

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC HEARING

+ + + + +

THURSDAY,

SEPTEMBER 27, 2012

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:30 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
MARCIE COHEN, Commissioner  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (OAC)  
PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

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JENNIFER STEINGASSER, Deputy Director  
Development Review & Historic Preservation

JOEL LAWSON  
ELISA VITALE  
STEVE COCHRAN  
DAN EMERINE

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

N/A

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF  
PRESENT:

N/A

The transcript constitutes the minutes  
from the Special Meeting held on September 27,  
2012.

TABLE OF CONTENTS

Preliminary Matters ..... 5  
Chairman Hood

Office of Planning ..... 8  
Ms. Steingasser

Questions ..... 37

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

2 6:36 p.m.

3 CHAIRMAN HOOD: Good evening ladies  
4 and gentlemen. This is a special public hearing  
5 on Thursday, September 27, 2012. We are located  
6 here in the Jerrily R. Kress Memorial Hearing  
7 Room, 441 4th Street, Northwest, Suite 220,  
8 South.

9 Joining me this evening are Vice  
10 Chair Cohen, Commissioner Turnbull and  
11 Commissioner May. My name is Anthony Hood and  
12 I am the Chairman. Also, the Office of Zoning  
13 Staff, Ms. Sharon Schellin. Office of Planning,  
14 Ms. Steingasser and Mr. Lawson. And I'm going  
15 to let Mr. Lawson introduce -- and Mr. Cochran.

16 I'm going to let Mr. Lawson introduce the young  
17 lady.

18 MR. LAWSON: I'd be happy to. Good  
19 evening, Mr. Chair and Commission members.

20 On my right is Steve Cochran who you  
21 have met one or twice. On his right is Elisa  
22 Vitale who is a fairly recent addition to the

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1 Office of Planning and has been working very  
2 hard on the ZRR project. And you have met Dan  
3 Emerine with the Office of Planning who is to  
4 Elisa's right.

5 CHAIRMAN HOOD: And what's the last  
6 name again, Ms. Vitale. I didn't introduce Mr.  
7 Emerine because I didn't want Ms. Vitale to feel  
8 like she was left alone, singled out.

9 Okay. Ms. Schellin, do we have any  
10 preliminary matters? Okay.

11 I do have one preliminary matter.  
12 I want those who have been involved in this  
13 process to think about it including my  
14 colleagues as well as the Office of Planning  
15 and as well as the public.

16 When we start these ZRR hearings I  
17 thought about the folks who have really labored  
18 whether you agree or disagree for awhile and  
19 I was hoping to figure out a way to give some  
20 additional time as opposed to the three minutes.

21 If my suggestion becomes convoluted  
22 and it just gets out of order then I will pull

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1 it back off the table. So, any suggestions you  
2 have, you can submit those to -- I have some  
3 but I want to do that now. I want to hear from  
4 the public and Office of Planning and also my  
5 colleagues. If you can send those suggestions  
6 to Ms. Schellin and my colleagues and I will  
7 try to figure it out and see how we can  
8 accommodate those who have labored over the year  
9 that this whole process has been going. And  
10 that's just something we're going to try to do.

11 If it gets to a point where it's not manageable,  
12 I will definitely pull that off the table  
13 immediately.

14 Any comments?

15 VICE CHAIR COHEN: Yes, can you  
16 clarify what you're hoping to accomplish? I  
17 mean, when you say accommodate.

18 CHAIRMAN HOOD: Well, I really  
19 don't want to get too much into it right now  
20 because I want to hear -- give people additional  
21 time. Right now if you're an organization you  
22 get five minutes. If you're an individual you

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1 get three minutes. And someone who has been  
2 working on something for three, four years,  
3 three minutes on a particular issue, three  
4 minutes is really not a whole lot of time. Not  
5 that I'm trying to be here all the time and all  
6 night, but I want us to be fair and give people  
7 a fair opportunity.

8 And when they walk away from the  
9 table, nobody will be able to say we did not  
10 hear them. And that's kind of where I am.  
11 Maybe I'm asking for trouble or maybe I'm asking  
12 for something that's fair and that's just what  
13 I'm thinking about. I don't have the solution.

14 I got some thing on my mind but we can have  
15 a discussion at one of our meetings prior to  
16 doing this. I'm not sure when we can announce  
17 it, but I'd like for all of us to just think  
18 about it because we don't want nay answers off  
19 the cuff because it won't be a well-thought out  
20 answer. Okay.

21 Ms. Schellin.

22 SECRETARY SCHELLIN: Maybe if a

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1 decision is made at the time of set down maybe  
2 when it's advertised it can be included in the  
3 Hearing Notice.

4 CHAIRMAN HOOD: Yes, let's do that  
5 and let's do it at the time of set down.

6 Any suggestions, you can turn them  
7 into Ms. Schellin.

8 Okay. Anything else? All those  
9 people saying, is he crazy? Okay, the ZRR  
10 Guidance. Let's go straight to the Office of  
11 Planning and I guess we're going to break this  
12 up. Are we going to do the whole thing through  
13 or are we going to break it up?

14 MS. STEINGASSER: Well, what we  
15 have this evening is the PowerPoints, about 84,  
16 88 slides long. We're going to walk through  
17 almost every one of the subtitles, touching on  
18 a lot of detail on what we've done, what we  
19 haven't done. Try to correct a lot of  
20 misinformation. Try to reinforce the good  
21 information.

22 We're happy to run through this and

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1 then have more in-depth conversations and work  
2 sessions with the Commission. There are  
3 several items like for downtown development zone  
4 which is a huge policy piece that the Zoning  
5 Commission makes the rules for and yet because  
6 it so incredibly matter of right, we seldom  
7 actually deal with it in terms of your role here  
8 at the Zoning Commission or through the BZA.  
9 So, whether you want to have a special -- we  
10 can start to piece thee out over the next couple  
11 of months and have more in-depth study. What  
12 we're presenting to you this evening, we're  
13 focusing a lot on the residential zones. The  
14 ones that have had the most interest and so we  
15 can take it anyway you're comfortable.

16 CHAIRMAN HOOD: I was just trying  
17 to allow for questions, if we have questions.

18 MS. STEINGASSER: Well, we're going  
19 to stop every eight or ten slides and --

20 CHAIRMAN HOOD: Okay. Maybe 15.

21 MS. STEINGASSER: We do this as a  
22 work session so you're free to interrupt us.

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1 We've rehearsed it. We're hopefully pretty  
2 nimble and can respond to any questions you want.

3 But we do plan to stop every couple of slides  
4 and make sure you understand.

5 CHAIRMAN HOOD: Okay. We'll  
6 proceed in that order.

7 MS. STEINGASSER: There's a lot of  
8 detail.

9 CHAIRMAN HOOD: Okay. When you  
10 stop we'll ask our questions.

11 MS. STEINGASSER: Okay.

12 CHAIRMAN HOOD: Okay. Thank you.

13 MS. STEINGASSER: So, we've  
14 assembled for you a kind of workbook that lays  
15 out our PowerPoint. We also started with a  
16 breakout of what the process has been to date,  
17 the amount of outreach, the amount of public  
18 hearings, the amount of public work that's gone  
19 on.

20 I've listed in the book all of the working  
21 groups that have happened. So far there's been  
22 81 special topic working group meetings.

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1 There's been a total of participation of 1,054  
2 people. That does not include city staff on  
3 any level.

4 There's also been 64 total community  
5 groups to date. I've listed those also by the  
6 association, the ANC and the date of which we've  
7 attended those.

8 The Zoning Commission themselves  
9 have had 21 public hearings, 22 public meetings  
10 at which you've discussed it. There's also been  
11 36 task force meetings. Eleven of those have  
12 been this year as we've been drafting the text.

13 There's also been several -- there's been a  
14 lot of coverage in the newspaper, both the  
15 Washington Post, the Local Current, Northwest  
16 Current, DuPont Current, the Washington City  
17 Paper. There's been articles in the Atlantic  
18 City Magazine and there was even an article in  
19 the New York Times.

20 We've also made several  
21 professional presentations to the Urban Land  
22 Institute, APA national conferences. We've

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1 done two there. We'll be doing a third in April.

2 And, of course, we have several websites which  
3 are referenced here in the document and will  
4 be presented to the public at the end of the  
5 Power Point.

6 Following that, we've also included  
7 for the Commission's reference just to  
8 underscore the public access to the information.

9 The amount of links on the Office of Zoning  
10 website, all of which have a video attached to  
11 them and there's I think 43 of those that go  
12 through the hearings, the meetings, the guidance  
13 meetings and then the actions the Commission  
14 has taken so far on several of the options.

15 So, we just wanted to draw your  
16 attention. We then included the PowerPoint.  
17 We also beyond that had a draft outline that  
18 will lay out the general form of the zoning  
19 rewrite that we are looking at proposing now  
20 and then in a fund tab are the orders on work  
21 that the Commission has already done, the final  
22 orders that are in the D.C. Register.

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1           And as you may recall, we've removed  
2 several of these cases. I think there's five,  
3 parking, loading, bike parking, green area  
4 ratio, height, uses and industrial uses, PDR.

5           And the Commission took general regulations  
6 all the way to the final order state and they've  
7 been parked in what the D.C Register advertises  
8 as a final opinion. The idea then being when  
9 we get the full regs done, we'll be coming back.

10          We'll be making sure that those are still  
11 consistent with where we're going, what we want  
12 to do and then the Commission will take final  
13 action on the whole.

14           So, those are in the back so if it  
15 feels like you've been working on this for a  
16 long time, you have.

17           So, our PowerPoint starts with this.

18          So, the next questions become why now and just  
19 going to give you a quick few slides on this.

20          It was adopted in 1958. That was a good five  
21 years before D.C. residents even had the right  
22 to vote for a president. Obviously, it was

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1 waiting for a Home Rule, way before Metro opened  
2 and there's been over a thousand amendments to  
3 the zoning regulations and as of 2010, 78 percent  
4 of the District residents were younger than our  
5 zoning regulations.

6 COMMISSIONER MAY: I just want to  
7 state for the record that I'm younger than the  
8 zoning regulations. Not much, but a little bit.

9  
10 MS. STEINGASSER: Comprehensive  
11 Plan 2006 called for an overhaul and revision  
12 to the zoning regulations. That was again  
13 underscored in 2010 amendments. So, we're  
14 moving on with that. And then just briefly to  
15 show some of the household trends and in the  
16 1958 regulations were based on what the city  
17 was then and who we were and how we saw the future  
18 of the city at that time.

19 Obviously, the population was much  
20 higher. We had an average household size of 3.2  
21 residents per household. I 2010, that's  
22 considerably different. We're 200,000 less

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1 population. Our average household size is down  
2 34 percent to 2.11 people. So, obviously  
3 there's been a big shift in how we view cities,  
4 how we view living and the way we approach our  
5 environment. The current Comprehensive Plan  
6 reflects that and the zoning regulations are  
7 then trying to implement many of those policies  
8 and looking forward guiding us into the future.

9  
10 So, the code organization is  
11 basically we've stepped back. We've been  
12 allowed by the agency for publications to have  
13 subtitles. So, that's allowed us to have a lot  
14 more categories within each chapter, a lot more  
15 headings which have been I think something  
16 that's been sorely missing from the regulations.

17 A lot of stuff is written in paragraph form  
18 and you have to figure and you look at people  
19 and they've all put their own little heading  
20 next to that paragraph. This has allowed us  
21 to get into much more clear form.

22 We're established a different type

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1 of grouping, generally maintaining the same  
2 residential house zones which are the R-1's to  
3 the R-4's, the apartment zones which are the  
4 R-5's, the mixed use which is a combination of  
5 the commercials, waterfronts and the special  
6 purpose in the CR zone. The downtown zones as  
7 we'll talk later has become much more expanded  
8 to reflect the Comprehensive Plan. And then  
9 production, distribution and repair, which is  
10 the industrial zones and special purpose zones.

11

12 We've worked with the Office of  
13 Zoning and the Office of the Attorney General  
14 and everybody was more comfortable having the  
15 BZA and the Zoning Commission have their own  
16 chapter for procedures, authorities. So, which  
17 we have now is Chapter 31 and 30, you'll see  
18 that reflected. We couldn't resist using  
19 subtitle Z for the Zoning Commission so we worked  
20 back from there and the BZA is subtitle Y.

21 So, now we're going to get into some  
22 of the residential house zone development

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1 standards and this has been a lot of controversy  
2 and a lot of confusion over what we mean and  
3 what we've been looking at in these. The  
4 minimum lot size right now is 7,500 feet for  
5 R-1-A, 5,000 for R-1-B, 3,000, 2,000 and 1,800  
6 moving on down.

7 We're proposing no changes to those  
8 sizes. We're proposing to maintain those sizes  
9 as they are. They will become applicable only  
10 at the time of subdivision which is really how  
11 it is now.

12 We're proposing to allow that  
13 nonconforming lots that exist today be allowed  
14 to apply for building permits even if they don't  
15 meet these standards, subject to meeting all  
16 the other requirements, lot occupancy, side  
17 yards, rear yards, heights and those kinds of  
18 dimensional standards.

19 If they can comply with all of that  
20 we see no reason to force them into a variance  
21 situation which our history has been over the  
22 last 10 years has been 100 percent approved by

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1 the BZA and so it's an existing nonconformity.

2 It's unique in and of itself. So, we thought  
3 just go ahead and address that and allow that  
4 infill construction to happen. So, that's the  
5 once change we're proposing here but there would  
6 be no minimum change in new subdivision  
7 standards.

8 The height issue. We've looked at  
9 height. We're proposing to stay at the same  
10 40 feet that everyone has been used to for the  
11 last 50 years. We had looked at changing the  
12 number of stories and removing that requirement.

13 We heard a lot from the neighborhood and  
14 different community groups across the city that  
15 they were uncomfortable with that and the  
16 appearance as it might affect neighborhood  
17 character. And neighborhood character was one  
18 of the issues that sort of lays itself out  
19 throughout the code and how we address it. So,  
20 we have put back in the three-story standard.

21

22

Georgetown. The Business

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1 Association of Georgetown approached us about  
2 four years ago and volunteered to work with the  
3 Office of Planning and make a prototype on what  
4 we call the neighborhood zones. So, they've  
5 been working through their community to identify  
6 the standards that they feel reflect their  
7 community. And so in those zones you'll see  
8 in the proposal and they're proposing a 35-foot  
9 standard.

10 So, looking at height, the current  
11 measuring for height allows you to measure to  
12 the ceiling of your top floor which leave all  
13 kinds of controversial space above that. We  
14 see false ceilings. We see attics becoming  
15 finished out and creating a fourth floor.  
16 There's been several BZA cases that have evolved  
17 into court cases. And it's a real issue again  
18 towards neighborhood character, towards how new  
19 construction is actually addressed.

20 We're proposing to change that.  
21 And the Commission has considered these rules  
22 early on and in the final order to change that

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1 measuring rule to allow it now to be measured  
2 only to the midpoint of the eave between the  
3 pitch of the roof and the eave so it's more in  
4 the midpoint and then measure it actually to  
5 the top of the flat roof. That has the effect  
6 of lowering the height about five feet and you  
7 can see that on this next slide where the heights  
8 are really drawn through. These are the  
9 different types of buildings. We felt that  
10 captured a lot of the issues that we were hearing  
11 from people throughout the years being  
12 uncomfortable with how height is measured and  
13 manipulated. We thought this was a more  
14 realistic way to capture it and how it feels  
15 from the street.

16 Number of dwelling units. This is  
17 also been one of those issues that has had a  
18 lot of, I think, a lot of confusion out there  
19 about what goes on with dwelling units. In the  
20 R-1 zone especially you're allowed one principal  
21 dwelling. It's a single-family detached  
22 dwelling district. However, by special

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1 exception you can have an accessory apartment  
2 inside the house and as a matter of right, you  
3 can have and have been permitted to have since  
4 1958 a dwelling unit above the garage for  
5 domestic employees.

6 Now, there is no definition of a  
7 domestic employee and there has been no rush  
8 to put these things in over the years. But they  
9 do exist. It is a matter of right. So, in the  
10 single family detached zone you could have up  
11 to three dwelling units. There's no limit on  
12 the number of domestics that could live in a  
13 dwelling unit over the garage. There is a limit  
14 on how many people could live in the principal  
15 and accessory apartment. That would be limited  
16 to six people total. So, if you were a family  
17 of eight, you would not be eligible for this  
18 accessory apartment.

19 We're proposing to narrow that, to  
20 bring it from three dwelling units to two and  
21 say, make it tenant neutral. Get away from the  
22 distinction of employees and domestics and make

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1 it tenant neutral and make the one if you choose  
2 to put the apartment internal with the homeowner  
3 that that be by right. And if you chose to build  
4 one as an accessory dwelling that that be the  
5 one that would be by special exception because  
6 that's the one that would actually have the  
7 impact on any neighbors.

8           However, we are also proposing at  
9 this time and we're interested in getting  
10 feedback from the Commission. We've gotten  
11 different feedback from various different  
12 communities about allowing matter of right use  
13 of existing structures.

14           The historic districts are fairly  
15 more open to that because they have a lot of  
16 carriage houses and detached structures in the  
17 rear that are contributing structures. It  
18 allows for that use. So, we're proposing right  
19 know that if it's an existing detached that that  
20 also be allowed by right. Again, it would only  
21 be one, be either or. Either inside the house  
22 or outside the house but not both. We're

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1 maintaining bringing forward all the same  
2 conditions so that there would still be the  
3 six-person limitation. So, there would  
4 actually be fewer people living on the property.

5 The homeowner would still have to live there  
6 and a lot of people ask. What happens if the  
7 house sells and the homeowner rents both units?

8 They would be in violation of their license.

9 Supposed to have a business license at the  
10 apartment. They would be in violation like they  
11 would any other violation and the enforcement  
12 would be an issue.

13 It's required on the building permit  
14 that you actually have to sign this. You would  
15 have to willingly lie or fabricate on your permit  
16 and that seems to be a deterrent for a lot of  
17 people.

18 So, we feel that this is an important  
19 movement. We think it brings the density down  
20 rather than expands it. We're proposing that  
21 there be limitations on the size and all the  
22 existing limitations of the apartment move

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1 forward with it. So, it makes sense.

2 In the R-2 and R-3, the R-2s being  
3 the semi-detached. The R-3s being the  
4 rowhouses. Right now they are not allowed AD  
5 use by right or by special exception. The BZA  
6 has been through practice waiving that  
7 requirement. BZA rules allow for the BZA to  
8 waive two conditions of the accessory apartment  
9 and one of those that has been waived recently  
10 is the limitation to the R-1-A zone. So, there  
11 has become a de facto rule where they are  
12 allowing these. We propose that we codify that  
13 rule. OAG supports this codification and we've  
14 also heard from a lot of the community, the R-2  
15 and the R-3 communities that they're interested  
16 in this for a number of reasons. It allows new  
17 homeowners to offset some of the cost of home  
18 ownership. It creates affordable units both  
19 in terms of the principal unit as well as the  
20 accessory unit. And also we've had two cases  
21 where it was an elderly couple and they wanted  
22 to have in-home caregivers but they didn't want

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1       them actually in the home.  So it allows for  
2       a lot of type of aging in place, affordability  
3       both in terms of new homeowners as well as  
4       seniors.  So, we feel it's an important movement.

5                   COMMISSIONER  MAY:        Could you  
6       explain just the count of the number of persons  
7       and how that works?

8                   MS.  STEINGASSER:   Well, the code  
9       requires that no more than six people total may  
10      live in the residence with the accessory  
11      apartment.

12                   COMMISSIONER  MAY:        That's when  
13      there is an accessory apartment?

14                   MS.  STEINGASSER:   When there's an  
15      accessory apartment.

16                   COMMISSIONER  MAY:        No more than  
17      six?

18                   MS.  STEINGASSER:   So, if you had  
19      that fifth child and you went over six, tenants  
20      have to go.  Again, it's an enforcement issue  
21      but it's what's been on the code since 1958.  
22      We've never seen it be an issue that we know

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1 of. The Zoning Administrator reported he's  
2 never heard of it being an issue. But it gives  
3 people comfort and so we're willing to bring  
4 it forward as a limitation.

5 And in the R-4, as you know, the R-4  
6 already allows two dwelling units as a matter  
7 of right inside a principal building. It's the  
8 flat so it's rowhouses and flats. We're  
9 proposing that one of those dwelling units be  
10 permitted to be outside the principal structure.

11 Again, using an accessory building. If it's  
12 an existing accessory building our draft  
13 proposal is to allow it by right. If it's a  
14 new accessory building or has any kind of  
15 construction associated with it, we're  
16 proposing that that be reviewed by special  
17 exception.

18 We will be working on what criteria  
19 to establish for the special exceptions to make  
20 sure that there's -- you know, it will probably  
21 be something that we're used to seeing similar  
22 t Section 222 which is no adverse impact, light

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1 and air, privacy. There are also conditions  
2 that we're looking at later on in the alley  
3 dwelling about how buildings face and how  
4 balconies face and their setbacks from the  
5 adjoining properties.

6 And whose kinds of conditions we'll be looking  
7 at as well when you see the final draft test.

8 Right now in the R-4 zone, rooming  
9 houses are allowed as of a matter of right and  
10 there are no limitations on the number of  
11 tenants. So, the last one we saw had 14

12 different rooms. They were using that  
13 as a catalyst for getting a use variance to have  
14 apartments in the middle of the rowhouse. We're  
15 proposing that there be a limit on the number  
16 of tenants that that be established. We're  
17 proposing now a maximum of eight.

18 We're open to hearing from people  
19 on whether that number is the right number.  
20 We took that from the Fair Housing Act which  
21 allows for six residents plus caregivers. So, w  
22 e assume that maybe it's a couple renting out

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1 the room so we went with eight. Again, that  
2 is tightening the regulations and tightening  
3 that density in those areas.

4 VICE CHAIR COHEN: Have you checked  
5 wit the Health and Human Service Office to see  
6 if that will allow for existing housing for  
7 disabled people who often live with their  
8 caretakers?

9 MS. STEINGASSER: That's covered by  
10 the Fair Housing Act, yes.

11 VICE CHAIR COHEN: So, is eight the  
12 magic number or I think it would be more in some  
13 cases?

14 MS. STEINGASSER: Well, for --  
15 there's no limit on caregivers. And six is the  
16 magic number for individuals that can live  
17 together as a family under the Fair Housing Act.

18 If they need six caregivers then they could  
19 have six caregivers as well. But that is  
20 coordinated through the Office of the Attorney  
21 General and we'll make sure to touch base on  
22 that again.

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1                   VICE CHAIR COHEN:  Yes, because I  
2 think some existing homes that have more  
3 residents and you may be then compromising their  
4 existence and I wouldn't want to see that--

5                   MS. STEINGASSER:  Oh, no, yes.  
6 This is only in terms of rooming houses in their  
7 truest sense.  But we'll double check with that  
8 because we did do a text amendment about four  
9 years ago to make sure that we weren't in  
10 violation of the Fair Housing Act and those  
11 agencies were involved.  But we'll make sure  
12 that we report back and we get some--

13                  VICE CHAIR COHEN:  Yes, I would  
14 appreciate that --

15                  MS. STEINGASSER:  -- of those for  
16 you.

17                  VICE CHAIR COHEN:  -- you check that  
18 out because we may be existing housing  
19 opportunities that you don't want to modify and  
20 put people out on the street.

21                  MS. STEINGASSER:  Absolutely.

22                  CHAIRMAN HOOD:  Ms. Steingasser,

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1 since we're asking questions now as we go along.

2 Let's go back to page 5.

3 I noticed you said you did a pilot  
4 with Georgetown about the height and I think  
5 they recommended 35 feet, three stories. Now  
6 in the code, not just Georgetown, so every  
7 community or most communities that want to enter  
8 into this program are going to be able to tailor  
9 towards their own communities or how is that  
10 going to work?

11 MS. STEINGASSER: Yes, sir.  
12 Georgetown worked and they went out and surveyed  
13 their entire community, the entire historic  
14 district, block by block, building by building  
15 and they came back with this recommendation.

16 I wanted for the Commission to take  
17 a look first and just give any comments you would  
18 have before we finish drafting the language with  
19 them. But they will be taking it to the ANC  
20 and the ANC will vote it up or down.

21 CHAIRMAN HOOD: So, is that going  
22 to be the approval process for all the other

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1 communities in the city?

2 MS. STEINGASSER: If they choose to  
3 follow this path, yes, sir. Yes, we've always  
4 talked since the outset that this would allow  
5 for neighborhoods to tailor some of the  
6 development standards because a lot of times  
7 thee overlays, that's what they're focused on  
8 in the residential zones. And rather than go  
9 through that it allows for new zones to be  
10 created, new tables to be made and these kind  
11 of calculations to be determined. And it would  
12 be, you know, that's why Georgetown has been  
13 interesting because they've been working with  
14 it from the community standpoint. They're  
15 going to be taking it through the ANC and they're  
16 kind of setting both practice and actual numbers  
17 for us to look at as a prototype.

18 CHAIRMAN HOOD: So, for those  
19 neighborhoods who may not come forward and say,  
20 this is what we want to tailor to, would they  
21 fall in front of what's proposed?

22 MS. STEINGASSER: That's correct.

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1 CHAIRMAN HOOD: All right.

2

3 MS. STEINGASSER: They will stay  
4 with the standard. Nobody will be unzoned.

5 So, now we are on yards. So, side  
6 yards we had originally looked at some pretty  
7 significant amendments to the side yards. We  
8 based it both on a sophisticated and field work  
9 that we've done of all the residential zones.

10 We'd originally proposed three feet. That got  
11 everybody's attention. We then looked at five  
12 feet and in the R-1 and R-2 zones people were  
13 very uncomfortable with that and preferred eight  
14 feet. We went back and looked at eight feet.

15 It's been on the books. We're comfortable with  
16 maintaining that standard as well. Side yards  
17 are one of the variances we see quite a bit of,  
18 but, you know, we're comfortable with eight feet  
19 if that's where the Commission is also  
20 comfortable. The community is certainly more  
21 comfortable with that in the R-1 and R-2 zones.

22

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1           In the R-3 and the R-4, we're  
2 proposing five feet instead of eight feet. This  
3 has all kinds of interesting ramifications in  
4 the rowhouse zones because of the existing code  
5 allows an existing five-foot side yard or court  
6 to be extended and maintained. It also brings  
7 it into lot occupancy. And a lot of times what  
8 happens is people fill in those side yards  
9 because it's the only thing that would require  
10 them to have a variance. So, rather than go  
11 to a variance, they just punch a building out  
12 and fill that in. So, we're proposing that the  
13 five feet be maintained statistically. We  
14 found that this is much more in keeping with  
15 the way the city is built than the eight feet.

16           When Lewis wrote the original zoning  
17 in 1958 it was based on statistical analysis  
18 and many of the rowhouse zones are much older  
19 than 1958. They almost all predate the zoning  
20 regs. Especially in the old parts of the city,  
21 they follow the L'enfant plan so you have a lot  
22 of triangular blocks or trapezoidal blocks,

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1 blocks that are not rectilinear and an  
2 eight-foot side yard is just almost unheard of  
3 and it creates an odd type of infill in these  
4 rowhouse areas. Five feet is much more in  
5 keeping with the built environment, reduces the  
6 amount of variances and allows the homeowner  
7 to maintain that open space as well as the  
8 incentive to fill it in.

9 So, we're proposing five feet for the rowhouse  
10 and in the R-3 and R-4 zones only.

11 In the rear yards we're proposing  
12 absolutely no change. They stay at 25 and 20  
13 feet respectively.

14 Front setback. This is something  
15 new. Currently there is no front setback  
16 required in any zone. Most properties build  
17 to the property line. Even in the rowhouse,  
18 those little front yards are actually public  
19 space. People build up to that front yard.

20 One of the issues we heard both  
21 before we started working on the ZRR and then  
22 once we started the ZRR was the issue of

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1 neighborhood character and how do you keep these  
2 snouts from moving forward or being too far back  
3 and breaking up the street wall. And so what  
4 we've proposed is that there be a front setback  
5 and that it be determined by the range of the  
6 existing block face. And that's from street  
7 to street it can be no further back than the  
8 most furthest setback building and it can be  
9 no further forward than the most setback  
10 building.

11 Relief can be granted by special  
12 exception, but it establishes a type of zone  
13 in which the setback -- the front building line  
14 needs to be -- it's not a strict average. It's  
15 not a calculated measurement. It's really as  
16 somebody comes in, they would work either with  
17 us or with the Zoning Administrator to look at  
18 the blocks. With computers now it's easy to  
19 see where that is and this drawing kind of  
20 illustrates -- the middle building is the one  
21 that is set between the two and so that's how  
22 it works.

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1           Lot occupancy. Again, what we're  
2 doing here is trying to protect the courts and  
3 "els". We've put an illustration on the picture  
4 that shows els. Those are those little filled  
5 in spaces. Right now if they're less than five  
6 feet they become part of your lot occupancy.  
7 So, there's no incentive to keep them open.  
8 And they are very much a defining character in  
9 the rowhouse areas, especially the old ones.

10           We've been working with our historic  
11 preservation office on this and so what we're  
12 proposing is that they would not be included  
13 in lot occupancy regardless of their size. That  
14 would remove the incentive to fill them in if  
15 that's the only issue of noncompliance.

16           The variance process can be very  
17 onerous and a lot of people just build into them  
18 and as you can see this is a block off of Kentucky  
19 Avenue and Capitol Hill. And they are a very  
20 defining character and we want to protect those.

21           The pervious surface. This is a new  
22 proposal that we're bringing forward. You're

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1 going to be viewing it in terms of the current  
2 code as well so that it becomes enacted a little  
3 bit soon. Basically right now they're only  
4 required in the tree and slop overlays. And  
5 none in the R-3s and 4s. We're proposing that  
6 they be established city-wide by zone and less  
7 by geography. And proposing a 50/30 and a 20  
8 percent minimum. You'll be seeing more of that  
9 detail as the hearing comes up in late winter.

10 VICE CHAIR COHEN: I'm not  
11 following that. What does that mean exactly  
12 for existing residences?

13 MS. STEINGASSER: Nothing.

14 VICE CHAIR COHEN: Nothing.

15 MS. STEINGASSER: No, it's not  
16 retroactive. It would be for new construction.

17 This is where we're breaking for  
18 questions.

19

20 MR. EMERINE: Yes, we're at a point  
21 now where we've gone through most of these  
22 development standards for these zones and before

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1 we moved on to use permissions, we thought we'd  
2 break and ask if you had any questions that  
3 focused on the development standards you've  
4 heard about.

5 MS. STEINGASSER: And we know it's  
6 a lot of information, so one thing we might do  
7 is if you want to read this over the holiday.  
8 We could set aside another, you know, item on  
9 an agenda at a regular meeting and go through  
10 any questions you have at that point. We just  
11 feel like we really want to walk you through  
12 where we are.

13 COMMISSIONER MAY: In terms of the  
14 subject matter though our next step with you  
15 is to have hearings on proposed texts to address  
16 this?

17 MS. STEINGASSER: No, we'll be  
18 going out with our outreach program.

19 COMMISSIONER MAY: yes.

20  
21 MS. STEINGASSER: Starting next  
22 month. I want to make sure, every time I say

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1 you guys without saying outreach first.

2 COMMISSIONER MAY: Okay, that's  
3 fine.

4 CHAIRMAN HOOD: I think that's good  
5 that we make sure so we can all get on the same  
6 page about the outreach.

7 MS. STEINGASSER: The outreach will  
8 be coming in and then once we get feedback from  
9 that, we will be taking drafts back to the task  
10 force. We've made a commitment to the task  
11 force to see the draft. Once we get that  
12 feedback we'll be bringing it to the Zoning  
13 Commission and at that point you'll see the  
14 actual draft proposal and text language and you  
15 can decide how you want to proceed, how you want  
16 to set it down in whole or in part or work  
17 sessions. So, it will be 2013 before you'll  
18 see any of the actual test.

19 COMMISSIONER MAY: Forgive me that  
20 I don't recall. But we certainly have had  
21 discussions and presentations on this in the  
22 past. We provided guidance on this, did we not

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1 already?

2 MS. STEINGASSER: Yes, you did.

3 COMMISSIONER MAY: Okay. So, yes,  
4 you know, I have lot of questions that I could  
5 ask but I think that I would be satisfied to  
6 wait until we actually have a hearing on the  
7 topics because I would want to get into, you  
8 know, some of the detail and it's not really  
9 necessary for me at this moment

10 MS. STEINGASSER: Okay. One thing  
11 we would be interested in, if there is something  
12 you don't like or that you want us to look at  
13 alternate standards, that kind of advice we'd  
14 appreciate either this evening or anytime that  
15 the Commission is comfortable with it but that's  
16 --

17 COMMISSIONER MAY: I mean, based on  
18 my recollection, what we see here that stays  
19 pretty close to what we had given you in the  
20 previous guidance.

21 MS. STEINGASSER: It does. It does  
22 stay pretty close.

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1                   COMMISSIONER MAY:    So, I have no  
2 anxiety.

3                   MS. STEINGASSER:    Okay.

4                   VICE CHAIR COHEN:    I don't have any  
5 anxiety but I wasn't involved so I do have a  
6 question regarding accessory dwellings.

7                   I just want to make sure that I  
8 understand what we now call english basements.

9                   If they're occupied by a tenant you need a  
10 license but if it's occupied by let's say, you  
11 know, your parents or your children you don't  
12 need a license?

13                  MS. STEINGASSER:    My understanding  
14 is if they're paying rent and there's a business  
15 arrangement then you need a license.

16                  VICE CHAIR COHEN:    All right.    But  
17 is it also as of right to have them now?

18                  MS. STEINGASSER:    In R-4s?

19                  VICE CHAIR COHEN:    In R-4s.

20                  MS. STEINGASSER:    They are allowed.  
21                    You're allowed two units by right and so an  
22 english basement in an R-4 rowhouse zone would

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1 not be considered an accessory dwelling. It  
2 would be one of two principal dwellings.

3 In the R-1, you're not supposed to  
4 have an english basement in the true sense  
5 because the R-1 restrictions now require that  
6 there be no visible second entrance and that  
7 would be a violation. So, if you know of those,  
8 you're welcome to tell me. But in those cases  
9 if it's a cash, you know, a rent-paying tenant  
10 you would need to have a business license. And  
11 we can get more information on that.

12 CHAIRMAN HOOD: What are we trying  
13 -- the front setbacks, this new piece. What  
14 are we trying to accomplish? I think we've  
15 talked about this previously.

16 MS. STEINGASSER: That is getting  
17 to the issue that we heard a lot about in  
18 neighborhood character where or usually things  
19 are guided by a building restriction line in  
20 the single-family detached zone. But a lot of  
21 times those may be nonexistent or for some reason  
22 people build out. And so they end up with a

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1 house that sticks out in front of the other  
2 houses and it kind of breaks the street wall.

3 And we've also seen it in some later type  
4 rowhouse zones that weren't constructed in a  
5 historic pattern.

6 And we've heard a lot of issues about  
7 neighborhood character, that it breaks the  
8 neighborhood character. It projects outward  
9 or it's too far back and it creates kind of a  
10 dark hole. So, it's just one of the things we  
11 looked at.

12 I think in the inner city terrace  
13 there's currently through the overlay a type  
14 of mandatory measurement and so we kind of built  
15 off that. We looked at that and though how could  
16 that work throughout the city. Again, it's  
17 something we're going to need feedback from the  
18 residents and the communities.

19 COMMISSIONER TURNBULL: Could you  
20 go to that sketch that you had, a little diagram  
21 for that?

22 MS. STEINGASSER: Slide 15.

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1                   COMMISSIONER TURNBULL:        You're  
2 going to have diagrams like this in the new code  
3 also, right?

4                   MS. STEINGASSER:    Yes, sir.

5                   COMMISSIONER TURNBULL:    For a lot  
6 of these things.    The dash green lines.    I mean,  
7 I understand the concept of the existing  
8 furthest back, but your green lines is that just  
9 -- it shows that you could go out in front of  
10 the line of the existing house.    Is this just  
11 strictly diagrammatic?

12                  MS. STEINGASSER:    These are just  
13 illustrative, that's correct.

14                  COMMISSIONER TURNBULL:    Well, I'm  
15 wondering in the future, I think you'll want  
16 to have that line up so that someone doesn't  
17 thing that they can go beyond that line.

18                  I mean, I understand what you're  
19 talking about but I think as a representative  
20 for someone else, this shows that you're going  
21 back behind that line.    I understand what you're  
22 getting at.    It's a very simplistic way of

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1 trying to show that you can do this, but I think  
2 you really want to be clear when you put it out  
3 that it's that farthest one back and the farthest  
4 one forward.

5 I mean, I think you really need to  
6 show it actually exactly what it is.

7 MS. STEINGASSER: We need to show  
8 that house which is the farthest back and that  
9 house which is the farthest forward.

10 COMMISSIONER TURNBULL: That's it.

11 MS. STEINGASSER: And draw that  
12 band.

13 COMMISSIONER TURNBULL: Right.

14 MS. STEINGASSER: Okay. Yes,  
15 that's --

16 COMMISSIONER TURNBULL: Whether  
17 it's just highlighted or something. I agree  
18 with the concept. I understand it.

19 MS. STEINGASSER: Okay.

20 COMMISSIONER TURNBULL: I was just  
21 puzzled by the diagram. I mean, I know you're  
22 showing it for very simplistic reasons, but --

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1 MS. STEINGASSER: No, that's a  
2 really good point. So, in the code it will be--

3 COMMISSIONER TURNBULL: Exactly,  
4 okay. All right.

5 MS. STEINGASSER: A much broader  
6 strip.

7 We're already 25 percent finished.  
8 Ready.

9 MR. EMERINE: So, I'll talk a little  
10 bit about some more of the use permissions and  
11 restrictions that would apply under our proposal  
12 in the R-1 through R-4 zones.

13 Currently, obviously these are  
14 zones where residential use is the predominant  
15 use. They're focused mainly for single-family  
16 development. And in the case of the R-2 flats  
17 or two-unit dwellings we currently allow what  
18 are known as community-based residential  
19 facilities or CBRFs. In certain instances very  
20 small ones are permitted by right. Beyond that,  
21 there are special exception rules that apply.  
22 Concentration limits and so forth.

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1           The current regulations lump  
2 together, even though there are separate  
3 definitions for different types of CBRFs, both  
4 group homes for people who have been essentially  
5 incarcerated but in a community setting and  
6 people who are living there for no other reason  
7 that they require residential care in a  
8 community setting, whether that be health care  
9 related or some other reason. And in addition  
10 to that, there are in the R-4 zones we allow  
11 for fraternity and sorority houses and  
12 dormitories by right.

13           So, generally, what we're proposing  
14 for dwellings is the same. We've proposed to  
15 split up what we know as the CBRFs so that there's  
16 a new category called community-based  
17 institutional facilities that really focus on  
18 correctional community-based institutions.  
19 Those would be by special exception. Other  
20 things, other group living arrangements would  
21 be allowed by right up to six residents plus  
22 an unlimited number of caregivers as Jennifer

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1 pointed out before. That's what we're mandated  
2 to do under the Fair Housing Act. We intend  
3 to comply with that. Anything above and beyond  
4 that is not allowed.

5 And then for the student living  
6 arrangements, we're proposing that those be  
7 permitted only pursuant to campus plan so that  
8 they would really be considered part of the  
9 educational use and would fall under that  
10 permission rather than allowing them by right.

11 We have another category of uses  
12 that in some cases are allowed in the current  
13 low density residential zones. This is a little  
14 complicated. I'll try to walk you through it.

15  
16 Currently, when we're talking about  
17 the institutional category in the new code,  
18 we're really talking about establishments that  
19 are there for a social purpose. That's a fairly  
20 broad summary of the definition that we've  
21 proposed. But it essentially means things that  
22 have a public or civic purpose but aren't

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1 governmental. So, museums, churches, private  
2 clubs, nonprofit organizations that are  
3 providing community services as opposed to ones  
4 that are simply providing an office type use.

5  
6 So, that range of uses, what we do  
7 now is generally in the R-1 through R-3 we  
8 prohibit them. We obviously allow places of  
9 worship except in the 16th Street Heights  
10 Overlay we don't allow them by right due to the  
11 impacts that they have had in that community.

12 We've established a set up where those uses  
13 and related non-residential uses have to go  
14 through a special exception process.

15 We currently allow certain types of  
16 nonprofit offices by special exception in  
17 historic buildings. And then in the R-4 we allow  
18 some additional institutional uses by right.

19 So, generally speaking, we're  
20 continuing with the broad prohibitions on the  
21 institutional category in the lowest sense of  
22 the residential zones. But we're proposing to

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1 apply the lessons that we've learned from 16th  
2 Street Heights to these low-density residential  
3 zones city-wide. The regulations would still  
4 be less restrictive than other uses in the  
5 category and so we're confident that that would  
6 satisfy the restrictions of R-LUPA, the Federal  
7 law that requires the places of worship not be  
8 treated any more restrictively than other  
9 institutional uses.

10 But to deal with the impacts that  
11 these large institutions sometimes have in  
12 neighborhoods, we would propose to limit the  
13 by right permission only to existing one with  
14 an allowance for a 10 percent addition beyond  
15 their existing footprint and anything else would  
16 be by special exception.

17 The other nonprofit office uses in  
18 the historic buildings would stay the same and  
19 we're also proposing new issues that sometimes  
20 crop us with private clubs and museums in the  
21 R-4 zone. We're proposing that that now be a  
22 special exception so that there's some community

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1 review over those uses and some control over  
2 the impacts that they can have.

3 VICE CHAIR COHEN: Okay.  
4 Question.

5 You're allowing nonprofits in the  
6 Southeast historic buildings as of right and  
7 yet you're grouping private club and museums  
8 in R-4 special exemption. Why are you putting  
9 together a private club and museums as a private  
10 club could also be, you know, one that serves  
11 a lot of liquor and has a lot of noise associated  
12 to it. But usually a museum is much more passive  
13 use.

14 MR. EMERINE: Right.

15 VICE CHAIR COHEN: In my opinion at  
16 least.

17 MR. EMERINE: Yes, that's good  
18 feedback to have. Just one point of  
19 clarification that I see under nonprofits is  
20 by special exception. That's the permission  
21 for those uses now.

22 As far as putting together private

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1 club and museum, we've constructed the category  
2 that combined what we viewed uses with similar  
3 impacts. I that can be true that museums often  
4 are passive, but they also often have events.

5 They have art openings, you know, exhibition  
6 openings, other things. So, we felt that it  
7 was appropriate to put this out there and get  
8 some community feedback on whether that's the  
9 right level of restriction.

10 MS. STEINGASSER: I also would add  
11 that they're currently allowed as a matter of  
12 right in the R-4 right now. So, it's not so  
13 much that we put them together as much as they've  
14 been together since '58. And we have had issues  
15 where museums, they can be quite large and cause  
16 quite a draw and have events. But we just felt  
17 considering it is a nonresidential use in a  
18 residential zone that it should be by special  
19 exception, not by right.

20 VICE CHAIR COHEN: Museums often  
21 are not for profit. Private clubs are often  
22 for profit. So, I guess I'm uncomfortable with

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1 that, you know, grouping but maybe because I'm  
2 thinking of specific --

3 MS. STEINGASSER: Right, the  
4 private clubs that this is aimed at are things  
5 like the -- there's like the Cosmo Club or the  
6 Metropolitan Club --

7 VICE CHAIR COHEN: Right.

8 MS. STEINGASSER: -- that have  
9 often residential aspects to them. And it's  
10 not that we're grouping them together. They're  
11 just listed together in that particular case.  
12 We're saying, right now they're allowed as a  
13 matter of right. They do and can have  
14 significant impacts on residential character  
15 of the streets. So, we're saying that they are  
16 two of the uses we're calling out from the  
17 current regs that needs to be viewed as special  
18 exception.

19 So, it's not that we're putting them  
20 together, they're just on the same line.

21 COMMISSIONER MAY: I don't think  
22 they're trying to equate the impacts of those

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1 two things. They're both only can be done by  
2 a consideration of the potential impacts. And  
3 that's all it is and the special exception  
4 process is the way to do it. I mean, you know,  
5 it's either a special exception or variance.  
6 And variance, you know, that's such a high bar  
7 to clear. A special exception just means that  
8 it is possible for these things to be provided  
9 the impacts are, you know, not excessive.

10 VICE CHAIR COHEN: Let's move on.

11 MS. STEINGASSER: Thank you.

12 MR. EMERINE: So, the next set of  
13 uses that we wanted to highlight are educational  
14 uses. Currently, public schools, including  
15 public charter schools are by right. Private  
16 schools are by special exception. Universities  
17 and colleges are by special exception through  
18 the campus plan process.

19 And the proposed uses restrictions  
20 are basically the same with a couple of caveats  
21 that I'll let Jennifer cover.

22 MS. STEINGASSER: We had a path.

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1 I think I stepped out of line when I passed the  
2 microphone.

3 The campus plan as you know, the task  
4 force and the work groups gave feedback and the  
5 Zoning Commission gave us guidance. And they  
6 proposed some fairly broad changes. We then  
7 went through six campus plans. Five of the  
8 largest universities in the city and so it raised  
9 a lot of questions that I think the Commission  
10 is interested in revisiting.

11 We do need to address something and  
12 we're going to go forth with the recommendations  
13 and the guidance that the Zoning Commission  
14 originally gave us. We'll be looking at, right  
15 now the campus plan can be expanded to include  
16 for the processing. It can also be applied for  
17 by private schools and hospital institutional  
18 uses, medical uses. And so we'll be bringing  
19 that.

20 One of the issues that we hard on  
21 private schools is to clarify that the  
22 information that needs to assessed by the Board

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1 of Zoning Adjustment should include a TMP, a  
2 Transportation Management Plan. Rather, the  
3 current standard just says no adverse impact  
4 and adequate parking.

5 A lot of people felt that that was  
6 not sufficient and that it didn't make clear  
7 to the BZA the level of discretion that they  
8 had so we're going to expand on that and make  
9 sure that the BZA understands that they have  
10 the authority to require more or less parking,  
11 more or less loading. Whatever they need to  
12 do to make the impacts mitigated.

13 So, we'll be bringing forward the  
14 guidance that the Zoning Commission gave us on  
15 campus plans and then we'll probably have a lot  
16 of additional discussion on that.

17 CHAIRMAN HOOD: Ms. Steingasser,  
18 before we leave campus. Are we still on campus  
19 plan?

20 MS. STEINGASSER: Yes, sir.

21 CHAIRMAN HOOD: Before we leave I  
22 can't recite the letter from Councilmember Cheh

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1       verbatim, but are we considering that? That  
2       should be in our discussions.

3                   MS. STEINGASSER:       That will  
4       definitely be in our discussion, yes, sir.

5                   CHAIRMAN HOOD: All right. Thank  
6       you.

7                   MS. STEINGASSER: So, continuing on  
8       with principal uses, right now there's the issue  
9       of chanceries if they're allowed in the  
10      residential zones subject to the D Overlay and  
11      the disapproval of the FMBZA. Four Missions  
12      BZA, of course, has a slightly different make  
13      up. National Capitol Planning Commission sits  
14      on it. The order and this is really kind of  
15      inside baseball here. The order that  
16      established the D Overlay refers to this  
17      one-third, two-thirds rule of land use within  
18      a square. It never codified that rule, though  
19      it discusses it. We're proposing that that rule  
20      actually get codified. And what the D Overlay  
21      does is unlike other overlays that provide type  
22      of protection, the D Overlay serves more the

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1 State Departments and the Four Mission interest  
2 of identifying areas where they could go.  
3 That's created a lot of conflict with some of  
4 the neighborhoods. So, we're looking at a  
5 broader city-wide approach to that by no longer  
6 having the D Overlay be so limited, that the  
7 standards of that be applied and the  
8 neighborhood protections be applied city-wide.

9 That we codify that one-third, two-thirds rule  
10 throughout all of the zones and that we identify  
11 exactly what the municipal interest is.

12 Municipal interest is called out in  
13 the D Overlay analysis for the FMBZA. But it's  
14 not very clear on how the FMBZA should assess  
15 or what those interests should be. So we're  
16 proposing to expand on that.

17 The asterisk is there because we  
18 have sent this text out three times to represent  
19 -- the law firm that represents most of the four  
20 missions as well as one of the law firms that  
21 has been hired by the Sheridan  
22 Kalorama-neighborhood and we want to make sure

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1 that everybody is comfortable. They've  
2 actually got a pending text amendment before  
3 the Zoning Commission that's been pending for  
4 about five years and we're trying to be able  
5 to bring all of that together. So, we hope to  
6 have that be a consistent set of text that you'll  
7 be seeing.

8           Again, with principal uses, this is  
9 an interesting topic. This is the corner  
10 stores. They are currently not allowed.  
11 However, they exist and they are heavily  
12 prevalent in the rowhouse neighborhoods,  
13 especially those that predate 1958. We're  
14 proposing a text amendment that would help their  
15 preservation and would allow them to stay and  
16 to be re-established.

17           It's often viewed as a new  
18 initiative but in reality it's really trying  
19 to work with the ones we have and allow for their  
20 preservation and allow for them to be replaced.

21           We're proposing that right now our  
22 proposal is that they be allowed as a matter

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1 of right subject to all these conditions. Our  
2 sense was that if we could get the conditions  
3 right, then we would like to have them be as  
4 a matter of right. It's a lot of spacing  
5 requirements. There's a limitation on how many  
6 can be in a square. There's a limit on their  
7 size, their signing, their parking, their  
8 storage. Garbage has to be kept inside. No  
9 alcohol can be consumed on site.

10 We tried to hit some of the things  
11 we knew are most egregious and the hours of  
12 operation has become a debate back and forth  
13 whether it should be open earlier so people can  
14 patronize the store on their way to work or  
15 whether it should be opened later. So, we're  
16 open to feedback on all of these issues.

17 We're proposing a maximum number of  
18 employees including the owner so max working  
19 on the site at any given time be capped at four.

20 Any off-site alcohol sales would be limited  
21 to no more than 15 percent of the floor area.

22 And that's to make sure it doesn't become a

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1 liquor store but the corner grocery could sell  
2 beer and wine.

3 COMMISSIONER TURNBULL: How would  
4 that affect a corner store that's been 100 years  
5 but became a restaurant? Just theoretical.

6 MS. STEINGASSER: If they  
7 theoretically have all their licenses and  
8 permits, they'd be allowed to continue.

9 COMMISSIONER TURNBULL: Okay. But  
10 they're not being grandfathered. I mean their  
11 hours would definitely change then?

12 MS. STEINGASSER: No, they would be  
13 a legally nonconforming business.

14 COMMISSIONER TURNBULL: Okay.

15 MS. STEINGASSER: And they would be  
16 able to operate under the rules and regulations  
17 at the time of their license.

18 COMMISSIONER TURNBULL: All right.  
19 Thank you.

20 VICE CHAIR COHEN: I just want to  
21 mention that the largest increase in the  
22 population, age group is 65 years plus and I

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1 think that a lot of older people will be walking  
2 to corner groceries if they're available. So,  
3 I think when you go out to neighborhoods remind  
4 people of where our population is, has grown  
5 because, again, that's a convenience for --

6 MS. STEINGASSER: And so many  
7 neighborhoods. Capitol Hill is one we did an  
8 extensive study on. Georgetown. And this is  
9 Capitol Hill here. And you can see the dark  
10 brown in s the commercially zoned properties.  
11 The peach color is the 500-foot boundary in which  
12 a corner store in a residential zone would not  
13 be permitted. And the idea is not to create  
14 an artificial competition that draws away from  
15 the commercial integrity of the zone. But those  
16 little spots that you see throughout the mustard  
17 color are existing corner stores. Restaurants.  
18 There's some dry cleaners in there. And  
19 there's a book store and these are not offices.  
20 These are actually some sort of retail stores.  
21 So, we are proposing thee rules to allow them  
22 to maintain themselves.

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1           It's also important to note we are  
2 not proposing that they be permitted in the R-1  
3 or the R-2 where they have historically not been  
4 established where they were never intended.  
5 We are not proposing that that be expanded into  
6 those zones. It would be purely in the rowhouse  
7 zones that most of which have had historical  
8 development of these.

9           COMMISSIONER MAY: I just want to  
10 mention that the idea of corner site only, you  
11 may want to look at a corner involving just a  
12 public way. So, in other words an alley.  
13 Something of an alley because my nearest corner  
14 store is on an alley and it seems to be just  
15 fine. So, maybe that's a workable thing.  
16 Maybe it's not, I don't know.

17           MS. STEINGASSER: Okay.

18           COMMISSIONER MAY: Look at that.  
19 And earlier than 8:00 a.m. I think is also worth  
20 considering. You've got supermarkets that are  
21 all opening up much earlier than that so I'm  
22 sure the market will drive it but it sure would

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1 be convenient if my corner store opened up at  
2 7:00.

3 MS. STEINGASSER: Okay. We'll  
4 take a look at that. Okay.

5 So, that rounds out principal uses.

6 In addition to principal uses in residential  
7 zones and -- yes sir?

8 COMMISSIONER TURNBULL: I meant to  
9 ask earlier. On your very first slide where  
10 we were talking about frats, sorority, dorms.

11 MS. STEINGASSER: Yes, sir.

12 COMMISSIONER TURNBULL: We had a  
13 big to-do with a couple of campus plans meaning  
14 Georgetown and AU with group houses that are  
15 not university-owned. They were sold by the  
16 owners and instead of being a family of four  
17 they now have eight students. Do we address,  
18 I mean, is that really -- not really a zoning  
19 issue per se or --

20 MS. STEINGASSER: Well, we are  
21 proposing that there be a limit. That the  
22 six-person household be maintained.

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1 COMMISSIONER TURNBULL: Six.

2 MS. STEINGASSER: Right.

3 COMMISSIONER TURNBULL: Okay.

4 MS. STEINGASSER: And that's kind  
5 of a national standard. You know, if those are  
6 six beer-drinking rowdy college kids, you know,  
7 they're going to make as much noise as 15 if  
8 they have friends.

9 It's really an enforcement issue.

10 COMMISSIONER TURNBULL: Yes, I  
11 know.

12 MS. STEINGASSER: I mean, we really  
13 can't discriminate against students.

14 COMMISSIONER TURNBULL: I just  
15 remember we have some very angstful moments  
16 where, you know, a mother was testifying and  
17 just, you know --

18 MS. STEINGASSER: Right. And what  
19 we have done -- the movement we've tried to make  
20 is any kind of sanctioned dormitory has to be  
21 on campus. It can't be in the residential.

22 COMMISSIONER TURNBULL: Right.

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1 MS. STEINGASSER: So, we've  
2 narrowed that down whereas before you could by  
3 right actually build dormitories --

4 COMMISSIONER TURNBULL: yes.

5 MS. STEINGASSER: -- in the R-4.  
6 And we've tried to narrow that down to where  
7 it has to be under the control of the university  
8 and on a campus plan.

9 COMMISSIONER TURNBULL: Okay.  
10 Thank you.

11 So, we're moving from principal uses  
12 into accessory uses. Every residence has both  
13 sub-principal and accessory sub-uses. Right  
14 now the principal uses are on the left and  
15 they're your basic dentist, doctor, child care,  
16 elderly care. You're allowed two boarders  
17 which are rent-paying room renters. Again, the  
18 domestic unit over the garage is considered an  
19 accessory use. All accessory uses. And then  
20 you're also allowed home occupation. The  
21 accessory apartment is allowed by special  
22 exception. So, the home

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1 occupations are allowed as a matter of right.

2 We're proposing to keep those  
3 standards, make no changes. The one change we  
4 are proposing has to do with the special  
5 exception and that's the accessory apartment  
6 internal to the unit or internal to an existing  
7 structure which we talked about earlier, so this  
8 just reflects that.

9 We are still requiring that a home  
10 occupation permit be required so to help  
11 reinforce that sense, other than the conditions  
12 that are reflected for all of these by right  
13 standards we're bringing those all forward in  
14 the new reg changes.

15 So, then we've gone from principal  
16 to accessory use. One of the accessory uses  
17 is home occupation. These are the home  
18 occupation regulations. We're proposing that  
19 they -- I'm not going to read them all to you  
20 as interesting as they are. They are fairly  
21 broad types of professional services that you  
22 can practice on your property. They come with

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1 conditions. We're proposing to maintain all  
2 those conditions and bring them all forward with  
3 minimal changes.

4 Currently, the medical  
5 professionals are allowed to have two employees  
6 that do not live on the residence.  
7 We're proposing that that be the same for all  
8 of those home office professions.

9 We're proposing that no changes, and  
10 it says minimal modifications and then we say  
11 that the visitor hours will be maintained. But  
12 we felt that's important to call out that there  
13 is a limit on hours of visitation and customers  
14 coming to the property. We're maintaining  
15 that. We're maintaining the 25 percent of the  
16 residential area be limited. No more than 25  
17 percent of the residential area be used for the  
18 business.

19 Storage has to be inside so there's  
20 no external evidence of the business and, again,  
21 the home occupation.

22 We've also limited the service uses

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1 to reflect the current code. Because we've  
2 created use categories, there could be  
3 interpretations of inadvertent uses. We've had  
4 a lot of discussion with the task force on that  
5 issue. So, we're just going to make sure that  
6 they reflect the current uses of the home  
7 occupation. So, you know, if it says something  
8 other than that, it's by mistake. We're trying  
9 to limit that as home occupation.

10 So, that kind of wraps up the single  
11 family rowhouse zones. The R-1s to the R-4,  
12 the low to moderate. Does the Commission have  
13 any questions before I move into the apartments?

14 VICE CHAIR COHEN: The occupation  
15 permit was always required?

16 MS. STEINGASSER: It's always been  
17 required.

18 VICE CHAIR COHEN: For all of the  
19 listed occupations?

20 MS. STEINGASSER: Yes, ma'am.

21 VICE CHAIR COHEN: Okay.

22 CHAIRMAN HOOD: When you do your

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1 outreach, certain things that may be permitted  
2 and I'm looking here. I left my glasses. On  
3 page 12 -- maybe I can use the one that's been  
4 left up here.

5 But I'm not trying to tell the Office  
6 of Planning how to do your delivery because I've  
7 watched you do it and you all have done I think  
8 a good job. While everybody may not have agreed  
9 with everything, but at least we put it out  
10 there.

11 One thing that I would like to make  
12 sure, the groups that are not up on zoning  
13 because there are some neighborhoods that are  
14 not up on zoning. When you start talking about  
15 what's allowed in certain zones and if you kind  
16 of tailor it just like we talked about,  
17 Georgetown telling the height some of theirs  
18 that don't follow the zoning. Tailor it so they  
19 can understand the best way you can. Hopefully,  
20 I'm articulating it the best way I can. Is that,  
21 okay, in this area you're basically zoned R-4  
22 or R-5, whatever the case is. This is going

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1 to be allowed in your area.

2 MS. STEINGASSER: Okay.

3 CHAIRMAN HOOD: But this is not  
4 going to be allowed -- I think people need to  
5 understand that.

6 MS. STEINGASSER: I understand what  
7 you're saying and I think that's sage advice.  
8 We try to do that. We try to hit the big stuff  
9 so they understand that. But we also try to  
10 focus in on what's going to affect them.

11 CHAIRMAN HOOD: In their areas?

12 MS. STEINGASSER: Their  
13 neighborhood.

14 CHAIRMAN HOOD: Good. I notice we  
15 did that in Ward 7 so that was good.

16 MS. STEINGASSER: As we keep  
17 drilling down the information we can find better  
18 way to have handouts that address kind of the  
19 general stuff that if you don't live near an  
20 industrial zone you may not really care about  
21 some of these things. But if you do live near  
22 it, you want to have that detailed information.

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1       So, we're creating a set of handouts that  
2 provide detailed information as well. But  
3 that's really good advice.

4               Thank you.

5               Okay. Apartment zones. This is  
6 not going to be quite as detailed. It will have  
7 the same set of information but I'll probably  
8 move through it a little bit more quickly.

9               The apartment zones, the lot size,  
10 height, the uses basically are going to be  
11 unchanged. The R-5-A, we're not proposing any  
12 major change to any of the permissions and how  
13 it goes forward. There are multi-family zones  
14 that allow for apartments of various sizes with  
15 the exception of the R-5-A.

16               I do need to retract immediately.

17       At the last task force meeting it was brought  
18 up that and we thought it was a very good idea  
19 to allow by special exception and actually it's  
20 going to be on the next slide, isn't it, I think.

21       The FAR in the R-5-A is now limited to .9.  
22 A lot of these properties seem to be painfully

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1 brought through as PUD. They ended up having  
2 to go to an R-5-B zone so they end up way over  
3 zoned. It in and of itself is unnerving because  
4 it creates an apartment context.

5 it was suggested that they be  
6 allowed to go to a 1.2 FAR by special exception.

7 And we though everybody seemed to think that  
8 that was a proposal worth exploring. So, we  
9 will be moving forward on that one.

10 That is basically the only change  
11 except for the GAR which we will be introducing  
12 pretty soon.

13 COMMISSIONER MAY: So, the 1.2 is  
14 based on a theory of 60 percent lot occupancy  
15 and a two-story building?

16 MS. STEINGASSER: Three story, yes.

17 COMMISSIONER MAY: A three-story  
18 building with 40 percent lot occupancy, got it.

19 Okay.

20 MS. STEINGASSER: The only change  
21 again here is the side yards. The R-5-A we're  
22 proposing to keep that consistent with the R-4

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1 with the additional height, escalation of three  
2 inches per foot of height, whichever is greater.

3 We're carrying that through again  
4 to the R-5-B and R-5-E. R-5 becomes the  
5 minimum. However, it is triggered the taller  
6 the building, I think it's after 20 feet. The  
7 three inches per foot starts to kick in. So,  
8 it doesn't create a five-foot canyon.

9 The eight feet again has been  
10 historically brought forward from the R-1. We  
11 found it to be very, very inconsistent with  
12 some of the most -- with many of the residential  
13 apartment buildings. So, that's our proposal  
14 right now.

15 With the rear yards in the R-5 zone  
16 vary greatly. They go from a 20 foot in the  
17 R-5-A to a 12-foot minimum in the R-5-E. We're  
18 proposing for consistency that there be a  
19 15-foot minimum, again, then with a three inches  
20 per foot of height, whichever is greater. So  
21 that there be one type of rear yard setback for  
22 the apartment zone.

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1                   The       residential       apartments  
2       continue.       With   the   lot   occupancy   we're  
3       proposing there be no change to that.   The FAR  
4       only an addition to the four area ratio for the  
5       R-5-B.

6                   GAR is going to be introduced.  
7       We're going to be looking at that again with  
8       the pervious surface as an amendment to the  
9       current code.   So, we'll be looking at that  
10      probably much later in the winter.   But we are  
11      proposing that that be carried forward into the  
12      new code as well.

13                  The commercial adjunct space.   Now  
14      this is a provision that's been in the code,  
15      again, since 1958 when the original provision.

16      It allows in apartment buildings for there to  
17      be commercial uses that service the building.

18      They could have no external access, no signage  
19      and no visibility from the street.

20                  We had originally looked at whether  
21      that should be changed to allow them to have  
22      external access to the street.   We looked at

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1 some of the neighborhoods where this would be  
2 possible, especially in the R-5-B zones where  
3 they are adjacent to R-4. They're adjacent to  
4 commercial corridors and it really became --  
5 we ended up reconsidering that recommendation  
6 and we're not going to be going forward with  
7 that recommendation. It began to draw  
8 commercial uses into the residential  
9 neighborhoods rather than create -- originally  
10 our thinking was that, oh, this is going to  
11 further help preserve the corner store concept  
12 but it really didn't. So, we're going to be  
13 withdrawing that recommendation and the reason  
14 we put it up there is so that we can say that  
15 we're going to be withdrawing our recommendation  
16 and maintaining the current regulation that it  
17 can be only adjunct to the building.

18 Transit zones.

19 COMMISSIONER TURNBULL: Just one of  
20 the things that goes hand in hand with this,  
21 I mean, you showed us this a year ago. It was  
22 definitions of rear yard and side yard.

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1 MS. STEINGASSER: Yes, yes.

2 COMMISSIONER TURNBULL: And I don't  
3 know if you're going to be coming back to us  
4 with this or I don't know if we approved that  
5 or I don't know where we were on those. If we  
6 gave conceptual --

7 MS. STEINGASSER: You did give  
8 final action on the use categories and the  
9 definitions. I don't remember if side yards  
10 were in there.

11 MR. EMERINE: Right, but there was  
12 one guidance hearing where we combined some  
13 proposed definitions related to lot lines and  
14 setbacks and yard definition and I think you  
15 gave us some conceptual guidance on that, but  
16 you haven't formally seen that as passed.

17 COMMISSIONER TURNBULL: Yes, the  
18 only reason we had -- in ZRR we had a very nasty  
19 appeal case over the ZA's interpretation of what  
20 a front yard was and the neighborhood was up  
21 in arms over it and it was just -- especially  
22 those angled streets that we have where you have

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1 funny kind of --

2 MS. STEINGASSER: Yes.

3 COMMISSIONER TURNBULL: -- where  
4 maybe ZA could say, oh, the rear yard is a side  
5 yard? I mean, it's those kind of funny  
6 conditions. And this may affect some of these  
7 things here. But we'd love to hear.

8 MS. STEINGASSER: We'll follow up  
9 on that.

10 COMMISSIONER TURNBULL: Yes, thank  
11 you.

12 MS. STEINGASSER: That case as  
13 well.

14 So, transit zones is a concept that  
15 recognizes density along high volume, high  
16 quality transit corridors. It's within walking  
17 distance of Metro. It's within walking  
18 distance of the high volume bus corridor. We  
19 are not proposing that this be mapped anywhere  
20 as part of this exercise. We're proposing that  
21 standards be created until the Commission  
22 decides to map it.

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1           What would be different in a transit  
2 apartment zone would be that there would be no  
3 parking minimum required. There would also be  
4 no parking maximum. The developer could  
5 building parking in response to the demand of  
6 the residents that would be coming there. And  
7 that there would be design standards that secure  
8 the streetscape. Require a building not turn  
9 its back on the sidewalk. Kind of embrace the  
10 pedestrian ways that are on the transit  
11 corridor.

12           Those are two main changes we're  
13 going to be proposing as part of what we call  
14 a transit zone. We're not proposing its  
15 particular location. These are the areas that  
16 are within those boundaries of high volume bus  
17 corridor and within walking distance of the  
18 Metro. These again would not in a single family  
19 detached zone. These would be in the apartment  
20 zones and mixed use commercial zones.

21           VICE CHAIR COHEN: I've never met  
22 a developer that wouldn't want to put in the

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1 maximum in his development. So, why aren't we  
2 suggesting a maximum?

3 MS. STEINGASSER: Right now we  
4 don't have the research to substantiate the  
5 maximum. It is something that DDOT is looking  
6 at and it may come back as a subsequent  
7 recommendation but it won't be part of this ZRR.  
8 It would come back as a text amendment  
9 independent of the ZRR. Buy right now we don't  
10 have the research for it.

11 VICE CHAIR COHEN: So, you're  
12 saying there's no research here in Washington,  
13 D.C., is that correct?

14 MS. STEINGASSER: We don't have it  
15 in time to incorporate it as part of this zoning  
16 rewrite, part of the overhaul. DDOT is looking  
17 at a series of -- they are hosting a series of  
18 parking think tanks and they're looking at  
19 on-street public parking management as well.  
20 So, at this point we just don't have anything  
21 to recommend.

22 VICE CHAIR COHEN: Are you going to

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1 define transit zone by a certain walking  
2 distance from the subway?

3 MS. STEINGASSER: yes, it's a half  
4 mile from the subway and a quarter mile from  
5 the bus corridors. The high volume bus  
6 corridors.

7 VICE CHAIR COHEN: Thank you.

8 MS. STEINGASSER: Or high capacity.

9 COMMISSIONER MAY: I don't think it  
10 would surprise you for me to request that when  
11 we discuss parking, removing parking minimums  
12 that we at the same time kind of get the latest  
13 update on what DDOT is doing to control parking  
14 in adjacent residential neighborhoods because  
15 if you're talking about a quarter of a mile from  
16 bus lines. I mean, I know that there are low  
17 density residential zones that are in close  
18 proximity to certain major avenues that are,  
19 you know, get bus service. So, there is always  
20 that potential. And I know that DDOT has made  
21 significant progress on this front in the last  
22 few years so it would be good to know what their

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1 latest thinking is and how some of their schemes  
2 have been working because, you know, you hear  
3 things sort of anecdotally but, you know, the  
4 anecdotes that I hear are not necessarily  
5 representative of the entire experience of DDOT  
6 so it would be helpful to hear that.

7 MS. STEINGASSER: Okay.

8 COMMISSIONER MAY: Oh, I'd also  
9 like to -- I'm going to ask questions about  
10 residential parking permits when we talk about  
11 this topic.

12 MS. STEINGASSER: Okay.

13  
14 COMMISSIONER MAY: So, you know, I  
15 don't know what you need to cover to be able  
16 to answer the questions but you know it's a  
17 common theme to understand. If you're going  
18 to build these large apartment buildings and  
19 you're going to build them without a parking  
20 minimum, are you going to restrict the ability  
21 of those residents to get residential parking?  
22 So, that's something we need to --

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1                   CHAIRMAN HOOD: Yes, I would agree  
2 with both of my colleagues. I think, while I'm  
3 not going to dive into it tonight because this  
4 is a different setting. I think this parking  
5 minimum/maximum is a big issue. So, I guess  
6 when we get to that point it would be good.  
7 Putting on notice is like Commissioner May just  
8 did that bring all of it. Bring it all because  
9 I can see us having a big discussion on that  
10 whole piece.

11                   COMMISSIONER MAY: I think that was  
12 the biggest crowd that we had in the previous  
13 hearings was parking night, right?

14                   CHAIRMAN HOOD: Right. And I'll be  
15 frankly honest. Someone who doesn't even  
16 follow zone came to me about parking. And I  
17 was surprised. That was the piece that they  
18 had a problem. So, I think that that's going  
19 to be a big discussion, I'm sure.

20                   MS. STEINGASSER: Okay. Alley  
21 lots.

22                   So, we're also doing some revisions

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1 to the alley lot regulations. Right now we're  
2 talking about alley lots. These are not  
3 accessory dwelling that face or garages that  
4 face alleys. These are actual record lots and  
5 independent ownership that are on an alley.  
6 That's their only public access.

7 This is an analysis of the amount  
8 of alley record lots in the District. They're  
9 mostly -- the highest number is in Ward 6 which  
10 is not really surprising when you look at Ward  
11 6 and having its historical development.

12 About 50 percent of the alley lots  
13 that have an identified use on the tax record,  
14 that use is identified as residential.

15 This is a breakdown of the amount  
16 of alley lots by zoning district and their  
17 percentage. And, clearly, the overwhelming  
18 percentage is in R-4, the rowhouse zones. And,  
19 again, when you look at the development patterns  
20 and history of the residential R-4 zone, it's  
21 not surprising how these alley lots were  
22 constructed.

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1           So, right now the alley lots have  
2 two types of uses, non-residential, which is  
3 limited to artist studios, parking and storage.

4       We're proposing to maintain those same uses  
5 in the current draft reg. There is also permit  
6 alley dwellings. And in order to have an alley  
7 dwelling you need to have a 30-foot minimum  
8 access provided by the alley all the way to the  
9 street.

10           That 30-foot alley requirement has  
11 been very difficult for a lot of property owners.

12       But what we've got there is an image of an alley  
13 dwelling that recently sold. It's actually got  
14 a green roof on top of it so we were very excited  
15 when we saw it. A twofer picture.

16           The residential use, we're  
17 proposing that that be maintained by special  
18 exception so that's really important that it  
19 continue by special exception. We are not  
20 talking about permitting these in the  
21 residential R-1 or R-2 zones. And that's a very  
22 important part of our recommendation.

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1           We are recommending that they be  
2 allowed in the R-03 and R-4 zones with no minimum  
3 alley width so that a lot of the configurations  
4 of alley we'll be providing a lot of data. We've  
5 done extensive alley work this summer. We had  
6 teams of staff and interns who walked every alley  
7 in every historic district in the city so we've  
8 done enormous alley surveys.

9           There are networks of alleys that  
10 have 30 and plus wider alley internal but their  
11 connection to the street is between 15 and 19  
12 feet. So, you have large chunks of land that  
13 are sitting there unused because of that. And  
14 yet with the building code and the fire code  
15 standards being so much more modern, the fire  
16 department is not objecting to them being used.

17          DDOT is not objecting to them being used and  
18 DPW is not objecting to that. However, the  
19 zoning code prohibits that. So, we're  
20 proposing that by special exception that it be  
21 opened up and that there be no minimum alley  
22 width connection.

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1           However, there should be some  
2 requirements. We're currently proposing a 400  
3 square foot minimum lot area. We've done a  
4 series of work and we'll be re-examining that  
5 400 feet a little bit more. We are recommending  
6 that there be certain types of setbacks, both  
7 from the center line of the alley as well as  
8 from adjoining property lines that are not alley  
9 lots. And when we put those together, 400 feet  
10 seemed to be the minimum that created a buildable  
11 footprint.

12           We are also requiring that through  
13 the review by the BZA that DDOT, fire and  
14 emergency services, DPW and OP review would be  
15 part of those recommendations, again, to make  
16 sure that there's adequate emergency services.

17           Trash can be collected and those kind of things.

18  
19           This kind of summarizes what I just  
20 said. We are proposing that there be some yard  
21 setbacks. Right now they are required the same  
22 as the zoning district which can be -- right

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1 now would be eight feet, which can really eat  
2 up, again, leaving these lots unusable.

3 We're proposing that they be five  
4 feet from the lot lines of any non-alley lot  
5 so that there be at least a minimum five-foot  
6 setback of any structure from an adjoining  
7 property line that's not an alley lot. And  
8 seven and a half feet from the abutting alley  
9 center line which is the same dimension required  
10 for garages to that they wouldn't be projecting  
11 any further into that way.

12 We're recommending that there be no  
13 maximum lot occupancy because of the nature of  
14 an alley dwelling. It's a difficult standard  
15 and probably the one thing that we're proposing  
16 that's a little different is that we're  
17 proposing that these buildings be allowed to  
18 go two feet higher, that they be 22 feet. And,  
19 again, these would be by special exception but  
20 that extra two feet allows for proper  
21 insulation, a little bit of a roof line and it  
22 allows for, if it's really going to be a habital

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1 structure, just a little bit more play. And,  
2 again, that was something we worked through with  
3 out historic preservation office staff to make  
4 sure that that would not be an objectionable  
5 height from their standpoint.

6 Question?

7 COMMISSIONER TURNBULL: Well, this  
8 having sat on any number of BZA cases where we  
9 have alley lots, this seems to be fair. A lot  
10 of cases where they were so close and yet you  
11 struggled to -- you want to be, you know, keep  
12 the regs in tact, but you look at it and you  
13 go, gee, this doesn't make sense. But I think  
14 keeping it as a special exception you're still  
15 allowing the community to look back, provided  
16 feedback on it and say, no. Here's the issues  
17 that we see with it. So, I think it seems fair.

18 MS. STEINGASSER: Okay.

19 COMMISSIONER TURNBULL: It seems  
20 fair.

21 MS. STEINGASSER: Thank you.

22 COMMISSIONER MAY: I don't know if

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1 you're covering this elsewhere in this  
2 presentation but this reminds me of the garage  
3 height question and this also feeds into  
4 accessory dwellings. And I'm wondering if  
5 you're -- we talked about this a little bit early  
6 on, but I don't recall a specific direction.  
7 But are you looking at the potential for changing  
8 those regulations or including special  
9 exceptions or something so that you can -- so  
10 that we can build carriage houses like everybody  
11 wants to have, two story garages?

12 MS. STEINGASSER: Right now you can  
13 have a two-story garage up to 20 feet and we're  
14 proposing that that would also be 22 feet.

15 COMMISSIONER MAY: In certain zones  
16 you can't. You can't in R-4.

17 MS. STEINGASSER: You can't in R-4  
18 but we would allow that -- we are recommending  
19 that the Commission consider that by special  
20 exception.

21 COMMISSIONER MAY: Right, and  
22 that's what I'm asking. That's what I'm asking

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1 about. Okay.

2 All right. Thanks.

3 MS. STEINGASSER: Okay. This is  
4 where I pass it over.

5 MR. EMERINE: So, this one is  
6 definitely in the weeds but we remembered having  
7 lengthy discussions with you all about the issue  
8 of our court requirements and wanted to make  
9 sure that we circled back to that and told you  
10 where we were, what our current thinking is.

11 Our original recommendation had  
12 been that the court requirements in the zoning  
13 code are very difficult to work with and we  
14 weren't sure if they were providing additional  
15 protections beyond the building code. And we  
16 actually at one point had recommended that they  
17 would be removed zoning and that the building  
18 code should control.

19 What we heard from you all was that  
20 that was not the approach that you wanted to  
21 take and that there were some real significant  
22 reasons why the building code may not be adequate

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1 in and of itself. So, we took that direction.

2 We wanted to make sure that there were some  
3 problems that we could still solve with the  
4 current regulations and provide some  
5 regulations that maybe are a better fit with  
6 the current built environment, but still provide  
7 some more protections from the current building  
8 code.

9 And one of the key ways that we're  
10 proposing to do that is to make a distinction  
11 between a court space and what we're going to  
12 call -- what we're proposing to call an els space  
13 which are those left over spaces, those light  
14 els that are often on rowhouses and  
15 similar types of buildings.

16 So, the two main problems that we  
17 want to address are the complexity of the current  
18 regulations and the sort of synchronicity with  
19 the build form. If this slide overwhelms you,  
20 it's doing its job. This is meant to be a  
21 representation of the variety of our current,  
22 both side yard and court requirements. They

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1 vary by zone. They vary by building type. They  
2 vary by the type of use that's within them.  
3 So, in our current code we actually have dozens  
4 of variations for court requirements.

5 And the second problem is that we're  
6 not really recognizing a practical difference  
7 in two different kinds of spaces. We called  
8 both of these spaces now a court. But if you  
9 look at the one on the left, it really is meant  
10 to be, again, kind of a extra light and air for  
11 a small portion of the building and often,  
12 although we've represented this says having only  
13 one space, often they're, you know, they're sort  
14 of built in tandem, right? So, you'll get the  
15 two buildings next to each other each with the  
16 small courtyard.

17 We treat that exactly the same in  
18 our regulations as a courtyard meant to serve  
19 a larger building. And there may be good  
20 reasons for that, but as we did a lot of studying  
21 of the current built environment and the  
22 differences between your standard row building

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1 and a larger apartment and office buildings that  
2 have these larger courtyards. And what we found  
3 is that historically those el spaces have often  
4 been quite a bit smaller than the courtyard  
5 spaces. And nevertheless and in many cases,  
6 those el spaces as Jennifer pointed out before  
7 they can be, you know, less than eight feet or,  
8 you know, less than eight or ten feet and still  
9 be good spaces for a small building.

10 When you're getting into the larger  
11 buildings you really do need a greater width  
12 and in the case of the closed court, greater  
13 area to insure that you don't have dark spots  
14 within the courtyard. You want to make sure  
15 that you have adequate access to natural light.

16 So, what we're proposing to deal  
17 with both the complexity and the consistency  
18 with the built environment is a much simpler  
19 set of regulations. As we referred to earlier  
20 in the rowhouse zones, it would be a simple  
21 five-foot standard. You're typically not going  
22 to get buildings, you know, again if the maximum

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1 is three stories, you're not going to get  
2 buildings that require much more than that.

3 The el standard in the apartment  
4 zones and the mixed use zones would simply follow  
5 the three inches per foot of height or two inches  
6 for foot of height standard that we're proposing  
7 for side setbacks. And if you have an open  
8 courtyard, a courtyard that's really serving  
9 a single building and is bounded on three or  
10 more sides, we maintained the three inches per  
11 foot of height but have a wider absolute minimum  
12 so that you never have one less than 10 feet.

13 For closed courtyards we're  
14 actually in some cases being a little bit more  
15 restrictive or requiring greater space than the  
16 current standards, making sure that there's  
17 always going to be one dimension that's at least  
18 eight inches per foot of height. And we're  
19 more or less maintaining the existing area  
20 requirements but we're proposing a slightly  
21 altered methodology for measuring it.  
22 Currently, you have to work backwards from the

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1 area requirement to figure out what target  
2 you're hitting. And we  
3 re suggesting that there's sort of a formula  
4 that a lot of architects use called mass aspect  
5 ratio which is a ratio of the height of the  
6 courtyard to its area.

7 And what we're suggesting is that  
8 as long as you hit a certain target and we're  
9 suggesting .22. We can go into much more of  
10 the detail when we talk about this, the actual  
11 text of this. But the basic idea is that this  
12 is a ratio that insures that you're going to  
13 have a certain amount of the courtyard space  
14 always having good sun access.

15 VICE CHAIR COHEN: I have a  
16 question.

17 A lot of rowhouses had to convert  
18 their house into air conditioning, central air,  
19 and they used the el for the HVAC unit. Is that  
20 still going to be permitted?

21 MR. EMERINE: Yes, we would still  
22 permit that.

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1 VICE CHAIR COHEN: Okay.

2 MR. EMERINE: There are some  
3 restrictions on how far they can project and  
4 we basically deal with it as a projection into  
5 a required yard. In the case of a rowhouse  
6 sense, there's no required yard. That  
7 generally isn't an issue.

8 VICE CHAIR COHEN: I think you  
9 should really state that because I think a lot  
10 of people are going to continue to renovate and  
11 add the air conditioning units.

12 MR. EMERINE: Sure.

13 Any other questions on courts and  
14 els?

15 So, next we go into the mixed use  
16 zones. Currently, the commercial C, SP, W and  
17 CR zones we've combined them together in a single  
18 subtitle because they follow a lot of the same  
19 basic rules. There aren't a lot of changes  
20 here. There's a couple of significant ones.  
21 No change in height. No change in the total  
22 FAR allowed. One change that we have discussed

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1 with you previously is the idea that currently  
2 we have a restriction on residential lot  
3 occupancy. It's been our judgment after doing  
4 a lot of analysis that the residential lot  
5 occupancy often can inhibit the putting back  
6 -- the adaptive reuse of upper story commercial  
7 buildings back to residential. They don't  
8 always meet the residential lot occupancy for  
9 that zone. And with setbacks and other  
10 limitations, we're still effectively  
11 controlling the building footprint.

12 We would continue to maintain it for  
13 the W-0 since that really is meant to have  
14 buildings of very modest footprints. No  
15 changes to the rear yard. Again, as we  
16 discussed, standardizing the side yard  
17 requirements with a basic five-foot minimum or  
18 two inches per foot of height.

19 We're not proposing to establish a  
20 front setback in these zones as we were with  
21 the residential house zones, in particular,  
22 because if we use that range approach, we'd often

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1 get a lot of really bad outcomes on streets where  
2 buildings are set back further than we'd really  
3 like them to be today. But we are, however,  
4 proposing a setback of 75 feet from the bulk  
5 head along the waterfront. And that's meant  
6 to help implement the Anacostia Waterfront  
7 Initiative, among other things, making sure that  
8 there's adequate space for a river front trail.

9

10 Some very minor tweaks to the roof  
11 structure rules and, again, we're proposing to  
12 add a green area ratio requirement. And then  
13 we've already discussed this. Again, just as  
14 with the apartment zones, there would be mixed  
15 use transit zones that would have the same basic  
16 standards, the proposal again --

17 COMMISSIONER TURNBULL: Can we go  
18 back to the roof structure height of 20 feet?

19 MR. EMERINE: Yes.

20 COMMISSIONER TURNBULL: Is that  
21 elevator overruns?

22 MR. EMERINE: Yes.

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1                   COMMISSIONER TURNBULL: This is so  
2 funny, I mean, I think I remember one applicant  
3 saying the elevators need more room now and yet  
4 on Southwest Waterfront all the penthouses are  
5 no more than 18-2 feet. In fact on the Florida  
6 Rock applicant, the penthouse was actually  
7 lower. I'm confused by what architects and  
8 engineers are really telling us. I guess I --  
9 I'm not opposed to accommodating new technology  
10 but it seems like some of this new technology  
11 is actually working in less space.

12                   MR. EMERINE: Well, isn't the  
13 latest technology low overhead elevators?

14                   COMMISSIONER TURNBULL: I don't  
15 know. So, I'm just confused. I mean, your  
16 research on the 20 feet is this from a lot of  
17 developers saying they need more space? It's  
18 not that I'm not trying to accommodate but I  
19 really want a good reason why we have to make  
20 penthouses bigger.

21                   MS. STEINGASSER: Well, when we  
22 started five years ago this was one of our first

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1 subjects that we looked at.

2 COMMISSIONER TURNBULL: Yes.

3 MS. STEINGASSER: And, yes, at that  
4 time the architects were telling us that they  
5 needed 20 feet, but the technology was changing.

6 It's not limited particularly just  
7 to elevator overruns. It is penthouses in  
8 general and roof structures. Obviously, it  
9 would still be restricted by the Height Act.

10 COMMISSIONER TURNBULL: Right.

11 MS. STEINGASSER: So, if there's  
12 any habital use within that penthouse it would  
13 not be able to meet the Height Act. But is this  
14 something you would like us to look more closely  
15 at and get a little better --

16 COMMISSIONER TURNBULL: I guess I  
17 would. Again, I'm not trying to limit, you  
18 know, technology or improvements, but I'm just  
19 concerned about having too big of stuff on the  
20 roofs of buildings that may or may not be  
21 necessary. I'd really like to be convinced,  
22 you know, really that we need to do this.

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1 MS. STEINGASSER: Okay. We can go  
2 back and look at the original work and then we  
3 can also --

4 COMMISSIONER TURNBULL: Okay.

5 MS. STEINGASSER: -- reconvene the  
6 architects and ask them to kind of update us  
7 where they are in technology.

8 COMMISSIONER TURNBULL: Well, they  
9 could look at the elevators at Florida Rock.  
10 They're less so anyway thank you.

11 VICE CHAIR COHEN: I have a  
12 question. Actually, this is for future  
13 generations because what I can anticipate is  
14 that there's development of more and more office  
15 space and so some of the older office space may  
16 become not usable in the future. I mean, may  
17 be converted eventually like you see in other  
18 cities into housing. So, I just want to make  
19 sure that the mixed use zones could anticipate  
20 those change

21 MR. EMERINE: Absolutely and,  
22 again, that's one of the proposals -- one of

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1 the issues that the lot occupancy proposal is  
2 meant to address, that adaptive reuse.

3 So, just as a reminder this is one  
4 of the more significant changes that we're  
5 proposing is that the idea that there would be  
6 certain zones within walking distance of high  
7 quality transit where we believe that the  
8 transit service is such that a minimum parking  
9 requirement is not necessary that the developers  
10 will by and large will continue to provide  
11 parking. But that we don't necessarily know  
12 at this stage in the city's growth what perfect  
13 number ought to be.

14 Again, here's what our preliminary  
15 analysis shows for where these areas might be  
16 located.

17 And just to get into a little bit  
18 more detail on what those requirements might  
19 be, again, none in the transit zones in the mixed  
20 use zones we're generally recommending that  
21 parking requirements range, depending on the  
22 type of use from .25 to 1.67 spaces per 1,000

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1 square feet. That's generally consistent with  
2 the lower range of the requirements and the  
3 current code today.

4 The transit zones, many of them  
5 would also have use requirements meant to  
6 activate the ground floor along with design  
7 requirements for the street frontage dealing  
8 with entrance spacing, number of entrances,  
9 ground story windows. Those would not apply  
10 to every transit zone but every transit zone  
11 would have some combination of these  
12 requirements meant to promote the pedestrian  
13 environment and activate the ground floor.

14 And now I'm going to turn back to  
15 Jennifer.

16 MS. STEINGASSER: So, these next  
17 two slides deal with neighborhood commercial  
18 overlays. A lot of discussion with the task  
19 force on these issues. One of the things we  
20 thought would be helpful was in the nomenclature  
21 and so we've proposed to, it's a small things,  
22 but we're going to add the letter "N" to the

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1 zones that are now the equivalent of the  
2 neighborhood commercial overlays. And just a  
3 signal that these are neighborhood commercial  
4 as opposed to regional or general commercial  
5 and that they have a special -- there's something  
6 special about them and people need to look for.

7 So, we figure that's going to be the first  
8 signal.

9 In the new zones that these will  
10 represent there will be no changes. All the  
11 protections will be carried forward. We made  
12 that as one of our very early commitments to  
13 the Zoning Commission when we started. There  
14 will be no change to the FAR, to the heights,  
15 to the driveway permissions. The eating  
16 establishments will maintain the same street.

17 Frontage limitations we had proposed after  
18 reviewing some of those that they be overlay  
19 wide measurements and there was a lot of concern  
20 about that. I mean, that they be street  
21 frontage. We're maintaining the same structure  
22 as is currently existing and the same limits

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1 on eating and drinking and finance uses.

2 In some of the zones there  
3 limitations on the ground floor uses. We are  
4 going to clarify that any of the arts design  
5 and creation uses cannot be on the ground floor.

6 While they may be interesting, they're not all  
7 that active so it doesn't create the activity  
8 that we're hoping to achieve.

9 VICE CHAIR COHEN: I disagree with  
10 the arts designation not being on the ground  
11 floor.

12 I thought we had zoning that would  
13 encourage arts.

14 MS. STEINGASSER: Arts with the big  
15 eight, yes, but this -- the arts design and  
16 creation are more like artist studios and not  
17 necessarily the galleries but maybe their actual  
18 studio and no guarantee that it would actually  
19 be open. So, everybody seemed more comfortable  
20 with them being permitted on the second floor.

21 VICE CHAIR COHEN: All right. As  
22 long as it's stated that galleries, you know,

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1 if you define it as and I guess you do the  
2 creation part. But it's a little confusing for  
3 me.

4 MS. STEINGASSER: We'll work with  
5 the conditions on that.

6 VICE CHAIR COHEN: Yes, because I'm  
7 really concerned about, there isn't enough, I  
8 think, arts in our city as far as even, other  
9 than statues of men on horses, we really need  
10 to encourage more beauty in our city through  
11 the arts.

12 MS. STEINGASSER: Okay.

13 VICE CHAIR COHEN: More creativity.

14 MS. STEINGASSER: We'll make sure  
15 that it's clear what we're trying to preclude  
16 from --

17 VICE CHAIR COHEN: And if there's  
18 anything we can do to encourage having more  
19 outdoor sculptures just to beautify the city.

20 I mean, you go to other cities and you  
21 constantly see beautiful sculptures outside.  
22 We don't really have that other than, again,

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1 the men on horses.

2 MS. STEINGASSER: Okay. So, the  
3 bottom line of this message is we're not changing  
4 any of the permissions or limitations of the  
5 commercial overlays and we will make sure that  
6 we don't do anything that damages the potential  
7 for our yards.

8 Okay. So, the next one is Steve  
9 Cochran is going to explain is the downtown  
10 zones, formerly the DBD.

11 MR. COCHRAN: Good point.  
12 When we're talking about the downtown zoning,  
13 for the most part we're talking about a success  
14 story that we cant to build on. The combination  
15 of incentives and requirements and the ability  
16 to trade uses within the downtown has  
17 significantly helped to achieve the goals that  
18 were set out for living downtown 30 years ago.

19  
20 We've pretty much accomplished and  
21 then some all of the goals that have been set  
22 out for residential, arts and historic

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1 preservation uses in downtown. We've fallen  
2 a bit short on our retail goals but we're still  
3 in the process of building about 350,000 square  
4 feet of retail now and we have more that's in  
5 the pipeline.

6 But despite all of these successes  
7 there are still some things that we can better  
8 on. We've got a development potential in the  
9 TDR receiving zones that exists but for various  
10 reasons I can get into later can actually be  
11 reached or achieved.

12 One of the reasons we think that the  
13 retail hasn't worked as well as we'd like is  
14 because there hasn't been enough of a market.

15 We need more housing downtown to support the  
16 retail. Anybody that's worked with combine lot  
17 developments knows just how complex they are  
18 and the people that have worked with them have  
19 realized that the trade areas within which you  
20 can trade uses are too small and getting smaller  
21 by the day in terms of what you can move from  
22 one area to another. There have been so

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1 many text amendments over the last 20 years since  
2 the DD was established that it's really become  
3 a regulatory maze and the downtown regulations  
4 we've discovered aren't just within the downtown  
5 chapter. They're actually many buried within  
6 other chapters of the regulations.

7 But the successes that we've had  
8 downtown we're not actually able to make  
9 available to the larger central area of the city  
10 that actually comprises the downtown. What OP  
11 is proposing and we're recommending to you are  
12 about nine major proposals for downtown zoning  
13 that are based on the guidance that we received  
14 from you about a year ago. We're keeping that  
15 similar approach of having some requirements  
16 and incentives for the types of uses that the  
17 market might not favor as much as others, but  
18 we're rebalancing some of the specifics based  
19 on the experience of the last 20 years.

20 We want to expand the downtown zone  
21 area. We want to strengthen the development  
22 potential b y up to 44 million square feet.

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1 That would include the 17 million square feet  
2 that we can't access -- the development can't  
3 access in the TDR receiving zones. And then  
4 through a series of incentives to get basically  
5 more housing, we would be expanding some  
6 development potential within the downtown  
7 zones.

8 We'd be consolidating and  
9 simplifying the types of the regulations  
10 essentially into zone-based regulations and  
11 what we're calling the location-based  
12 regulations. Right now they exist as subarea  
13 regulations, design regulations, etcetera, and  
14 then we'd be leaving the parking to the  
15 marketplace. This is based on the kind of input  
16 that we received from various people who showed  
17 up at the downtown task force working groups.

18 When it comes to expanding the  
19 coverage of downtown, that's what we have now  
20 in the downtown zoning area. It's pretty much  
21 defined by Pennsylvania Avenue on the south and  
22 for the most part either Massachusetts and K

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1 Street on the north. Not in the Comprehensive  
2 Plan but in the downtown zoning.

3 Now, the Comprehensive Plan on the  
4 other hand, all these red areas are areas in  
5 central Washington that the Comprehensive Plan  
6 says would be appropriate to have either high  
7 density commercial uses or high density mixed  
8 uses including housing.

9 So, we're looking to expand the  
10 downtown zoning to be comparable to the area  
11 in red that the Comprehensive Plan has already  
12 defined.

13 These would be the boundaries of the  
14 new downtown zoning. You can see that, again,  
15 for the most part it would be south of  
16 Massachusetts Avenue from about New Hampshire  
17 Avenue over to Noma and then it would go through  
18 the Federal Center Southwest and down into parts  
19 of the near Southeast, just north of M Street.

20 And these would be the zones and the different  
21 colors we can look at later if you ant to that  
22 would define some of the different intensities.

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Now, right now we have 20 plus downtown zones if you consider all of the complexities that are in the various overlays and subareas. We analyzed these as you might remember from a couple of years ago and found that most fo the requirements in these 21 zones can be boiled down into 10 different zones that have pretty much the same similar requirements already. So, we're proposing that there be just 10 different zones.

The important thing to remember here is that in these 10 different zones we would be maintaining the existing commercial entitlements and although we'd be getting more housing, we wouldn't be actually requiring housing in any of the areas where housing isn't already required.

In addition to the zones, we would be again trying to clarify all of these geographically based requirements into what we're calling location-based requirements. We

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1 already have eight areas where there are  
2 geographically based requirements on either  
3 uses or designs or in some cases setbacks in  
4 upper stories.

5 What we're suggesting is that we  
6 consolidate those eight area and two areas that  
7 the Comprehensive Plan talks about as needing  
8 more of an emphasis on having retail  
9 mainstreets. And look at 10 different areas.

10 You can see slightly in red there would be twx  
11 new areas. Eight already exist. There would  
12 be two new areas. One would be on lower  
13 Connecticut Avenue from about K Street to Rhode  
14 Island Avenue and another one would be what we  
15 hope will become the main street in NoMA which  
16 would be First Street, Northeast from about K  
17 and New York Avenue. Again, these are already  
18 mentioned as areas for increased emphasis in  
19 the Comprehensive Plan.

20 For these location-based  
21 regulations -- sorry. That sort of green haze  
22 that at least to my poor eyesight appears was

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1 actually a very precise delineation of certain  
2 streets on which we already have these kind of  
3 location-based regulations. They range from  
4 things like having to have .5 FAR of retail in  
5 the shop district to having to have .5 FAR of  
6 arts uses along certain parts of 7th Street to  
7 other kinds of things like having 14 foot ground  
8 floor heights within the Mt. Vernon Triangle  
9 Areas and then there are other things that are  
10 buried in the regulations like having to have  
11 upper story setbacks above 110 feet on Mass  
12 Avenue, on Mt. Vernon Square and even you have  
13 to have certain setback requirements along M  
14 Street Southeast in the CG zone and on two  
15 special blocks that represent the transition  
16 from downtown into the Blangdon Alley area.  
17 So, these are the ones that are already there.  
18 As you'll see there aren't too many new ones.

19  
20 These red areas are the areas that  
21 we would actually be focusing on. All of these  
22 are called primary streets. These primary

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1 streets already exist in the zoning regulations  
2 with the exception of these two areas that were  
3 just circled in red, lower Connecticut Avenue  
4 and again, NoMA.

5 They have already got either use  
6 restrictions or design restrictions and  
7 incentives or requirements and we would just  
8 be consolidating these in a more easy defined  
9 fashion.

10 Right now the area that's sort of  
11 circled in that cross, that's Mt. Vernon  
12 Triangle. That's about the only area now in  
13 downtown where we have ground-based retail  
14 building requirements. Fourteen feet high, a  
15 certain number of openings, a certain number  
16 of feet, some restrictions on entrances for  
17 parking and loading. These kinds of  
18 restrictions exist already in a lot of the  
19 neighborhood overlays for commercial uses like  
20 Tacoma and CG and what not. But we would be  
21 wanting to expand some of these proven successes  
22 in attracting retail into these other areas that

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1 you can see in red on the map.

2 VICE CHAIR COHEN: Can I --

3 MR. COCHRAN: Sure.

4 VICE CHAIR COHEN: In adding  
5 housing in the downtown, I mean we've been very  
6 successful I think in increasing, you know, the  
7 singles into moving downtown, you know, by size  
8 of units and, of course, amenities. My concern  
9 is that if we're going to make it a more broader  
10 attraction, we need open space and then, of  
11 course, we need to coordinate with, you know,  
12 the schools to see -- I see some people with  
13 baby carriages in Mt. Vernon Triangle and  
14 they're going to have to move out to another  
15 place. My colleague is shaking his head so I'd  
16 like to hear his -

17 COMMISSIONER MAY: They're not  
18 moving out or at least not all of them.

19 VICE CHAIR COHEN: But there's no  
20 schools down there.

21 COMMISSIONER MAY: Well, yes, there  
22 are. There's John Thompson and -- well, there

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1 are others. I used to know them all. But they're  
2 not moving out yet but you're right about open  
3 space. There is a need for open space and  
4 they're talking to the Park Service about needs  
5 for playgrounds and things like that and we're  
6 trying to work with them about what we can do.

7

8 VICE CHAIR COHEN: How convenient  
9 to have --

10 COMMISSIONER MAY: More open space  
11 and potential for playgrounds and things like  
12 that would be a very, very good thing. I'm less  
13 concerned about the schools --

14 MR. COCHRAN: I'm going to talk a  
15 little bit about some of the mechanisms we're  
16 proposing for open space in just a couple more  
17 slides. But when it comes to things like larger  
18 units which we would like to see, we've  
19 definitely struggled with that and not come up  
20 with anything that could easily modify the trend  
21 in the marketplace now.

22 Now, if the market for downtown

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1 housing changes to more family housing,  
2 presumably developers would respond and I'm not  
3 sure that the Zoning Commission would want to  
4 get into the whole provision, regulation of the  
5 schools.

6 VICE CHAIR COHEN: No, I'm just  
7 saying coordination.

8 MR. COCHRAN: Right. Absolutely.  
9 We have a Capitol planning division in our  
10 Office of Planning that works with the school  
11 system regularly and tries to work with the State  
12 data office which is also in our office to give  
13 an idea of what the demographics are, where  
14 people are moving, where new school might be  
15 needed and, if so, what type of school. So, we  
16 are trying to coordinate that as best we can  
17 now.

18 So, we're trying to expand those  
19 kinds of restrictions and incentives that we  
20 have in Mr. Vernon now to the rest of these  
21 primary street areas in downtown.

22 One of them that's potentially

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1 controversial is to restrict the kinds of  
2 openings that you can have for parking vehicles  
3 or for loading. To my surprise, when I looked  
4 at this again this afternoon I found that most  
5 of these red streets with a couple of exceptions  
6 already have those kinds of restrictions in the  
7 downtown development district. The only ones  
8 that would be new under what we're suggesting  
9 to you and, again, I emphasize "suggesting"  
10 because we know that we'll still have to do a  
11 little bit more study on them would be the NoMA  
12 main street, First Street, Northeast. Sixth  
13 Street only on the East side for about a half  
14 block south of H. Seventh on the east side  
15 between New York and Mass Avenue which is  
16 basically Mount Vernon Square. Ninth and Tenth  
17 Streets around the FBI Building and that area  
18 of lower Connecticut Avenue that I mentioned.  
19 All the other ones already have similar  
20 restrictions of vehicular entrances.  
21 Now, to achieve this we do think  
22 though that we need to change the existing system

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1 of transferrable development rights and combine  
2 lot developments into something new. So, we've  
3 tried to come up with an enhancement for those  
4 tools. It's called the credit system. They  
5 would replace the TDRs and CLDs. They would  
6 address long-term shortage of the generating  
7 capacity that we have now in areas that generate  
8 transferrable development rights versus the  
9 ones that the potential development within the  
10 receiving zones. That imbalance is about 17  
11 million square feet and the credit system could  
12 help to actually achieve that 17 million square  
13 feet.

14 There's also been an imbalance i the  
15 kinds of uses in some areas. In some respects  
16 TDRs have exported office into areas where we  
17 would have liked to have more of a mix of uses.

18  
19 Now, the benefits of this credit  
20 system would be, we'd have broader trade areas  
21 and I'll be showing you the broader trade area  
22 map in just a second, which would allow for

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1 easier trading and a broader mixing of uses.

2 The transition rules from TDRs and  
3 CLDs to credit are structured in order to  
4 preserve the relative values of existing CLDs  
5 and TDRs. We've talked to people who have  
6 ownership rights in these things and they're  
7 concerned that they don't want to undercut the  
8 value of combined lot developments with the sort  
9 of cheaper transferrable development rights.  
10 Again, I'll go into the mechanisms that we've  
11 come for making sure that nobody loses the value  
12 that they now have in their combined lot  
13 developments. It would enable the access to  
14 that 17 million square feet and because of the  
15 system of trading and increased FAR that would  
16 come from providing more housing, we think that  
17 this would actually enable another 27 million  
18 square feet of mixed use development in this  
19 larger expanded downtown area.

20 We also estimate that about 35  
21 percent of that new development would be  
22 housing.

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1           These are the expanded credit trade  
2 areas. You can see they'd be within all of the  
3 much larger downtown. The trade areas wouldn't  
4 be nearly as geographically small as they are  
5 now which means that there's just more  
6 flexibility in trading kinds of uses within  
7 fairly cohesive neighborhoods. Again, I can  
8 get into more of that, but we might want to wait  
9 until a later date for some of the details.

10           The types of credits would be for  
11 housing, for arts, for parks and plazas and open  
12 space, for historic preservation, for those  
13 unassigned combined lot development rights and  
14 for the unused TDRs. The rules would entail  
15 purchasing and using credit to get the access  
16 to the maximum FAR, the non-residential FAR up  
17 to the maximum total FAR that you saw on that  
18 earlier table of the new zones.

19           The credits couldn't be used in the  
20 current R-5-E and SP-2 zones because we want  
21 to keep them in the one case all residential  
22 and in the other case we don't want to put too

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1 much pressure on the SP-2 zones which were  
2 supposed to be transition areas and we tend to  
3 have a lot of historic buildings in them.

4 We're going to maintain the combined  
5 lot development value by not allowing the TDRs  
6 to get converted into credits that could be  
7 used in areas where there's currently a housing  
8 requirement. We found that the value of  
9 combined lots is greater in the areas where there  
10 is a housing requirement than outside of the  
11 housing requirement. So, when we're doing  
12 these one for one TDR and CLD for credit trades,  
13 we just want to make sure that they're not  
14 basically adding a lot more value to TDRs for  
15 people who didn't pay for that value in the way  
16 that the CLD owners did.

17 And, finally, the credits would have  
18 to be actually applied for before you could come  
19 to the Zoning Commission and ask for an increase  
20 in your non-residential floor area ratio.

21 That's it for the slides on  
22 downtown. I'm certainly happy to answer any

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1 questions.

2 VICE CHAIR COHEN: Again, you know,  
3 I haven't even met my first anniversary so this  
4 might not ever be relevant. But one of the  
5 things that I want to see is I'm concerned about  
6 signage. I think there's going to be -- there's  
7 some ugly things happening, not only downtown  
8 but also in neighborhoods that I'm seeing so  
9 I would really like if this is relevant for that  
10 to be part of this whole, may come at a later  
11 date just tell me.

12 MS. STEINGASSER: Signage. The  
13 sign regulations are currently being reviewed  
14 and revised and they've been rewritten.  
15 They've advertised. They're out for public  
16 comment and will be available for public comment  
17 through December and I'll be happy to send you  
18 a copy.

19 They're in D.C. One of the beauties  
20 of our job is that signage are regulated to the  
21 building code which is a really good place for  
22 them to be. There are some limitations and I'm

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1 not clearing my throat out for a dramatic effect.

2 I'm not that clever. But I will be happy to  
3 share those and talk to you about them because  
4 they open for public comment for several months  
5 and as you can imagine, we're getting a lot.  
6 OP is on the sign team and we're trying what  
7 we called designated entertainment areas and  
8 that that's where the wild signs and the animated  
9 signs should be as opposed to be city-wide.  
10 So, we're happy to meet with you on that.

11 VICE CHAIR COHEN: Okay. Another  
12 questions which I don't know how relevant it  
13 is but there's a housing task force that's been  
14 created and their report, I believe, is coming  
15 out the beginning of 2013 is my understanding.

16 And so some of what they're going to come up  
17 with may impact what you're doing. And  
18 especially I have to just tell you. I was  
19 astounded to hear this number. Sixty-seven  
20 thousand people are on the waiting list for the  
21 Housing Authority. That means there's 67,000  
22 individuals and households that fall within

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1 making 3 percent of the area median income that  
2 are rent-burdened or living in distressed  
3 housing or, you know, they can't afford or  
4 they're doubled up. So, I really feel that,  
5 you know, we're omitting an opportunity that  
6 is a severe impact on the cities liveability  
7 if there are that many people who are on the  
8 waiting list. It may not ever see -- the Housing  
9 Authority estimated over 30 years if you need  
10 a two-bedroom unit. And so I think a lot of  
11 the zoning and the housing groups studies need  
12 to coordinate and I know that the timing you're  
13 moving ahead and they're on a different  
14 schedule. But that's critical.

15 MR. COCHRAN: My partner in crime  
16 in working on these zoning regulations is Art  
17 Rogers. So, we are coordinating it every day.

18 VICE CHAIR COHEN: And I sit on that  
19 task force so I am also attempting to, you know,  
20 be creative in that area.

21 MR. COCHRAN: Thank you.

22 COMMISSIONER TURNBULL: Mr.

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1 Cochran, I wonder if you could go back to the  
2 slide showed the downtown expanded coverage with  
3 the zones.

4 What is DB-7-B-1? Like north of  
5 Louisiana there.

6 MR. COCHRAN: DB-7?

7 COMMISSIONER TURNBULL: Or D-7, I'm  
8 sorry. D-7-B-1.

9 MR. COCHRAN: that is the PADC area.

10

11 COMMISSIONER TURNBULL: And what's  
12 included in that?

13 MR. COCHRAN: Everything that's now  
14 C-5.

15 COMMISSIONER TURNBULL: So, now  
16 it's basically going to stay the same then?

17 MR. COCHRAN: Yes.

18 COMMISSIONER TURNBULL: Okay. All  
19 right. Thank you.

20 MR. COCHRAN: We've tried to make  
21 it -- there's much more having to do with  
22 organization than there is with significant

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1 substitutive change.

2 COMMISSIONER TURNBULL: Changes.

3 Okay.

4 MR. COCHRAN: We're just trying to  
5 use the tools that are working in a larger area  
6 that's more of a realistic look at downtown.

7 COMMISSIONER TURNBULL: Okay. All  
8 right. Thank you.

9 MR. EMERINE: Any other questions  
10 on downtown?

11 MS. STEINGASSER: The rest of these  
12 are going to move pretty quickly. They are  
13 cases that the Commission or issues that the  
14 Commission has already looked at in detail.

15 PDR which are the industrial zones.  
16 CM and the M. The Commission has already had  
17 some hearings on these. We're just recodifying  
18 them, moving them forward. I don't think  
19 there's any change since the Commission has last  
20 seen these. We are proposing if you remember  
21 that there be a minimum required industrial use.  
22 We've seen a lot of pressure on our industrial

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1 zones over the years to be converted to  
2 non-industrial uses pushing industrial uses  
3 either into inappropriate areas of the city or  
4 out of the city altogether. So, we're proposing  
5 that there be a limit on those non-industrial  
6 uses that can be into industrial zones.

7 We've also expanded the setback  
8 protections that are provided in the Langston  
9 Overlay to be city-wide so any residential  
10 property that's adjacent to industrial will now  
11 have the same setbacks and transition  
12 protections.

13 CHAIRMAN HOOD: Ms. Steingasser?

14 MS. STEINGASSER: Yes, sir.

15 CHAIRMAN HOOD: You meant the  
16 Langdon Overlay?

17 MS. STEINGASSER: Langdon, yes,  
18 sir.

19 CHAIRMAN HOOD: Okay. Being a  
20 neighbor of the Langdon Overlay, I'm going to  
21 peruse -- that's actually what's probably in  
22 the Zoning Commission. I want to look at this

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1 definition again. I know I mentioned this at  
2 one of our concept hearings. The word  
3 "processing". I think I mentioned that and I  
4 asked us to look at that. Did we do that because  
5 I see it's still there? If not, let's look at  
6 that word because that word -- let me back up.

7 The solid waste, I've been talking about this  
8 since '98. The solid waste -- I can't think  
9 of the name of it now. But anyway solid waste  
10 regulations that we currently have which were  
11 voted on two weeks before I got on the Commission  
12 which was my issue.

13 In this new rewrite how is that going  
14 to take effect or the PDR, is this what's going  
15 to guide us? Because when you talk about  
16 processing, those of us who live next to  
17 industrial zones or areas processing an open  
18 air trash. I mean, what are we going to do to  
19 either put those solid waste regulations into  
20 this new system or deal with that word  
21 "processing"? I just see us going right back  
22 to where we've been in the early '90s.

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1 MS. STEINGASSER: We did hear your  
2 concerns and we created a waste-related services  
3 use category. So, any of those -- in Tab D  
4 you'll see the very first final order listed  
5 there on the very last page, page 18 of that  
6 first order. Waste-related services is called  
7 out and it's going to be regulated -- our  
8 proposal is to regulate it separately from PDRs.

9 It would be a use that would be permitted but  
10 there are conditions that relate to it and all  
11 the same conditions come forward. So,  
12 processing in and of itself would not be  
13 sufficient to allow our waste, whether it's  
14 recycling, whether it's solid waste transfer.

15 CHAIRMAN HOOD: And help me. Where  
16 is it at again?

17 MS. STEINGASSER: Tab D.

18 CHAIRMAN HOOD: Tab D.

19 MS. STEINGASSER: The very first  
20 order is 08-06A. It should be page 18.

21 CHAIRMAN HOOD: Page 18, okay.

22 Okay.

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1 MS. STEINGASSER: There it is. And  
2 that upper page, 206.30, Waste Related Services  
3 and that would be any use involving the  
4 collection, transportation, recycling or  
5 elimination of trash or other refuse, disposing  
6 and processing. But if it gives you more  
7 comfort we can also include in the definition  
8 of PDR but it explicitly, you know, conditions  
9 of the waste-related would be treated  
10 separately.

11 CHAIRMAN HOOD: Okay. I'm going to  
12 look at it again --

13 MS. STEINGASSER: Okay.

14 CHAIRMAN HOOD: -- because I'm  
15 looking at it now. I made the motion so anyway.

16  
17 MS. STEINGASSER: Yes, and we put  
18 this in after hearing your concerns and working  
19 forward. So, hopefully it still addresses it,  
20 but, you know, there's plenty of time to make  
21 any amendments.

22 CHAIRMAN HOOD: Okay, thank you.

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1 MR. EMERINE: And if I could add one  
2 more thing. It's our intention to carry forward  
3 the same restrictions on waste services that  
4 we have now in the current code and those should  
5 be reflected in the use requirements that you'll  
6 eventually see.

7 MS. STEINGASSER: The last tab is  
8 special districts. This is just going to be  
9 an embodiment of what the District has seen now  
10 as Union Station North, Southeast Federal  
11 Center, Hill East, Capital Gateway and when  
12 completed St. Elizabeth's would also be included  
13 in this subtitle.

14 These are zones that are written  
15 specific to enact a small area or joint  
16 development plan that the District has  
17 participated in with the Federal Government in  
18 terms of the Southeast Federal Center. A small  
19 area planned for Hill East. Union Station  
20 North, as you know has had very distinct  
21 development concerns because of the platform  
22 and the historic structures with hit. So, we

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1 felt these didn't fit into a standard template.

2 We wanted to keep the unique protection so  
3 they'll be reflected here.

4 Parking and loading.

5 MR. EMERINE: Okay. So, we have  
6 three more topics to go through before we wrap  
7 up and talk about next steps and parking and  
8 loading, planned unit development and the green  
9 area ratio.

10 We've already talked about the areas  
11 where we've proposed to remove minimum parking  
12 requirements. Again, just by way of quick  
13 summary, the apartment and mixed use transit  
14 zones as well as further discussions that we  
15 had in the parking working group, the downtown  
16 zones and the PDR zones. Beyond that, we're  
17 proposing to make it easier to share parking  
18 between different land uses so that if one use  
19 has excess capacity they can enter into an  
20 arrangement with a neighboring or adjoining use.

21

22 We're proposing to promote car

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1 sharing more than we do now by requiring set  
2 asides for car share spaces and large parking  
3 facilities. And where the minimum parking  
4 requirements still are in effect, allowing car  
5 share spaces to count toward those minimums  
6 which they currently are not allowed to do.

7 And in other areas where there are  
8 minimum parking requirements we're proposing  
9 to allow greater flexibility through special  
10 exception than we currently allow. We do allow  
11 kind of a variety of reductions based on  
12 different criteria. We're proposing to  
13 consolidate those into a single set of special  
14 exception rules that allow you to reduce the  
15 parking requirement or potentially even reduce  
16 up to 100 percent of your requirement.

17 There are a lot of conditions  
18 associated with that review including  
19 submitting information about the traffic  
20 management plans that you have for that site.

21 What are the alternative modes of  
22 transportation that you're going to proactively

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1 promote in order to get out of requirement.

2 We've also suggested some changes  
3 to reduce the impacts that large surface parking  
4 lots have on our neighborhoods and on the  
5 environment, beefing up the landscaping  
6 standards and imposing new requirements for tree  
7 canopy coverage and making any super-large  
8 surface parking lots go through a special  
9 exception process.

10 What we're suggesting is that if you  
11 go above 100,000 square feet, which is  
12 admittedly very rare, but that should be a  
13 triggering point where you go into some kind  
14 of a review, whether that's the right number,  
15 we're certainly open to feedback on that.

16 Compact spaces. Allowing more of  
17 them, allowing greater flexibility in how they  
18 can be located. We're currently fairly  
19 restrictive on forcing them to be kind of  
20 co-located within a facility but a lot of times  
21 it's very difficult with those sort of leftover  
22 spaces between columns and so forth that make

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1 it difficult to put five in a row. So, freeing  
2 up the ability to kind of work with odd-shaped  
3 lots and the restrictions that sometimes get  
4 built into parking garages.

5 And then finally some enhancements  
6 to the bike parking requirements. I'll get into  
7 those in a little bit more detail in a moment.

8 Really the major changes that we've  
9 proposed since you last dealt with this issue  
10 are things that we've proposed in response to  
11 feedback that we've gotten from the task force,  
12 from interactions with people i the community  
13 who had concerns about parking. One of them  
14 was the parking requirements for schools. We  
15 went through a lot of work trying to development  
16 parking standards based on the floor area of  
17 the schools. They are currently based on the  
18 number of staff now.

19 We really think that that's an  
20 important move to make sure that the requirement  
21 is based on something that you can verify in  
22 a building permit that isn't going to be subject

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1 to, you know, how many people you happen to have  
2 on staff from month to month. And we had some  
3 feedback about the original number we proposed  
4 was just too low. It wasn't really capturing  
5 the potential impacts that occur, particularly  
6 with the private schools. So, we've proposed  
7 to increase the number to about double of what  
8 we had originally proposed.

9           Again, the maximum limits. We  
10 talked with you at the hearing on parking about  
11 other maximum limits, whether the ratios were  
12 total numbers. As Jennifer pointed out we had  
13 those kind of as placeholder sections in the  
14 parking chapter at that point because we don't  
15 have the data to support particular numbers.  
16 We're proposing not to include any at this time.

17  
18           And then finally, the other major  
19 change. I wouldn't call it a major change but  
20 a significant ones. But when we talk about  
21 the special exceptions, a lot of people have  
22 raised the concern that the BZA may not take

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1 full advantage of the authority that they have  
2 to insure parking for special exception uses  
3 if there's greater impacts than might otherwise  
4 be suggested. So, we want to make sure it's  
5 explicit particularly with uses like private  
6 schools. The BZA can require more or less  
7 parking than what the code would confer as a  
8 matter of right requirement.

9 And with bicycle parking we, again,  
10 this is something that we went through and the  
11 Zoning Commission took action on. We're  
12 proposing to maintain the same standards that  
13 we reviewed with you a couple of years ago.  
14 Just as a refresher, the current requirements  
15 are tied to vehicle parking. That's going to  
16 be problematic in the future so we really want  
17 to make sure that each use category has its own  
18 requirements. And you can see the numbers  
19 there, but they haven't changed at all since  
20 you dealt with this issue previously.

21 CHAIRMAN HOOD: I want to --

22 MR. EMERINE: Yes.

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1 CHAIRMAN HOOD: -- revisit that.  
2 Maybe I didn't understand what I was doing at  
3 the time.

4 I was walking the other day with a  
5 young couple up the street downtown. I was on  
6 my way to an event. And I noticed that the  
7 bicycle locks were taking up like four or five  
8 parking spaces. I'm not against bicycles but,  
9 you know, I think we really need to -- I don't  
10 know what we can do hear but we need to revisit  
11 that because we're taking up spaces -- car spaces  
12 with this. I don't know what they call it.  
13 I know Commissioner May could probably help me.

14 But I think --

15 COMMISSIONER MAY: Bike Share?

16 CHAIRMAN HOOD: Is that what it's  
17 called, the one --

18 COMMISSIONER MAY: The red bikes  
19 and --

20 CHAIRMAN HOOD: Yes.

21 COMMISSIONER MAY: Yes, yes. Bike  
22 Share.

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1 CHAIRMAN HOOD: It's all taking up  
2 -- it's like 20 bicycles.

3 COMMISSIONER MAY: This isn't Bike  
4 Share though. This is just bicycle parking for  
5 people like me who ride their own bike.

6 CHAIRMAN HOOD: Well, even that  
7 too, so I'll probably be reassigned. But I'm  
8 just saying. I really think that -- I don't  
9 now what the numbers are but I think that's a  
10 discussion that needs to be had and there is  
11 a whole lot of stuff involved with bicycles.  
12 But at least with the Bike Share. If this  
13 doesn't pertain to that then I'm out of school.

14 But here's the thing. When I see bicycles  
15 taking up four parking spaces, and I know that's  
16 not --

17 COMMISSIONER MAY: How many  
18 bicycles though? Has to be like -- four spaces.

19 CHAIRMAN HOOD: It was like four  
20 spaces.

21 COMMISSIONER MAY: Four car spaces.

22

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1 CHAIRMAN HOOD: Twenty bikes and  
2 guess what? All of them were in the rack. All  
3 of them were in the rack.

4 COMMISSIONER MAY: Many people  
5 probably replacing maybe eight. Twenty people  
6 getting there as opposed to eight parking their  
7 cars there.

8 CHAIRMAN HOOD: Obviously they  
9 don't move them because those bicycles are there  
10 probably all night. So, nobody moved. They  
11 didn't go anywhere.

12 COMMISSIONER MAY: But if there  
13 were cars there wouldn't they be moving? People  
14 come and go all the time. If you're getting  
15 four or five bike spaces --

16 CHAIRMAN HOOD: I probably  
17 shouldn't have gone down this line but I can  
18 tell you that we need to balance that whole  
19 discussion.

20 COMMISSIONER MAY: It will be an  
21 interesting discussion when we have it.

22 CHAIRMAN HOOD: and I'm sure if my

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1 job is watching me, I'll probably be in trouble  
2 because we're talking about bicycle parking  
3 there too. Okay.

4 VICE CHAIR COHEN: I thought that  
5 Bike Share was on the sidewalk, not on the --

6 COMMISSIONER MAY: Some places it's  
7 in the street, yes.

8 CHAIRMAN HOOD: Okay. Well, that  
9 will interesting.

10 Commissioner May you have your  
11 bicycle spot so don't worry about it.

12 MR. EMERINE: Any other questions  
13 on parking or bike parking? Okay. And we'll  
14 get you more information on loading. There was  
15 a little snafu at the end so we didn't -- but  
16 basically again you've seen this information  
17 before and acted upon it. We'll get you the  
18 t ext when it's the appropriate time.

19 MS. STEINGASSER: So, the Planned  
20 Unit Developments are probably our last  
21 substitutive topic to talk to you about.

22 So, what this chart shows, this is

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1 the current comparison of by-right,  
2 inclusionary zoning standards and PUD  
3 standards. And everything covered in the  
4 mustard color are PUD standards that under which  
5 you get less with a PUD than you would get through  
6 inclusionary zoning. So we'd expect to see no  
7 PUDs in those zones.

8 Those that are blue, it's a marginal  
9 difference in FARs. So, as you can see there's  
10 only three or four zones left that we can  
11 reasonably under the current practice of  
12 inclusionary zoning and PUDs expect to see  
13 anything. So, we sat back and we took a more  
14 comprehensive look at the zones and proposed  
15 that the FAR be consistent. And we discussed  
16 this earlier with the guidance from the  
17 Commission that 20 percent and that it be  
18 consistent across the zones instead of the  
19 incredible fluctuation that we see now.

20 We're proposing that the heights  
21 remain the same as proposed in the current PUD  
22 reg, that our established PUD with the exception

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1 of these three zones. And these three zones  
2 get more height under inclusionary zoning than  
3 they do under the PUD in combination with the  
4 guidance that we received on the W zones where  
5 the Commission was willing to consider higher  
6 heights in the W zones, but no greater FAR to  
7 create veracity down to the waterfront. So,  
8 we are going to be recommending these three  
9 height adjustments. Whether these are the  
10 right heights, we felt for the W zones they  
11 should at least match the inclusionary zones.

12  
13 So, we've been tracking all the PUDs  
14 over the last 10 years, very closely over the  
15 last 6 years. And we have proposed that there  
16 be two types of PUDs and that they be dealt with  
17 slightly differently. Type 1 is where there's  
18 no map amendment. It's just a single PUD  
19 request that was within the 20 percent, within  
20 the height established and that that be  
21 considered by one vote, very much the way the  
22 Zoning Commission addresses the design review

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1 process for the Capitol Gateway that we have  
2 now. It would be one vote. It would not be  
3 considered a change in zoning and so it would  
4 not require a referral to NCPC.

5 The Type 2 is what we deal with most  
6 often. That's a PUD-related map amendment.  
7 It would have the same set of two votes, proposed  
8 action and final action. We had originally  
9 looked at doing the benefits and amenities  
10 through a kind of weighted system with points.

11 The Commission expressed caution and  
12 discomfort with how that would affect the  
13 negotiation and the proffer.

14 We found it very difficult to  
15 establish those weighted values and create the  
16 necessary nexus, especially since so much of  
17 it was market-related. So, we have proposed  
18 to continue with the current process of proffers  
19 and negotiations.

20 One of the major changes we're  
21 proposing is that the current housing linkage  
22 that's in the current reg does not reflect

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1 inclusionary zoning. We're proposing that that  
2 be amended which is a pretty significant move  
3 to the current text that it reflect IZ and that  
4 it be triggered by the base zone, not the  
5 requested zone.

6 The requested zone allows for that  
7 housing linkage to seldom be used. So, we're  
8 proposing that change.

9 We also have --

10 COMMISSIONER TURNBULL: And this is  
11 for the basic eight percent?

12 MS. STEINGASSER: Yes.

13 COMMISSIONER TURNBULL: Okay.

14 MS. STEINGASSER: And also in terms  
15 of AMI, duration of the units, all of that is  
16 completely different in the housing linkage from  
17 the IZ. We never amended the housing linkage  
18 requirements. So, we're proposing that that  
19 be consistent the eight to ten percent --

20 COMMISSIONER TURNBULL: Okay.

21 MS. STEINGASSER: -- of the base  
22 zone that it be triggered.

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1 COMMISSIONER TURNBULL: Okay.

2 MS. STEINGASSER: Extensions.

3 That's something we've noticed that has been  
4 coming to the Commission repeatedly and there's  
5 been a lot of consternation and discussions both  
6 between the Commission and the applicant and  
7 OP and the applicant. We're proposing that the  
8 same standards of good cause be maintained but  
9 that there be a limit to the extensions and that  
10 limit be two. So, a PUD is good for two years  
11 to pull a building permit. Three years to begin  
12 construction. They could come to the  
13 Commission and request an extension twice so  
14 that would basically give it a six-year cycle  
15 which is pretty much -- that's a full  
16 Comprehensive Plan amendment cycle as well as  
17 an economic cycle.

18 So, that's our proposal at this  
19 point. We expect to get some feedback from  
20 that.

21 We're also noticed that there's been  
22 a lot of early filing. I think, you know, some

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1 up to 18 months of their expiration. We propose  
2 to put a cap on that saying that it can't be  
3 granted any sooner than six months before the  
4 expiration. They can file it but the approval  
5 can't be valid any sooner to that to try to keep  
6 that sense of continuity moving.

7 So, this one gets to modifications  
8 and we've been a lot of trouble with  
9 modifications in the last couple of years.  
10 We're proposing that modifications be defined  
11 and to basically three to four categories.  
12 Technical corrections or what we're calling  
13 modifications of no consequence. That  
14 correction would be just a correction. These  
15 are actions that the Commission could consider  
16 by consent agenda as you do now. We typically  
17 call them minor modifications now. And a  
18 modification of now consequence is to change  
19 something that was not germane to the  
20 Commission's decision. So, maybe it's  
21 landscape trees that they're changing or we've  
22 seen a lot of these come forward and we're trying

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1 to define this out as ones that were not germane  
2 to your decisions.

3 And a modification of consequence,  
4 we're proposing to be a modification of  
5 something that the Commission discussed and had  
6 as part of your deliberation but it was not a  
7 condition. It wasn't called out as a condition  
8 of the approval. And this is the gray area where  
9 we really wrestle with most of the modification  
10 requests. And in this one we're proposing that  
11 the Zoning Commission take proposed action,  
12 leave the record open for 30 days and  
13 notification to the ANC and there be no public  
14 hearing but there would be open records so you  
15 could get written comments.

16 And, again, these would be issues  
17 that were not a condition that the Commission  
18 placed on an order. And then modifications that  
19 we're calling significant modifications. And  
20 these would be modifications of either a  
21 condition that the Commission put on an  
22 approval. It would be possibly something that

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1 required additional relief through whatever  
2 their modification is proposed or things in that  
3 realm. This would require basically a  
4 reprocessing of the application. It would be  
5 setdown.

6 Under the current regs it's  
7 considered a stage 2 processing. We're  
8 proposing that that process be continued,  
9 setdown, public hearing, notification, two  
10 votes, referral. So, it allows a little bit  
11 of that.

12 We've had a couple of hearing where  
13 no one has come. It's not really been an issue  
14 but it was of such consequence the Commission  
15 couldn't conclude it was minor. So, that's what  
16 we're proposing n the terms of modifications.

17 COMMISSIONER TURNBULL: This would  
18 also include a design, a major change to the  
19 design?

20 MS. STEINGASSER: If the design was  
21 a point of deliberation for the Commission,  
22 then, yes.

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1 COMMISSIONER TURNBULL: Okay.

2 VICE CHAIR COHEN: On the granting  
3 of an extension, I think some developers may  
4 be coming in earlier because their financial  
5 source may be asking them sooner to come in.  
6 So, I would appreciate it if you would check with  
7 the development community if that's --

8 MS. STEINGASSER: Okay.

9 VICE CHAIR COHEN: -- reasonable  
10 because we may wind up finding some issues there.

11 Due diligence takes awhile. They promise, you  
12 know, 90 days.

13 MS. STEINGASSER: Right.

14 VICE CHAIR COHEN: But it could take  
15 900.

16 MS. STEINGASSER: Okay.

17 VICE CHAIR COHEN: So, I would just  
18 confirm that please.

19 MS. STEINGASSER: We'll reach out  
20 to them.

21 COMMISSIONER MAY: With regard to  
22 the modification of consequence. First of all,

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1 I assume when you say record open there would  
2 be notification of parties and ANC and that  
3 stuff, right?

4 MS. STEINGASSER: Yes.

5 COMMISSIONER MAY: And then the  
6 second thing is that, you know, when we come  
7 to the end of that three-day period and we get  
8 a boat load of comments, I assume at that point  
9 we could still opt to set it down for a hearing.

10 MS. STEINGASSER: Yes.

11 COMMISSIONER MAY: Okay.

12 MS. STEINGASSER: Absolutely. And  
13 I've been working with OAG on the language to  
14 make sure that the Zoning Commission always has  
15 the prerogative to determine --

16 COMMISSIONER MAY: Right, so you  
17 could propose something or someone could propose  
18 something as a modification of consequence and  
19 we can decide, no, it's a significant  
20 modification and set it down immediately?

21 MS. STEINGASSER: Right.

22 COMMISSIONER MAY: Yes, I think

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1 that's wise, you know, just because something  
2 was not specifically debated doesn't mean that  
3 it wasn't something that we paid attention to  
4 and had specifically in mind. And particularly  
5 when it comes to things that are simply, you  
6 know, are not discussed in great detail but may  
7 be memorialized in the plan.

8 MS. STEINGASSER: Okay.

9 VICE CHAIR COHEN: And then, again,  
10 I just have a point I want to make and that has  
11 to do with the inclusionary zoning regulations.

12 Housing task force probably going to be dealing  
13 with it. It needs, I think, some fixing because  
14 it doesn't seem to be producing the units that  
15 were contemplated and so I just want to make  
16 sure that that's not going to be overlooked.

17 MS. STEINGASSER: Yes, ma'am.

18 So, we're wrapping up with our final  
19 slide of green area ratio. This is just a  
20 summary of what we've already proposed to be  
21 included in the existing zoning regulations as  
22 well as the new zoning regulations.

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1           So following up, the next two slides  
2           are going to be about our next steps. These are  
3           the websites that are available for tracking  
4           the ZRR and current amendment to the current  
5           code. Planning website and the Zoning website  
6           and then we also have two websites that are  
7           dedicated solely to the zoning regulation  
8           updates.

9           The first one is the one that's been  
10          online, been active for about four years. The  
11          bottom on, zoningdc.org is an interactive blog  
12          that we've established that's supposed to be  
13          going live Monday.

14          Next steps are our outreach. We  
15          have a meeting facilitation consultant that  
16          we're getting under contract this week.  
17          They'll be helping us with our outreach. We  
18          will also be working as Chairman Hood suggested  
19          with the D.C. Office of Cable TV, Channel 16.

20          We're going to have them broadcast and tape  
21          at least one of the meetings that will be  
22          available On Demand so if people want to watch

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1 it after the fact.

2 We're going to be hosting  
3 facilitated outreach meetings in every ward  
4 October through December. As we get the  
5 feedback we'll be adjusting our draft proposals.

6 We'll then submit the final draft proposal to  
7 the task force and get their feedback, hopefully  
8 in December or January depending on how quickly  
9 we can edit.

10 Then once that's been adjusted based  
11 on task force feedback we'll be bringing it  
12 to the Zoning Commission where we're hoping by  
13 February of 2012.

14 And then we'll figure out from there  
15 how the Commission wants to address setdowns  
16 and public hearings.

17 VICE CHAIR COHEN: But I assume it's  
18 just what we've gone through today, the changes  
19 or are you going to have everything?

20 MS. STEINGASSER: You'll have  
21 everything.

22 VICE CHAIR COHEN: Including

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1 inclusionary zoning?

2 MS. STEINGASSER: Inclusionary  
3 zoning will be included in the zoning  
4 regulations. The amendments that you're  
5 working on will probably be amended to the  
6 current regulations so they become effective  
7 immediately. So, what we're looking at is a  
8 code that's probably not going to take effect  
9 for another two years and so the IZ is something  
10 that we would be working on in the context of  
11 the current code so that it becomes effective  
12 and stays active immediately.

13 CHAIRMAN HOOD: Let me just ask  
14 this.

15 These next steps, Commissioners,  
16 colleagues, does anybody have a problem with  
17 these next steps? I actually think it looks  
18 very good, especially since you all adopted my  
19 suggestion about cable TV, so I appreciate it.

20 I think the next steps as far as I'm  
21 concerned looks good.

22 Okay. Any other questions?

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1                   COMMISSIONER TURNBULL: I just had  
2 one. On the Hill East area.

3                   MS. STEINGASSER: Yes, sir.

4                   COMMISSIONER TURNBULL: Was the  
5 only time we've used the form-based codes or  
6 zoning. How is that going to fit in? How are  
7 we going to deal with that?

8                   MS. STEINGASSER: It's basically  
9 been brought forward -- I'll look to Mr. Lawson  
10 who does that.

11                   MR. LAWSON: Sure. Well, Hill  
12 East, you're absolutely right. The Hill East  
13 is a little bit different from most of our other  
14 zones and that's why we decided to include it  
15 in the special purpose zones in Subtitle I.  
16 So, it's its own separate chapter. We simply  
17 took the existing regulations, the regulations  
18 in the existing code and translated it into the  
19 new form. Like all of the zones in Subtitle  
20 I, the intent was that there would be no changes  
21 to what is permitted, you know, Southeast  
22 Federal Center, Capitol Gateway, Hill East.

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1 All of them basically just have the existing  
2 regulations translated forward.

3 We presented those to the task force  
4 at the task force's last meeting and requested  
5 that if the task force wished to review those  
6 regulations, we would appreciate it because,  
7 of course, things can fall through the cracks.

8 And the intent is that, again, that nothing,  
9 you know, essentially nothing would change in  
10 those zones other than the format. So, we  
11 requested that the task force get back to us  
12 if they found anything that did look like a more  
13 substantive change because it's probably  
14 inadvertent and we'd like to make sure that we  
15 get that correct.

16 COMMISSIONER TURNBULL: Okay.  
17 Thank you.

18 VICE CHAIR COHEN: And just one  
19 other point. There is a Spanish-speaking  
20 population that I think needs to be included.

21 So, are we going to have some of the outreach  
22 done in Spanish?

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1 MS. STEINGASSER: We had not  
2 planned on hiring a translator, no. We are  
3 happy to work with the ANCs and I guess we would  
4 ask if they feel if that's necessary. We would  
5 certainly host that but that would--

6 VICE CHAIR COHEN: I think there are  
7 a couple of ANCs that might want that if there  
8 are more Spanish-speaking people in certain  
9 wards.

10 MS. STEINGASSER: We'll absolutely  
11 follow up on it.

12 MR. LAWSON: If I can add to that.  
13 We could also look at. We're producing a  
14 number of handouts that will be available and  
15 we could look at having those basic handouts  
16 translated into other languages as well.

17 VICE CHAIR COHEN: I think that  
18 would be a very good idea because there is a  
19 larger population and growing.

20 CHAIRMAN HOOD: And I was glad to  
21 hear you say, Mr. Lawson, other languages  
22 because Spanish is one and there are a lot of

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1 others out there. So, okay.

2 Any other questions or comments?

3

4 I want to thank the Office of  
5 Planning for the presentation. I greatly  
6 appreciate it. I think it was very well done  
7 and I would encourage everyone to keep this  
8 handout. A lot of work went into this and I  
9 greatly appreciate it.

10 And I want to thank the public for  
11 coming out and those who are watching us Webcast  
12 live.

13 Anything else, Ms.Schellin?

14 Okay. Again, thank you very much  
15 and with that, this Special Meeting is  
16 adjourned.

17 (Whereupon, the above matter was  
18 concluded at 9:18 p.m.)

19

20

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