than we
2 currently have. Some of the buildings that
3 were commercially used that were nonconforming
4 have been converted to residential and
5 everybody is pleased about that.

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

15 To go forward with the next
16 presentation, which is the commercial uses in
17 R-5 Districts. This is an OP map that was
18 prepared to show a bunch of dots. And I can't
19 tell what those commercial uses, quite
20 frankly, are, because as you may know, there
21 are only two or three uses that have been
22 added to the R-5 Zones that were not already

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1 in the R-4 Zones, that includes hotels, which
2 are no longer going to be placed there, since
3 the order in the 1980s, which says we no
4 longer will have them.

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

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

20 So altogether, I would like to say
21 the following and I'm going to have to have a
22 blend of light from time to time to go with

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1 what we are covering.

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

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

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

18 MS. HARGROVE: What shall it be
19 since there are so much? I would say that I
20 think there has been no showing of the -- that
21 I would say that the Comprehensive Plan does,
22 indeed, say that there should be some

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1 commercial added to residential in corridors,
2 but it doesn't specify which zone nor does it
3 say it has to be in every block in the
4 corridors nor does it say that there should be
5 anything indicated other than corridor
6 development of that sort.

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

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

22 You can look that up yourself and I

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1 have the maps at home.

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

4 MS. HARGROVE: Thank you.

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

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

13 CHAIRMAN HOOD: Is your microphone
14 on?

15 MS. SELLIN: I'm Anne Sellin
16 representing the Residential Action Coalition.

17 I have distributed my testimony and I
18 addressed 1 through 3, but I think I'll go
19 immediately to the lower part of my testimony.

20 This flies in the face really of
21 the Comprehensive Plan, which says "The
22 residential character of neighborhoods must be

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1 protected, maintained and improved. Many
2 District neighborhoods possess social,
3 economic, history and physical qualities that
4 make them unique and desirable places in which
5 to live."

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

13 And there is another quote from the
14 Comprehensive Plan. The proposal to change R-
15 5 Zones in Dupont Circle as a matter-of-right,
16 and that's really what the advertisement says,
17 matter-of-right, there are no checks whatever
18 to commercial use would be a grave assault to
19 a thriving highly desirable residential
20 community for Historic Districts would be
21 directly affected, the Dupont Circle, 16th
22 Street, Strivers and Greater 14th.

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1 During all of the discussions with
2 the Planning Office over the last two and a
3 half years, Historic Districts were never
4 taken into account by the planners.

5 On our commercial streets, we have
6 vacant buildings. Their reinforcement and
7 improvement is what is needed. Over the last
8 32 years, all citizens groups in the
9 neighborhood combined to rezone our area to
10 protect its housing and architectural
11 character.

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

16 We did the surveying, rationale,
17 photography and worked with the Planning
18 Office. With Adams Morgan, we helped create a
19 new mixed-use C-2-B Zone and applied it to the
20 1500 Block of U and to 17th Street.

21 The last rezoning was just two and
22 a half years ago and it took two years to

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1 prepare. All these rezonings were
2 necessitated by the over-zoning of 1958 to
3 accommodate the misbegotten and unrealized
4 Northwest Freeway and Urban Renewal Plans.

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

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

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

22 Whole blocks lost all their

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1 residents. Loss of housing, especially in
2 this highly desirable area, is fiscally
3 disastrous for D.C. revenue due to lost
4 taxation. Economist Thomas Muller
5 demonstrated in a study that housing in D.C.
6 per square foot yields more tax revenue to the
7 city, because residents pay more in income tax
8 than office taxes garner.

9 Office workers many being commuters
10 pay no income tax to D.C., thanks to Congress.

11 Nonprofits pay no taxes, other than real
12 estate. The tax yield by residents is more
13 pronounced now in Dupont Circle, this is to
14 residents who become more affluent.

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

22 Conflicts are perpetual between

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1 businesses and residents where they lie cheek
2 to jowl with an intersect at commercial
3 streets, particularly troublesome are places
4 that sell liquor, liquor stores, restaurants
5 and bars and we have a super abundance of
6 restaurants and bars. The predominate on most
7 of our commercial streets.

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

15 The 3,000 square foot limit for
16 commercial suggested amounts to the size of a
17 row house. Even if only one floor were used,
18 expansion throughout a building would result.

19 The bleeding of commercial throughout
20 buildings in the C-2-B Zone continues, because
21 the city refuses to police its restrictions,
22 despite pleadings by residents.

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1 In this neighborhood, commercial
2 north and south streets run every two blocks.
3 We are served abundantly by stores catering
4 to neighbor's needs. Puzzling is why the
5 Office of Planning does not seek
6 commercialization in R-1 and 2 Zones, which
7 are the farthest removed from stores and
8 services, but we do not suggest that.

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

15 There are mistakes that are
16 unrelated to what is on the ground in the
17 proposal. For example, the statement about
18 16th Street having the most non -- the most
19 commercial uses between Mass Avenue and Piney
20 Branch. The largest portion of this area is
21 single-family and not relevant to this case.

22 The nonresidential buildings in R-5

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1 were mostly built as schools, churches and
2 organizational and institutional entities,
3 such as The Carnegie, The Jewish Community
4 Center and Masonic Lodges.

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

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

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

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

17 MS. SELLIN: Okay.

18 CHAIRMAN HOOD: We have your
19 testimony.

20 MS. SELLIN: And I do have some
21 slides of what serves the neighborhood I could
22 run through at a second each, if you would

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1 want.

2 CHAIRMAN HOOD: I'll tell you what,
3 at the end if we ask questions of you, then
4 you can show us your slides, at that time. I
5 added an additional minute.

6 MS. SELLIN: Okay.

7 CHAIRMAN HOOD: So we could get our
8 closing --

9 MS. SELLIN: Thank you.

10 CHAIRMAN HOOD: -- statements.

11 MS. SELLIN: Thank you, Mr. Hood.

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

16 MS. SELLIN: Okay.

17 CHAIRMAN HOOD: We may ask you
18 questions.

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

22 CHAIRMAN HOOD: Okay.

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1 MS. SELLIN: -- are very important
2 actually.

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

7 MS. RIGHINI: Righini.

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

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

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

21 This evening, however, I would like
22 to speak in opposition primarily to

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1 Recommendation 4, and you have my testimony in
2 front of you.

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

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

16 A recommendation creating, and I
17 quote, "contextually appropriate performance
18 standards" that will "include a maximum square
19 footage" and may, and I underscore may, also
20 include a laundry list of items that
21 concentrate limits to prevent multiple uses on
22 the same block, such as the maximum hours of

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1 operation, number of employees, garbage,
2 storage, signs, lighting, noise, odor is
3 really a recommendation for disaster.

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

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

16 For example, many of the houses in
17 Adams Morgan don't even reach the 3,000 square
18 foot limit. Are we going to be encouraging
19 wall demolition between houses to obtain this
20 limit? We have limitations already on home
21 occupations in these residential areas. We do
22 not need your suggested usages.

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1 I question the pressing need for
2 commercial uses at all in R-5 Zones. In Adams
3 Morgan, as has already been mentioned, we have
4 grocery stores, pharmacies, banks, hardware
5 and service areas. We also have an excess of
6 ABC establishments.

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

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

16 And one last comment. On April 16,
17 2009, at its regular monthly meeting, the
18 Kalorama Citizens Association unanimously
19 adopted a resolution concerning the ongoing
20 review of the D.C. Zoning Regulations
21 protection of residential neighborhood from
22 intrusions of commercial uses.

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1 This resolution was reiterated
2 during the announcement about this hearing
3 tonight at our KCA meeting of November 18.
4 And for the record, I have attached it to my
5 testimony.

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

9 MS. RIGHINI: Thank you.

10 CHAIRMAN HOOD: Let's go to Robin
11 Diener.

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

17 I grew up in the suburbs of
18 Baltimore, which I quite hated, and when I
19 finally took a trip to Georgetown as a young
20 woman, I vowed that I would live in
21 Georgetown. I end up now in Dupont Circle,
22 but I did work in Georgetown and went to

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1 school there and I very much love the Historic
2 Districts of our city.

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

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

14 And certainly we could arrange to
15 find out about it and I am here because I do
16 know about it going on. But it would be
17 helpful if there was a little more direct
18 contact, so that we could find more people in
19 our groups who are interested in this and who
20 can have the time and energy to sit through
21 all of this, because it is quite a task you
22 have taken on.

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1 What I guess I want to say and I'm
2 going to change my testimony a lot and make it
3 briefer. As far as density goes, and we know
4 that the city is seeking greater density
5 throughout -- our officials are looking for
6 greater density.

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

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

20 And so if these ideas of sprinkling
21 in businesses can be very, very tightly
22 controlled, then perhaps that can work. But

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1 what works in Dupont Circle is the -- two
2 things.

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

7 So I think everybody knows about
8 17th Street where we have commercial on one
9 side of a three block area and almost
10 exclusively residences on the other side.
11 This is a big problem.

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

19 So I guess I'll just conclude by
20 saying that, you know, the current zoning that
21 we have actually works pretty well. When we
22 have problems, it seems like it is because

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1 guidelines were not in place or things were
2 changed.

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

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

19 And I'll close now at the meeting.

20 At the Atherton lecture at the National
21 Building Museum on May 14th on the subject of
22 D.C.'s height limit, having noted that a lot

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1 of density could be achieved with just medium-
2 rise buildings, Witold Rybczynski concluded
3 Washington is a nice anomaly, we should leave
4 well enough alone.

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

11 CHAIRMAN HOOD: Okay.

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

16 CHAIRMAN HOOD: Okay.

17 MS. DIENER: Thank you.

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

20 MS. SIMON: Thank you. My name is
21 Marilyn Simon and I am speaking on behalf of
22 Friendship Neighborhood Association.

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1 Today I will comment on two of OP's
2 recommendations, Recommendation 4 to 11 on
3 residential uses in Residential Zones and
4 Recommendation 5 to divide the R-5-B Zone
5 between apartment areas and row house areas,
6 based on existing building characteristics.

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

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

21 They can choose a neighborhood with
22 Commercial Zoning providing a mixed-use

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1 neighborhood or a medium to high density
2 residential neighborhood that is close to a
3 Commercial Zone or a medium to high density
4 residential neighborhood that is further from
5 a Commercial Zone.

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

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

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

22 OP's standards are totally

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

8 By recommending that a distance of
9 500 feet be used to determine whether a
10 proposed nonresidential use is too close to a
11 Commercial Zone, OP is at odds with many of
12 their recommendations using a quarter or half
13 mile as an easy walking distance.

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

20 We also note that the
21 recommendation is inconsistent with the
22 Comprehensive Plan which calls for encouraging

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1 nodes of commercial development as we see on
2 commercial corridors such as Connecticut
3 Avenue, with nodes of commercial development
4 interspersed with medium and high density
5 residential development.

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

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

16 The Friendship Heights Plan
17 includes an arc of areas Zoned R-5-B and
18 designated on the Comprehensive Plan Map as
19 moderate density between the more intensely
20 developed Friendship Heights Regional Center
21 and the surrounding low density residential
22 neighborhoods Zoned R-1-B and R-2.

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1 Part of the arc has been developed
2 as a townhouse development, which provides a
3 buffer between the single-family homes and the
4 intense development on Wisconsin Avenue, and
5 my submitted testimony has some photographs.

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

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

16 In conclusion, we ask that the
17 Zoning Commission in providing guidance to the
18 Office of Planning ensure predictability and
19 protect residents' current choices of
20 neighborhood characteristics by directing the
21 Office of Planning to drop its recommendation
22 to allow commercial used in Residential Zones.

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1 We also ask that the Zoning
2 Commission clarify the process for determining
3 which R-5-B Zones should be incorporated into
4 Subtitle D to include not only areas with
5 existing townhouses, but also undeveloped
6 areas, such as the R-5-B, moderate density
7 buffer zone in Friendship Heights that are
8 most appropriately classified as row house
9 areas and should be included in Subtitle D.

10 Thank you very much.

11 CHAIRMAN HOOD: Okay. Thank you.
12 I know you are either an ANC Commissioner or a
13 president or vice president, one of the three.
14 See if I've got a good memory.

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

19 And I come here tonight on behalf
20 of the Board of Directors of our condominium,
21 our 25 unit medium-rise, five story building
22 adjacent to the Wyoming Condominium on one

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1 side and Schuyler Arms on the other and across
2 the street from a number of historic row
3 houses.

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

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

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

15 MR. CRAWFORD: There we go.
16 Columbia Road is an interesting place. To our
17 immediate west, we have the Hilton, lucky us
18 and we are about to get a lot more Hilton,
19 really lucky us. We have just endured the
20 renovation of the existing structure and now
21 we are going to get to endure the construction
22 and the, what I think as a skeptic, excessive

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1 use of a huge condominium development on that
2 site.

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

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

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

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1 characteristics of the neighborhood.

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

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

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

18 With that, I'm going to conclude my
19 remarks and I'll yield my time back to you
20 all. This needs a lot more thought. It needs
21 a lot of very careful consideration. We don't
22 want commercial development coming in willy-

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1 nilly. We don't want it random. We want a
2 good plan and we respect the work that you are
3 doing on our behalf. Thank you.

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

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

13 MS. RIGHINI: Nothing.

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

17 MS. RIGHINI: Right.

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

21 CHAIRMAN HOOD: It going to take a
22 second you said. No, I'm just joking.

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1 MR. GIULIANI: It is incorporated
2 in the same presentation though?

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

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

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

18 MS. RIGHINI: I'll be very quick.
19 These are -- this is a picture of the Wyoming
20 apartments, the landmark, which is also a part
21 of the Historic District, and the apartment
22 building which my neighbor to my left lives in

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1 to show that this is sort of a bulwark in a
2 way against the Hilton and the -- in the area
3 behind it.

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

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

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

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1 character.

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

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

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

18 We plan for the best that we can
19 get. And in 1958 when the Zoning Regulations
20 were put forward, they were put forward with
21 the notion that they would create a lot of
22 nonconformity in the old buildings. And we

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1 are aware of that. And we have to take into
2 account the difference in the old buildings
3 and the new buildings and making any judgments
4 and do further land use studies.

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

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

11 Next. This is one of our vacant
12 buildings, commercial buildings at 14th and U.

13 It has been vacant for over four years right
14 across from the Reeves Center. This is the
15 kind of building that has to be supported for
16 commercial use.

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

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

22 Next. Home Rule, a new store that

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1 serves kitchenware. We have probably more
2 than almost 35 percent of linear footage on
3 14th Street is restaurants and fast food.

4 Next. This is a flower shop on
5 14th Street, a new shop.

6 Next. A nursery on 14th at S.

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

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

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

20 Next. We have FedEx.

21 Next. Whole Foods, which people
22 flock to and is very good organic food. This

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1 is the 1400 Block at P.

2 Next. There are three banks in
3 this block.

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

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

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

14 Next. We have several
15 supermarkets. We have several cleaners.

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

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

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

22 Next. And I'm just noting the SP

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1 which was zoned and we have lost all of this
2 housing to offices. This is the 1300 Block.

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

5 Next. As well as this wonderful
6 romanist building.

7 Next. On Connecticut Avenue we
8 have a lot of retail and a lot of restaurants.

9 This is the PNC Bank. We have three PNC
10 Banks in the neighborhood.

11 Next.

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

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

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

19 MS. HARGROVE: Okay. Okay. Next.
20 This is clothing.

21 Next. A drug store.

22 CHAIRMAN HOOD: Okay.

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1 MS. HARGROVE: Okay.

2 CHAIRMAN HOOD: I think we get the
3 general --

4 MS. HARGROVE: You get the general
5 impression.

6 CHAIRMAN HOOD: Yes. We --

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

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

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

19 I'm not sure if you all are on the
20 same page or not. I'm hearing -- I think I
21 have heard one thing and I'm not exactly sure
22 who said it, but I don't think you all are on

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1 the same page, which is fine. But I think
2 that this Commission is going to have to
3 strike that balance and this goes back to what
4 Mr. Parker mentioned.

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

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

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

19 Basically, the most successful
20 neighborhoods in D.C. have one of two
21 characteristics. Either they are surrounded
22 by or bisected by Commercial Zoning,

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1 commercial strips or they have a lot of
2 nonconforming existing -- and the first one is
3 like Adams Morgan and Dupont Circle or they
4 have a lot of nonconforming, preexisting
5 corner stores like areas of Georgetown or
6 Capitol Hill.

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

13 And so what we are proposing is
14 limits on these types of uses in terms of
15 concentration that don't allow more in your
16 areas, that don't allow commercial uses where
17 there is a nearby commercial strip or where
18 there are existing nearby nonconforming
19 stores, but only allow them in areas that
20 don't have it, like East Capitol Hill or
21 Petworth or Shaw or all of these areas that
22 were built without these corner stores or

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1 where the corner stores have gone away over
2 time.

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

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

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

19 But let's ask the questions,
20 Commissioners, of those who have already
21 testified. Ms. Gates, if you can hold off a
22 second, we will come to you.

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1 Okay. Commissioner Selfridge?

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

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

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

19 MR. PARKER: We are not trying to
20 get anything into Dupont Circle or Adams
21 Morgan, because they have -- you saw all the
22 slides of what they have.

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1 What we are trying to get, and I'll
2 get back to some of the earlier -- oh, it's in
3 a different presentation, so never mind.

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

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

15 So these are the types of things
16 that in neighborhoods that don't have them,
17 which you don't see here tonight, are much
18 needed. And we need, we very much need, to
19 make sure that the neighborhoods that do have
20 them are protected from additional impacts.
21 That's absolutely clear and I agree with
22 everything that the panel said about that,

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1 Dupont Circle, Adams Morgan, extremely well-
2 served.

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

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

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

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

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1 Turnbull?

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

9 And I'm just looking at
10 Recommendation No. 4 and I think there is --
11 it's hard to look at No. 4 and not say that it
12 won't apply to Adams Morgan or Dupont Circle.

13 I'm not sure what needs to be in here, but I
14 mean, there is a lot of limited set of
15 neighborhood-serving nonresidential uses
16 subject to contextually appropriate
17 performance standards, which you haven't --
18 which are up in the air.

19 The standards will include a
20 maximum gross floor area limit of 2,000 square
21 feet, limitation to the ground floor and only
22 in a building that includes a residential use.

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1 There are other standards in here,
2 too, but what is in this that says to them
3 don't worry about Adams Morgan and Dupont
4 Circle?

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

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

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

20 COMMISSIONER TURNBULL: Okay. So
21 you would add --

22 MR. PARKER: Absolutely.

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1 COMMISSIONER TURNBULL: --
2 something in that on that. Okay. Well, I
3 still see some angst, some faces that are
4 looking a little bit worried.

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

11 So if huge Metro and Bus Districts
12 now that are supposed to encourage development
13 and people presumably are going to walk to
14 these services, you know, if they can walk
15 there, they can walk within 15 minutes
16 anywhere in either of these two neighborhoods.

17 If you are talking a half a block or four
18 blocks, you are going to get there to those
19 services.

20 Secondly, there is an assumption
21 that bothers me a little bit. Yes, I want
22 neighborhoods who don't have the commercial

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1 services to have them. I don't know so -- but
2 they will best get them by a small corner
3 store that can't deliver much by grocery
4 stores -- by groceries. You know, it is more
5 likely to be snack foods, rather than the
6 wonderful ones that you two mentioned in
7 perhaps advantaged areas of town.

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

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

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

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

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1 there we are going to do something else.

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

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

19 So we have to look at all these
20 things in terms of what is needed, but
21 certainly mucking up the R-5 Zone this way may
22 not be the best way to go.

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1 CHAIRMAN HOOD: Okay. Let's go
2 back to Mr. Turnbull.

3 COMMISSIONER TURNBULL: No. I
4 think --

5 CHAIRMAN HOOD: Ms. Hargrove --

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

8 CHAIRMAN HOOD: Okay.

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

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

15 COMMISSIONER TURNBULL: All right.

16 But I think the consensus that Mr. -- that
17 the Chair was talking about is that I think on
18 4, you are pretty much in agreement that there
19 are issues that you have with the way it is
20 setup right now.

21 What about the fifth one? R-5-B
22 trying to protect the row house areas, is that

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1 something that -- is there unanimity or is
2 there --

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

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

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

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER TURNBULL: Okay.

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

22 COMMISSIONER TURNBULL: Yes, okay.

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1 I guess I was just trying to get a feel, but
2 there is a lot of similarity, I think, in
3 content. Now, we didn't go through the other
4 three recommendations, but it sounded like R-
5 4, what I got out of the group, is that they
6 really have some issues with R-4.

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

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

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

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1 height limit that would be set.

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

7 COMMISSIONER TURNBULL: Yes.

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

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

20 COMMISSIONER TURNBULL: Okay.

21 MS. SELLIN: We also have a very
22 small street that we rezoned to R-4 and we

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1 looked all over the city to find out similar
2 houses that are double, two story houses that
3 are not row houses. They are just one house.

4 Kind of like -- and I finally found some in
5 Ward 5 several blocks of them.

6 CHAIRMAN HOOD: Oh, now, I woke up.

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

12 COMMISSIONER TURNBULL: Okay.
13 Thank you.

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

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

19 COMMISSIONER TURNBULL: No, I was
20 just -- I mean, we have five recommendations
21 and we really haven't touched on the first.
22 Well, we have touched on, but the group has

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1 really been focusing more on that fourth
2 recommendation, I think. It's really the one
3 that really sticks in their craw.

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

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

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

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

22 CHAIRMAN HOOD: And I will tell

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1 you, I'm sorry, go ahead, Vice Chairman.

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

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

14 VICE CHAIRMAN SCHLATER: Very good.
15 Thank you.

16 MR. PARKER: Yes.

17 CHAIRMAN HOOD: And I also
18 understand everyone who is here tonight, they
19 are the ones who have it. But I like where
20 Office of Planning is going, because they are
21 looking at the ones who don't have it. And
22 you mentioned Ward 5, I'm glad to know that

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1 you have been out there, Ms. Sellin, I
2 appreciate it.

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

11 When I saw the case, I actually got
12 jealous. To be frankly honest, I got jealous.

13 But anyway, I'm going to go to Ms. Gates.

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

17 MS. DIENER: Yes.

18 CHAIRMAN HOOD: Yes. The ANC is on
19 notice, properly notice and a lot of times you
20 have to work through your ANC. I'm a civil
21 association president myself. We don't get
22 the notice. I have a good rapport with all my

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1 ANCs in Ward 5 and that's one way you get the
2 notice.

3 I think, did we advertise this in
4 the Register, DC Register? Yes. So the word
5 is -- plus, the Office of Planning's website.

6 I'm not sure if it's on the Office of
7 Zoning's website, I believe it is. So there
8 are a number of ways that have been out there.

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

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

17 So I just wanted to clarify that.

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

21 MS. DIENER: Yes.

22 CHAIRMAN HOOD: So hopefully your

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1 ANC from now on will notify you when they get
2 it or I don't know, do you attend your ANC
3 meetings?

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

6 CHAIRMAN HOOD: Okay.

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

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

22 And I just think in this day and

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1 age we can explore some additional ones.
2 People are really, really busy and being able
3 to reach them by email is a great way. I
4 think most citizens would rather be over-
5 informed if they could, and maybe that's just
6 my opinion.

7 CHAIRMAN HOOD: Right. And I
8 agree.

9 MS. DIENER: Yes.

10 CHAIRMAN HOOD: I agree with you
11 wholeheartedly.

12 MS. DIENER: Yes.

13 CHAIRMAN HOOD: Because I know --

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

19 CHAIRMAN HOOD: And one thing I
20 have to applaud the Office of Zoning, they are
21 even using social medias. I think Facebook.
22 I don't know if they are Tweeting yet, but I

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1 know they are doing Facebook in the Office of
2 Zoning. So, you know, they are trying to use
3 all those social medias.

4 MS. DIENER: Just send an email.

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

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

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

19 CHAIRMAN HOOD: Let me go to Ms.
20 Gates. I think some comments were made and
21 Ms. Gates was not going to testify, but there
22 were some comments made and her hand went up.

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1 So somebody drove you to testify, so go right
2 ahead, Ms. Gates.

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

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

14 Last year when the Amendments to
15 the Comprehensive Plan were put out, OP
16 proposed rezoning an entire block of MacArthur
17 Boulevard and turning it into commercial use.

18 Not one property went for that.

19 So there are areas of the city,
20 there are neighborhoods in the city and we do
21 have lots of two story houses in Palisades
22 that are single houses, but not every area in

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1 the city wants this kind of density.

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

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

10 Another issue are the conflicts
11 with home occupations and what is in the code.

12 They are just not helpful. So that you can
13 have home -- I know in my neighborhood there
14 are home occupations going on, they are never
15 enforced. They are never watched.

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

22 Putting in additional density and

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

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

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

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

16 Any other comments or questions for
17 this panel?

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

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1 And than you all very much.

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

7 MS. HANOUSEK: Okay.

8 CHAIRMAN HOOD: We are going to
9 leave the record open for everyone, December
10 22nd, 12:00 noon. It would be good, President
11 Crawford, if we can get your testimony. Do we
12 have it? I didn't think you turned it in.
13 Okay. So he is going to amend his testimony,
14 so that would be good.

15 So we will leave it open, December
16 22nd, 12:00.

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

19 MS. HANOUSEK: No, we don't.

20 CHAIRMAN HOOD: Okay. Again, I
21 want to thank everyone for their
22 participation, especially Office of Planning

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1 and the hard work they are doing, those who
2 participated and testified and my colleagues.

3 With that, this hearing is
4 adjourned.

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

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