GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:            :
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TITLE 11 ZONING REGULATIONS-  :
COMPREHENSIVE TEXT REVISIONS: Case No.  :
: 08-06A
:
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Wednesday,
November 6, 2013

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

The Public Hearing of Case No. 08-06A by the District of Columbia Zoning Commission convened at 6:01 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner
OFFICE OF ZONING STAFF PRESENT:

SARA BARDIN, Director
SHARON S. SCHELLIN, Secretary
STEPHEN VARGA, Zoning Specialist
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic Preservation
JOEL LAWSON
ELISE VITALE
PAUL GOLDSTEIN

The transcript constitutes the minutes from the Public Hearing held on November 6, 2013.
CHAIRMAN HOOD: Good evening ladies and gentleman. This is the Public Hearing of the Zoning Commission for the District of Columbia for the month. Okay. I know I've been here at least two nights, so tonight must be Wednesday.

Okay, Wednesday, November 6th. I have Monday, November 6th. Well, anyway, Wednesday, November 6th. My name is Anthony Hood. Joining this evening are Vice Chair Marcie Cohen and Commissioners Miller, May and Turnbull.

We're also joined by our Office of Zoning Staff, by our director, Sara Bardin, Sharon Schellin and (Z. HILTON?).

MALE PARTICIPANT: Mr. Goldstein, too.

CHAIRMAN HOOD: Also the Office of Planning Staff, Ms. Steingasser and Mr. Lawson and Mr. Vitale. Okay. And this proceeding is
being recorded by a Court Reporter and is also Webcast live.

Accordingly, we must ask you refrain from any disruptive noises or actions in the hearing room including display of any signs or objects.

The subject of this evening's hearing is Zone Commission Case No. 08-06A. This is a request by the Office of Planning for comprehensive revisions and amendments to the zoning regulations Title 11 BCMR.

The specific subject of tonight's hearing is the proposed new Subtitle D. Notice of today's hearing was published in the D.C. register on September 20 of 2013 and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with the provisions of 11 DCMR 3021 as follows: preliminary matters, excuse me, presentation by the Office of Planning, reports of other Government Agencies, if any, testimony
from the public and questions about a commission
of the audit -- our questions about a commission
of the Office of Planning.

And I'll just start from the
witnesses I have, it sounded like we may ask our
questions tonight. And when I say we may, let's
just see how that goes.

The following time constraints we
maintain in this hearing: Office of Planning up
to 60 minutes; organizations five minutes,
individuals three minutes.

The Commission intends to adhere to
the time limits as strictly as possible in order
to hear the case in a reasonable period of time.

As noted in the Notice of Public
Hearing, I will be calling witnesses in the order
in which the Office of Zoning received a Notice
of Intent to testify.

After those witnesses have been
called, I will ask others who have registered to
testify this evening and then, ask others in the
audience if they wish to testify.
All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door.

Before coming forward to speak to the Commission, please give both cards to the reporter sitting to my right before taking a seat at the table.

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

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

In addition, there should be no
direct contact whatsoever with any Commissioner concerning this matter be it written, electronic or by telephone.

Any materials received directly by a Commissioner will be discarded without being read and any calls will be ignored. The staff will be available throughout the hearing to discuss procedural questions.

As noted, testimony this evening will be limited to proposed new Subtitle D. If you have testimony on other subtitles and cannot come back on the scheduled hearing nights for those subtitles, you may hand in your written testimony or submit it before the hearing date. We will read it.

I would also ask that you not repeat testimony that has already been given. Rather than repeating the same comments, I would suggest that you state that you agree with the testimony that has already been given and add additional comments that we have not yet heard.

Please turn off all beepers and cell
phones at this time to not disrupt these proceedings. At this time the Commission will deal with any preliminary matters. Staff, do you have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. We will go right to Ms. Steingasser. Good evening.

MS. STEINGASSER: Thank you, Chairman, Commissioners. This evening we're talking about Subtitle D. That is the low and moderate density residential. It's the equivalent of the R-1-A, R-1-B, R-2 and R-3 zones as we know them today. Next slide. All right. Thank you.

The Commission has had certain discussions of the material and the subtitles starting in April of 2009 through both the low and moderate density residential district public hearing with guidance.

Many of the elements in here come from the sustainability discussions that were also held in 2009 and the height and use
categories which were then acted on in 2010.

The residential zones, as I stated, included the R-1's, R-2's and R-3's. This just give a breakout of the total number of record lots in the District.

The low-density residential zones constitute 22 percent of the District's total land area. Residential itself constitutes 48 percent of the District's total land area. And now that that the R-1, of the 22 percent, R-1 represents 80 percent of all low-density.

This is just a quick listing of the new name conversions. We've again, tried to mix the, marry, rather, the base zone and the overlays into one zone, so that all the applicable criteria, purpose statements and standards work together in one place.

The Commission gave us guidance, some of which we did not follow directly after looking further into the issues. Some of the Commission, you know, some of the Commission's guidance is simply that you didn't object to us
looking further, sometimes you are more supportive, sometimes you had cautioned.

These were areas where the Commission had some caution, but didn't object to us looking into them.

There were maximum footprint, how we calculated the maximum footprint, the uniformity being allow occupancy and then building depth.

And the maximum footprint, calculating footprint and building depth was an approach that we since had not gone forward with that kind of guaranteed a minimum building area.

So you had a maximum footprint that would result in a maximum, I'm sorry, a minimum guaranteed building area of, I think it was 2,000 square feet regardless of lot occupancy, regardless of setbacks.

As we delved further into analyzing the nonconformity and distribution of those nonconforming lots, it became too unpredictable and we have since moved away and stayed with a
more standard formula for buildings.

    Residential density is a lot with quad areas. The one change that we've done here is with the existing lots. We've proposed to no longer require that you have to have a minimum area to get a building permit, but you would have to have a minimum area and a minimum width to create a new lot.

    And that's to allow for a more efficient in-fill of existing lots and allow those to go into to more productive use. They do have to meet set-backs and lot occupancy requirements.

    So there's still proportionality of building to land area, but it doesn't require the use, I'm sorry, the area variances that we see now for a building that might be in the R-1 zone, but only be 4,800 square feet as to 5,000. We're going to allow it become buildable.

    Accessory buildings, non-residential use of historic institutional buildings, that's been brought forward and then
boughten only since new buffer areas.

The height we've talked about many times, that it's already been adopted and there's been no change to what we're proposing in these zone. The front setback, we've talked about.

These also get to the issue of neighborhood character and being able to maintain that range. And right now, there is no front setback required. We're proposing that there be a range by block base.

A block base is defined as on one side of the street and then it's limited to the residential buildings. It's not unusual for civic buildings, schools, churches to have a different positioning on their lots, so we didn't include those.

Site setback, rear setback, no changes are proposed in this regulation to the current minimums that are existing today. Lot occupancy, this is where we have what we call the ERRATA.
The guidance that the Commission was comfortable with and that we had originally proposed was that the row house districts would have a single lot occupancy.

We've been seeing a lot of variance cases and efforts to fill in nonconforming courts and side yards in order to create -- let's see, so that a single family detached would become a rowhouse which would allow them to have larger lot occupancy.

The current code distinguishes lot occupancy based on building form. So the Commission recommended this and we have some fairly good support from the community on having a single lot occupancy of 60 percent.

That encourages the building forms to remain as they are and discourages artificial in-fills and extensions.

Accessory apartments; I'm going to spend a little bit of time here on this one. The comprehensive plan was very clear in their direction on this particular project. This has
been one of the issues that we've had probably
the most public exchange on.

And this is directly an action item
from the comprehensive plan to move forward in
this direction. That's really -- we then
looked at that and we brought it to the Zoning
Commission.

The Commission was comfortable with
the guidance at this time of moving forward with
allowing the accessory, at this time we're
calling them ADU's, accessory dwelling units
internal to the principal building, as a matter
of right.

External to a principal building,
what we're calling an external ADU. It would be
in a detached accessory building as a matter of
right, if the building already exists and then
there was certain setback requirements that we
also proposed. Any construction, then, would
also require a special exception.

So, why are accessory units
important? There's been a lot of study, we've
looked at a lot of different areas.

They are a good source of affordable housing for small households. And that's both the household who may want to live in a detached or a single family neighborhood in a smaller footprint.

They can rent that unit. It also creates affordability for the home owner, whether it's somebody on fixed income, excuse me, a first time home buyer, who needs help with the mortgage, it also helps in that prevent costs.

It allows for the adaptation of existing housing stock without a lot of alteration. It's an efficient use of land and infrastructure because the property's already served.

And in Washington, there was some discussion on the infrastructure issue. We have a declining household size compared to the original, you know, our original high of 800,000, so we don't think that's a problem.
It can encourage what they call economic and personal support between two separate households, which is important in our research with AARP, especially for, excuse me, elderly.

Retired households who may have someone there, maybe they live alone, this allows them to have someone else on the property with them and creates a sense of security and it generates rental income for the homeowners.

This is a quote from AARP. They have done extensive work on accessory dwellings and accessory apartments and they recommended they also have some model ordinances that they put out for states.

They worked exceptionally well with a consortium of builders nationally, excuse me, to help create an environment and a network for seniors who need help, sorry, I guess I need the help, to help both to find ways to maintain, construct and finance accessory dwellings. Move on to the next one.
So I want to talk about the existing regulations. This is really important and I'm going to definitely slow down, definitely take a more familiar tact with this.

There is a lot of confusion about our existing regulations and what can be done now. This is not a new provision that we're bringing forward.

Right now, in the residential zones, in the R-1-A's and B's, a detached garage is permitted to have an accessory apartment, a living quarters, as a second floor, by-right.

It's been on the books since 1958. It was original Section 7502.3. It was brought forward with Lewis. It has been on the books.

So right now, in the District, a single family detached homeowner can come forward and request, with a building permit and no approval, a second story for living quarters for domestic employees.

Now, this second story can also have a height of 20 feet. That's five feet higher
than the current detached accessory structures for regular garages. And it cannot be within the required rear yard.

   And what that means is it must be 20 to 25 feet back into the yard. That puts it closer to it's neighbors than if it were allowed to be against the alley or against the rear property line, brings it into the yard. It reduces the amount of open space. It creates an odd space behind it. But that's what's on the books now.

   So the other interesting thing is, it's allowed for a private garage. And when we look at the definition of private garage which is up there, that can up to 900 square feet. That's a four-car garage. That is a large building.

   So on the books right now, again I repeat, you can have a two-story four-car garage with unlimited residence on top. There is no definition of a domestic employee. We looked at what the IRS considers employees and that is any
person that works for another individual where
the employer describes the job.

So if I hire somebody to take up my
mail every day, they become my domestic employee
and I can rent them a structure in the back.
That's been on the books since 1958.

And there's been so much generated
fear over this provision, and yet it's there,
it's been existing, nobody has known it except
the few people who have actually used it. It has
not been an issue. Move on to the next one.

In addition, in 1993, the District
Department of Aging came forward and petitioned
the Zoning Commission for accessory apartments.
And they did it specifically to enable seniors
to age in place. That was part of their policy
in 1993.

In 1985 to '87, AARP was doing a
national campaign. There were many studies on
aging in place and creating an environment for
seniors to remain in their homes. This was part
of that initiative and the Zoning Commission
adopted it unanimously, again, on the books.

This has been approved. This is by special exception. There are certain requirements and standards for these apartments. It's considered an accessory use within the principle dwelling.

It does not count in combination with the domestic living quarters. So you can have both. In these zones, you can have an accessory apartment in your basement or in your home and you can have, by-right with no review or approval, a living quarters over a four-car garage in the rear of your house.

So there is this growing fear that this is something new, that this is radical that we're bringing forward. Again, it's been on the books. We've confirmed with the Zoning Administrator that the two regulations operate independent of each other.

The accessory apartments have a six person limit. That limit goes for both the accessory apartment and the residents of the
home. That does not include anybody living over
the garage.

So you can have the six people in the
home. So, if I'm a family of four, I can have
an accessory apartment with two people, plus I
can have an unlimited amount of people living
over my garage, provided I meet lot occupancy.
That's the only requirements of these
provisions.

So we've been unable to get that
message out clearly about what these provisions
already allow. We've brought forward several
of the accessory apartment restrictions.

We're proposing the accessory
apartment be allowed by-right and that there
only be one. So we're actually reducing and
tightening these regulations in a way that
you'll hear from some people they think is too
far. We can go to the next one.

So this is just a summary of those
sections, what's allowed. So you're allowed
one principle unit, you're allowed one by
special exception and in the larger residential zones, you're allowed on by-right, today.

These are the areas of the city where they're allowed by-right and you can see that's already quite a large part of the city. The next one.

These are the R-1, 2's and 3's where we're proposing that they be allowed, but that they be limited to one. So it covers a pretty large part of the city. It has always covered a large part of the city.

These are our proposals. That within the home, subject to the criteria that's outlined in our report and that's in the regulations, they'd be allowed as a matter of right.

Within existing accessory structures, they'd be allowed a matter of right. We've included an alley access or a side yard requirement. That's after coordinating with the fire department to make sure that there's access.
And that any new construction for an accessory, what we'd call a detached apartment, any new construction whether that's an addition up or an addition out, that that would require a special exception.

These are very similar conditions. There's one correction we needed to make and it's covered in our report. The minimum lot size that we brought forward was based on the limitations for the R-1-A and B when it was still special exception, we're now proposing that those minimum lot sizes be permitted to match those that are within the zones.

When they are 3 zone, it would be the matter of right zone for the R-3 and in the R-2 it would be the matter of right zone for the R-2.

Those are our proposals. It's limiting it down to one unit in the R-1's and allowing it by-right in the R-2's and 3's. And next.

So next is corner stores. And we're going to spend less time on corner stores. But
again, this is an issue that's come up.

We've seen a lot of in our both historic districts and historic developed neighborhoods where corner stores were part of the original urban pattern.

They were build for walkability and the corner stores were placed there purposely much like school sites and church sites.

Many of those have been able to continue and in many cases they have not. They've lost their nonconforming status. They've been converted to residential. They're an awkward type of residential and some of them would like to go back to commercial.

They've been stuck trying to get a use variance which can be very expensive and very time consuming. A use variance is the hardest variance, as you know from sitting on the BZA, to obtain. You have to prove the property cannot be used for any other use.

It's very difficult and it's very expensive and it's often very disadvantageous to
the property owner if they're trying to lease the property because very few tenants are going to want to invest that kind of money without assurance that they can get the use variance.

In this case, a corner store is not going to want to buy a property if they can't guarantee they're going to have that use.

We're proposing, the Commission gave us guidance to go forward on this, we've been looking at them around the city. You've asked us also to look at performance measures, how them can be customized within each neighborhood.

Our original proposal was very technical in terms of layout and how many per lot and how many uses could be within a certain distance from each other, the hours of operation, how large they could be.

After hearing a lot from the communities, there was a lot of feedback from those that those communities that had them, loved them. And they wanted them to stay either
by-right or by-right with certain conditions. Those that didn't have them were a little less confident and were very concerned about the impacts and how they might be. So, what we've proposed now there, is that they be limited only to the R-3 and R-4.

And by those zones, I'm talking about the current R-3 and R-4, the rowhouse zones. They'd be permitted by-right only if they're currently existing or if they're a grocery store. And that's to help with just the whole access to food and the health initiatives that's going on. Excuse me.

We're proposing that they be permitted by special exception in any other case. And we think that helps address some of the concerns that would require a public hearing.

It would require a showing by the corner store owner, that there is an appropriate use, that it wouldn't alter the landscaping, that it would be in the right place. And it
would allow the community to weigh in, it would allow notice with the ANC. So we think that's a good medium ground.

We've also put some spacing requirements that it not be within certain distance from the commercial corridors or commercial zones.

We do not want the corner store proposal to become an alternate form of low-cost commercial real estate when we're trying to encourage redevelopment of our commercial corridors. So we definitely, we put a spacing distance on that.

This is a difficult map to see. We posted some larger paper copies up on either end of the hearing room that show the potential sites of where are these R-3 and R-4 corner store locations, where are the existing ones and then the commercial corridors that they'd have and commercial districts from which they'd have to be spaced.

So we encourage everybody to take a
look at these maps when they get a chance to see.  
Next is alley lots.  This a proposal we've also  
brought forward.  

    Right now, again, alley lots are  
    allowed as a matter of right in the R-1-A, R-1-2,  
oh, I'm sorry, R-1-A, R-1-B zones if they're on  
a 30-foot alley network.  There's very few  
30-foot alley networks.  

    The table on the lower end of the  
screen shows the amount of alley record lots that  
exist by zone and their percentage.  There are  
very few of them.  

    Obviously, most of them are in the  
R-3 and R-4.  Those are the rowhouse zones.  It  
makes sense when you think about the development  
history of the District.  But those would be the  
alley lots.  

    We are not proposing that they be  
permitted for residential use in any of the R-1  
or R-2 zones.  Thank you.  We have over the  
years had, it's been a very difficult  
relationship between an alley dwelling and these
types of zones.

They're not designed for them. The alley networks are not in place for there to be residential structures built behind these neighborhoods.

There was a contentious case many years ago, four/five years ago, that really brought to life the effort to try to get variances to the alley widths and get water and sewer back there. It created a very odd relationship and so we were proposing that they no longer be permitted regardless of the width of the alley. That is just inappropriate in those zones to have an alley community inside the middle of the single family.

We are proposing that they be limited in R-3, R-4 and R-5 residential zones to one dwelling unit maximum by-right. And that there be an alley minimum width, again, of 24 feet.

To have more than one residential unit, it would be subject to special exception.
So if it's a large alley lot like we see some in Blagden Alley where it's split. There's commercial on one side and there's R-4 on the other.

There's some really large alley lots that used to be actual, you know, commercial businesses. They're now zoned residential. They're too big for a single family home.

They could come forward as a special exception. They could evidence how they providing services, safety issues that are going there. And we've gotten some pretty good response to this particular proposal as well.

So it would be restricting it from the R-1 and R-2 zones, that's new, and allowing them in the other zones.

Finally, I'm going to end on roof structures. This is an issue we thought would get a little bit more attention. Right now, a roof structure in an R-1, R-2 and R-3 zone can be 18-1/2 feet tall.

As long as it can be set back 18-1/2
feet from the edges of its building, it has a one-to-one setback, that's how tall it can be.

We think in a low-density residential predominantly single family zone, that that is excessive. And we've proposed, based on our research of what's going on, that it be limited to ten feet.

That's still pretty high. You don't see a lot of elevator overruns and things or mechanical structures. But we did think should there be one, it should not be 18-1/2 feet. So we've proposed that it be ten feet.

And that pretty much runs through the major changes and the major issues that we'll be discussing this evening.

CHAIRMAN HOOD: Okay. Thank you very much, Ms. Steingasser. Again, Commissioners, colleagues, we will ask our questions after we hear from the public.

I'm going to go to the witness list I have before me, Ellen McCarthy, David, Alpert, and if I mess your name up, if it sounds like it,
if you can just come forward. I apologize in advance, Rahul Sinha, okay, Daniel Levine, Gary Thompson, Gerald Fittipaldi, Pamla Moore, Michael Farrell.

FEMALE PARTICIPANT: Okay.

CHAIRMAN HOOD: Okay. Let's see if we can call two more. Brian Levy, Ann Hall, Courtney Tolbert, Riordan Frost, Marlene Jefferson and Commissioner Ron Lewis.

Good evening. Hopefully, you've filled out your witness cards and make sure the Court Reporter gets them. But we're going to start to my left, your right. And we're going to begin with Ms. McCarthy.

MS. MCCARTHY: Can I pass for a second, Mr. Chair to Mr. Alpert because I just got here and I'm filling out my witness --

CHAIRMAN HOOD: Oh --

MS. MCCARTHY: -- cards.

CHAIRMAN HOOD: -- okay.

MS. MCCARTHY: Yeah.

CHAIRMAN HOOD: Well, let me do
this, let me start from my right, your left, and let's go that way.

MS. MCCARTHY: Yes.

CHAIRMAN HOOD: Starting with Commissioner Lewis. That'll give you plenty of time now.

COMMISSIONER LEWIS: Good evening, Chairman Hood and members of the Commission. It is a great pleasure to be here tonight and to express strong support by ANC 2E for the proposed Georgetown residential house zone.

Our ANC has filed a resolution with the Commission, adopted unanimously, expressing strong support for the proposed Georgetown zone.

I'd like to say just a word tonight about both the collegial process that led to the Georgetown zone proposal and the substance of the proposal itself.

The process was a real opportunity to work collegially, as we like to do wherever possible, as you know, both within our community and with a very welcoming approach and
insightful guidance from the Office of Planning.

Within the community, the process was transparent and open with participants of differing views working together toward common principles and with broad community involvement at a number of well-attended --

VICE CHAIR COHEN: That's terrible.

COMMISSIONER LEWIS: -- open public meetings.

The Office of Planning with extraordinarily able guidance from Jennifer Steingasser and her team, welcomed our efforts and participated with knowledgeable, thoughtful and practical input throughout the process.

The whole process gave us the opportunity to think about some very basic land use issues and to think about the fundamental characteristics of the built-in environment in our neighborhood and why we like it so much.

And we're not the only ones who like it. Some 10,000,000 visitors a year come to Georgetown to visit the historic, excuse me,
residential streets and to shop and enjoy the restaurants making Georgetown an important economic center for the city, as well as a landmark historic district that's well worth preserving.

What we learned from the process is reflected in the proposed Georgetown zone. We learned that the differences in the houses, in their differing distances from the sidewalk and their height, their widths, their styles, their rear yards and the time at which they were built.

We think of Georgetown as old, and it is, but, in fact, each block can have houses built 150 years apart. And all of them are still old and all of them are different.

We looked at size and location of accessory buildings, lot coverage and setbacks. And we learned that development can and should be compatible with the purposes of the historic designation of the neighborhood and that the quiet residential character of the neighborhood can be retained while making some of the use
rules less restrictive.

This is reflected in the rules for corner stores and accessory apartments. We thank the Office of Planning very sincerely for the thought and work that went in the customized zone proposal.

And we thank the many community members who contributed insights and long hours of work on it as well, and, in particular, the citizens association of Georgetown which had a major role.

The proposed Georgetown residential house zone will protect the city's interest and protect the character of a unique neighborhood. We urge the Zoning Commission to adopt this residential house zone into the zoning regulations. Thank you very much.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. FROST: Good evening. My name is Riordan Frost. This is my first time at a hearing, so. And this is a testimony in support
of the zoning update.

And I actually didn't know that all of the things that were, with the accessory dwellings were allowed, so I apologize if some of this is redundant.

VICE CHAIR COHEN: Excuse me. Can you identify what Ward you're from?

MR. FROST: I'm sorry. I live in Chevy Chase neighborhood of D.C., Ward 3. So yeah, my name is Riordan Frost and I am a graduate student at American University.

And I urge the Zoning Commission to update this code because I think that doing so will improve the city by making it more accessible, affordable and welcoming.

I'm currently a graduate student getting my Ph.D. at AU and I live in one of the big apartment buildings along Connecticut Avenue in Chevy Chase.

And I really enjoy living in that neighborhood, you know, with it's commercial corridor and it's good transit options. And no,
I do not own a car.

And I really love living in D.C. and I also value living close to American University. This is true for young professional in general, but especially for students at AU, both graduate and undergraduate. Housing's very difficult to find, especially in the low-density neighborhoods.

The current regulations on accessory dwellings have resulted in a set of options for students like me that aren't really ideal for the District or for the students.

What students do now, is we either stack up four to five people in one-bedroom apartments, we rent out entire houses in neighborhoods or we live far away from the University, including outside of the District in car dependent areas, which necessitates another car commuter in the city.

The other alternative, one that is frequently chosen and not widely known, is for students and other young professionals to move
into accessory dwellings that aren't technically legal, which is a rational move, but one that results in people living in non-code compliant apartments.

Relaxing the strict zoning requirements on accessory dwellings will make low-density neighborhoods like Chevy Chase, AU Park and the Palisades more accessible to young professionals and students who then volunteer in the neighborhood, babysit or rake leaves for neighbors, add more eyes to the street and overall improve the vitality of these places.

There's also demonstrated need for housing in the District and more accessory dwellings would help increase supply and reduce cost, making the city more affordable.

For people like me, living in a garage or basement apartment is ideal because it provides a lower rent option to live close to campus as well as to be part of the neighborhood, more so than apartment buildings allow.

These dwellings also provide a
source of income for homeowners who may need it in order to stay in their beloved neighborhoods whether they are retired or just needing an extra source of income to stabilize themselves, as many Federal employees I think would appreciate.

I'm sort of concerned by the restrictions placed on accessory dwellings in the zoning update however. The proposed changes are good, but the restriction on non-vehicular uses of accessory dwellings, like a garage with an apartment on the second floor and a workshop or studio or anything other than vehicle storage on the first floor --

CHAIRMAN HOOD: Mr. Frost, I'm going to have to apologize to you because I did not -- I thought about that when the first bell went off. I did not announce it like I did Monday night.

MR. FROST: Yes.

CHAIRMAN HOOD: Because we have a number of people that are scheduled, even though I don't see all of them here, but they kind of
know --

MR. FROST:  Sure.

CHAIRMAN HOOD:  -- how we move and they're going to come later.  If we don't --

MR. FROST:  Have I already gone over three minutes?

CHAIRMAN HOOD:  Yeah.

MR. FROST:  Oh, all right.  I'm sorry.

CHAIRMAN HOOD:  Yeah, it's quick.  We'll let you --

MR. FROST:  So --

CHAIRMAN HOOD:  No.  I know --

MR. FROST:  Okay.

CHAIRMAN HOOD:  -- you're finished.

MR. FROST:  Oh.

CHAIRMAN HOOD:  Let me tell you how it works, and I want to say this to everybody, because we want to hear from everybody.  I do have a list here with a number.

You can provide testimony.  If we don't already have it in front of us, you can
provide it to us, the rest of it. But I would ask everyone, once you hear the first bell while you're speaking, know that you have one minute left.

Once you hear the first sound, you have one minute left. When that second sound comes, I always say although my parents didn't teach me to rude, but I'm going to be rude because we have a lot of people we need to hear --

MR. FROST: Yes.


MR. FARRELL: All right. Thank you very much. My name is Michael Farrell and I am a resident of Ward 5, Bloomingdale where I've lived for over 11 years now.

And I am here to support the zoning changes, especially, well, both the accessory unit and the corner store changes. And primarily because I'm concerned about affordable housing and being able to stay in the
District either as a renter or as a homeowner.

You know, as you may know, D.C. home prices are currently increasing at a rate of 22 percent a year, which is making it increasingly less viable for people of middle incomes to remain in this city.

So I'm hoping that the accessory unit provision will result in adding more housing units in a way that will not disrupt the appearance of existing neighborhoods and that will make it more affordable for people to stay here as renters.

I'm also hoping that this will provide a way to make it more affordable for people to stay here as owners, i.e. to rent out an accessory unit behind their home and be able to use that income to offset their mortgage.

And on a personal note, you know, I would like, you know, my mother's getting up in years, she's not able to or well, eventually will not be able to kind of take care of herself, but at the same time she wants her independence and
her privacy.

It would be great to have a place where I would be able to put in an accessory unit behind the house, you know, where she can live, but where it's easy for me to check on her. You know, maybe it would also be easy for her to provide, you know, childcare for any future, you know, Farrell's that may come along.

Also as far as like neighborhood appearance and security, alleys can sometimes be neglected spaces. Oh, and it's nice, I think it's a positive if more people could live on the alleys.

Lastly, some privacy in the outdoor space. It's nice if you can have a sort of a courtyard space in between the main house and the alleyway. Sometimes you get more privacy, more usable outdoor space out of that then you will out of a backyard.

Caveats; I'm concerned about coverage. I wish this were applicable to more places, most notably, Bloomingdale, where we
have some very long back lots.

And people have added some rather grotesque rear additions to their homes, which still, you know, which still meets the lot coverage requirements, but which don't really provide something esthetic or with a usable secondary dwelling.

Secondly, I'd like to make it easier for it to be new construction and not just existing dwellings. Again, provided that it meets the lot coverage and height and so forth requirements.

CHAIRMAN HOOD: All right.

MR. FARRELL: All right.

CHAIRMAN HOOD: Thank you very much. You can provide anything that if we don't have it, you can provide it to us. The record will open. Same for you, Mr. Frost. Okay, next.

MR. FITTIPALDI: My name is Gerald Fittipaldi. I live in Ward 4 in Petworth. I would like to thank you for the opportunity to
speak this evening. I'm here to voice my support for the proposal to allow corner stores in residential districts.

I grew up in a suburban neighborhood that lacked corner stores. One of the things I like best about living in D.C. is having the option to walk only a couple minutes to a corner store.

The items that I most commonly purchase at my local corner store include milk, orange juice, bananas, apples and avocados. I also indulge myself with the occasional candy and ice cream.

Corner stores bail me and my housemates out if we need to pick up paper towels or toilet paper in a pinch. I am fortunate enough to live half-a-mile from a large grocery store such as Giant and Target.

Being so close, allows me to walk or bike to get groceries. However, I can only carry so much on foot. A gallon of milk is quite heavy.
The combination of a corner store and larger grocery stores allows me to purchase heavy items like milk, a hop, skip and a jump away, while walking a little further for all the other essentials.

Take the corner store out of the equation and walking to get my groceries suddenly becomes a little less appealing. The threshold for getting around by car and adding to congestion is not far off.

I live in a notably high-density area. However, even residents living in lower density rowhouse neighborhoods, specifically the old R-3 zones, can benefit greatly by having corner stores.

Corner stores lead to fewer trips to distant grocery stores. If a resident forgets to pick up an item, he or she can step out of the house and return with the item within five minutes. No need to get in a car and deal with the crowds at the big box stores.

In addition to the convenience that
corner stores provide, they also both stir a sense of community. I know the workers at my local corner store. Every visit I make ends with a smile, if not a short conversation.

The community benefits also extend outside the doors of the corner store. The streets are more lively and feel much safer, particularly at night as the customers walk along the sidewalks.

One last benefit of corner stores is the independence they afford for both seniors and children. Some seniors don't drive. Having a local corner store gives them the ability to fill some of their needs without feeling like they're being a burden on younger family members.

Parents can send their children out for an errand when the corner store is close by and does not involve crossing any major streets.

I am glad to see D.C.'s progressive approach to updating zoning codes for corner stores. Thank you for listening to my story.
CHAIRMAN HOOD: Okay. Thank you very much. Let me also acknowledge Mr. Goldstein from Office of Planning. He's been here for a while for the record, so.

I know your deputy that I recognized is here, but in this case your director is listening, he's been here for a while. I just remembered to acknowledge him. Okay. I'm sorry. Thank you and next.

MS. MOORE: Turn it on. Thank you. My name is Pam Moore. I am president of the Citizens Association of Georgetown and former Chair of the Historic Preservation and Zoning Committee of CAG.

We are pleased to be able to give our support for the portions of Subtitle D applicable to Georgetown and in particular, the Georgetown customized zone set for in Chapter 11 of the draft regulations.

Our effort began several years ago when a community meeting on the zoning rewrite with a good bit of Q&A was held with
representatives from OP and the Committee of 100 on the Federal City.

After this introduction to the community, a CAG zoning subcommittee was formed. Similar to or following the comments of Mr. Lewis, after this introduction, we put together a subcommittee that included members of CAG, several ANC 2E commissioners and a member of the old Georgetown board.

This group brought to the table expertise in zoning law, architecture, historic preservation and a wide variety of views.

While other neighborhoods, such as Wesley Heights and Foggy Bottom, already had zoning overlays which were incorporated into the zoning rewrite, Georgetown had to start from scratch. In May of 2011 our initial draft customized zone was shared with the OP staff.

From our first meeting, Jennifer Steingasser and her staff have been good listeners, willing to hear our thoughts about what a historic district with a vibrant
commercial district wants to preserve and to help us work our way through this very large 50-year-old zoning document.

Jennifer told us that OP viewed the Georgetown customized zone as a useful prototype for other neighborhoods who may, in the future, seek customized zones for their neighborhoods as well.

It has been a pleasure to work with OP and I commend OP for how it has tackled this enormous rewrite job while responding to comments from us and others and engaging in sustained outreach to ensure the process was open and transparent.

One aside, the former CAG president, Jennifer Altemus, who worked closely with OP on the Georgetown University 2010 campus plan, asked me to thank all of you who worked very hard during that process to resolve the issues that were separating various parties.

And I am happy to report that the parties continue to work collaboratively and, so
far, very successfully to implement the new campus plan. Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. THOMPSON: Hey, good evening, Gary Thompson from Chevy Chase on the Ward 4 side where I've lived for over 20 years, in a past lifetime, Georgetown. I've been an ANC Commissioner for seven years and I met you all last night, so you know the background to the work we've done on our ANC in conjunction with our citizen task force.

We've submitted to you all our October 22nd letter with regard to Subtitle D and other matters. And in it you'll find specific comments about Subtitle D. We took a lot of time in our task force to work through these, so we hope you'll read them closely. And I obviously can't address them all tonight.

I just wanted to highlight a few things. We made a comment about D1501.2 which has to do with structures and other items that
sit atop rooftops like towers and domes, spires and other things.

Many of those have a ten-foot excess limit on top of the roof limit. And we saw some gaps there and think that you should close that off with a overall ten-foot limit on any such items.

Incidentally, our point in that regard overlapped with Subtitle C505. And that was one of our comments that C505 and C502, actually it's more C502, has to do with height limits in residential areas and it really ought to be part of Subtitle D.

If you want to know what the height limits are in residential areas, you kind of have to ping-pong back between D and C. And it just didn't make sense to anybody why we were looking at C.

So you'll see in our comments a whole lot of comments about Subtitle C502 which we'll reserve for another night when you're talking about Subtitle C.
So that gets me to the apartment issue. We had an outpouring of comment on this in meetings for years. Our task force met and it was open to everybody in our community without exception and we've reached a consensus after some pretty hard fought conversations.

With respect to interior apartments, we came out with a yes on that. Everybody feels comfortable with the conditions that are included that that works.

With respect to apartments and exterior buildings, we really did have a broad, broad point-of-view that they should be permitted only by special exception through the ANC.

Obviously, currently, in the current draft rags, there are situations that will continue to require special exceptions, but there's a couple of notable gaps in that, mainly for existing structures that are expanded in some way. You don't need a special exception anymore.
And I would say we had an outpouring of feeling in that regard from our elder residents in our community. They do want our ANC to continue to have that special exception role.

In fact, we thought about this a lot and we didn't think an ANC should have any subjective ability to reach any decision they wanted, it should be guided by objective criteria.

And D1606.4 has a bunch of criteria, but those are the conditions that you have to meet anyway and we wanted to try to define what those objective criteria would be.

And our comments include what we think they are, namely, that have to do with parking and interference with use and enjoyment. So an ANC could have some guide to deciding whether to grant a special exception or not.

Following that, in D1606.4(g), there's a provision that says the board could modify or waive any two requirements that it
would like. And we could never really quite figure this one out.

If there are requirements, why aren't they requirements? Why should the board have the leeway to waive any two they want. And at that, it's very vague as to what that means. Are they within the subsections of E or F or are they overall?

But, if there are going to be additional nonwaivable conditions, we think that the nonwaivable conditions should be expanded to include all of the clear requirements that are listed in 1606.4(e) and (f) and that for any waivers it should involve the ANC as well, so that we can weigh in on that.

Certainly, some people in our neighborhood felt that there should be total leeway to rent accessory buildings for apartments without any ANC involvement. And we heard those comments, they were really in the minority.

So after three years of hearing
about this from our community, I feel positive in telling you that we have strong --

CHAIRMAN HOOD: Okay.

MR. THOMPSON: -- support.

CHAIRMAN HOOD: Thank you. Thank you. Next.

MR. ALPERT: Thank you very much. Chairman Hood, members of the Commission, my name is David Alpert, a resident of Dupont Circle in Ward 2.

This accessory apartment proposal by the Office of Planning is an extremely important policy step. The Office of Planning has also proposed a very timid approach to solving serious problems in our city.

I want to just establish five propositions this evening. First, the city faces a significant crisis in housing affordability. Secondly, adding more housing, while not the entire solution, is a very important part of solving this crisis.

Third, OP's accessory apartments
proposal is a way to add such housing with very minimal impact as the comp plan, in fact, requests.

Four, in order to do this and add housing that we need and minimize the impacts, it's important for every neighborhood to be a part of the solution and find ways to accommodate more housing in that neighborhood.

And fifth, therefore, it is unfair and inappropriate to have granted one neighborhood, Georgetown, an exception to this overall rule without more specifically justifying the need for it in the record or going through a separate process where you make the decision to give it an exception.

I'll go through each of these in turn. I don't think you need me to justify why we have a crisis in housing affordability. But if you don't believe that, please ask me in the questions, I'm happy to talk about it.

We will not be able to ensure that people have the housing that they need and that
people can continue to afford it, if we do not have enough housing in the District to actually accommodate the numbers of people that want to live here.

If there are fewer housing units than people, the more wealthy residents are going to be the ones who get most of the housing and the less wealthy, and often seniors on fixed incomes and people in the poorest neighborhoods, are not going to be able to have the housing that they need.

If the pie is simply not large enough for all of the needs, then someone is going to get squeezed out and is getting squeezed out now.

The Office of Planning is proposing to allow people to rent out units in residential neighborhoods and this is a way to spread out any potential impact and do this in a way that effects neighborhoods the least.

It will not be able to create new buildings. In order to rent them out, it will have to be existing buildings. That means the
existing fabric of the neighborhood won't change.

People will have to continue to live in the houses ensuring that neighborhoods continue to be primarily owner oriented and that there's someone who care a great deal about the property.

The value of this is that it spreads out the impact. But if some neighborhoods are simply able to get out of that, it does not spread out the impact as much or we do not get the housing to the same extent.

Unfortunately, OP made a decision to simply write in, when they first wrote this rule, that this applies to everybody in R-1 through R-3 except for one particular neighborhood.

Now, it may be that there's a very good reason for this, but I emailed OP and they haven't sent me anything in response to my request about why, specifically, they think this is necessary.

It's not something in the CAG report
about the customized zone. That report simply says CAG agreed that they think that it's a good idea to have accessory apartments in interior units. I agree completely.

I think we should consider that the accessory apartment proposal should be the baseline here. If you had adopted that and then a neighborhood wanted an exception, they would ask you for one. They would have to go through a process where they would justify that specifically.

As I talked about in my testimony, in fact, the historic development and historic settlement pattern and the history of the 20th century in this particular neighborhood, in fact, specifically weigh against this being a neighborhood that should not have any alley-based accessory apartments or where we should create a significant speed bump to them.

I think it's a great idea for neighborhoods to be able to customize their zone and I'm glad that that's going to be a part of
the proposal.

   But any customizations should not be ones that deleteriously affect the rest of the city in some way, like, for example, making sure that there's not as much housing for the people that need it by exempting a neighborhood. Or if there is a very good reason to do that, that that should be much more specifically justified in a separate proceeding.

   We need these accessory apartments. We need them citywide because we need to add more housing in a number of ways. This is the easiest way to do that that does not affect many neighborhoods.

   There could be much more impactful ways, this is an easier way. I ask you to approve the accessory apartment rule and to apply it as well to R-19 and R-20, at least until there can be a separate proceeding on that issue. Thank you.

   CHAIRMAN HOOD: Okay. Thank you very much. What I'd like to do at this point,
Ms. McCarthy, if you'd indulge us. Yeah, I know she's next. Believe me, I didn't miss that point.

We've been joined by our Honorable Councilmember Ward 1. I'm going to ask, see if I can get Mr. Thompson to do me a favor.

MR. THOMPSON: Sure.

CHAIRMAN HOOD: If you can just step back in the first row?

MR. THOMPSON: Absolutely.

CHAIRMAN HOOD: I'm going to ask the Honorable Councilmember Ward 1, Jim Graham, if he can come forward. You know, our Councilmembers are very busy. We don't want to hold them up.

We want to be able to get his testimony and then, he can move on to the many other meetings that he has. So good evening, Councilmember.

COUNCILMEMBER GRAHAM: Well, thank you very much, Mr. Chairman. And I do happen to have just one more meeting tonight, but I do want
to get there and I really appreciate this opportunity. And I want to thank all of my fellow witnesses here for letting me do this.

I have a statement. You know, I'm embarrassed to say that I didn't think to make copies. Isn't that awful? After all the --

CHAIRMAN HOOD: Just remember --

COUNCILMEMBER GRAHAM: -- times I ask people to make copies and I don't make copies?

CHAIRMAN HOOD: Well, maybe when come before you, remember we didn't make copies. We might not --

COUNCILMEMBER GRAHAM: Did you have copies?

MR. ALPERT: I apologize. I didn't have time to fix that.

COUNCILMEMBER GRAHAM: Oh, okay.

MR. ALPERT: I'm sure they can make copies.

COUNCILMEMBER GRAHAM: You did?

Okay, huh. Okay. So I want to congratulate the
Office of Planning, the Zoning task force and the Zoning Commission for taking zoning regulations for on the zoning regulations review, ZRR, and for the comprehensive and effective process that has been created as part of revising our 1958 regulations.

I have come here today not with answers, but I've come here with questions and an inquiry that I wish to make of each of you. Over the past few years, everyone knows from observation in Ward 1 and elsewhere, an issue that's come to be known as pop-ups.

That happens when infill development dramatically differs in massing and design from the existing buildings. To some extent I've already raised this issue at a council hearing with the planning director, Harriet Tregoning.

I suspect this is a complex issue. One that involves chance, economic development, design, zoning, planning and the pattern of preservation and growth of our neighborhoods.
As part of the ZRR process, in the forthcoming zoning regulations, I'm asking you are there new means to address this situation? What is the authority of the Zoning Commission to do so? Is there legislation that I might introduce?

The fact of the matter is that many pop-ups comply with current zoning regulations. Context is part of the issue. That is, how does the massing integrate or not with the surrounding buildings and how does it affect the streetscape and the line of sight.

I understand that pop-up projects are created and perhaps become controversial and may involve numerous issues, but in Ward 1, if you look out my window of my apartment, I live at the Ontario, and you looked to Ontario Place, you see the back of a building which looks like somebody has built a warehouse on top of a historic rowhouse.

Well, and your place is the same way.

Recently, there's been a lot of attention paid
to the property on V Street between 10th and 11th, I think.

The Belmont Tower was the first one that we experienced an Adams Morgan. And on and on and on, we have them east of Georgia, we have them west of Georgia, we have them everywhere.

And, of course, a lot of this has to do with making a buck. There's a strong desire for profits that prompts developers to go into an area, buy one of these rowhouses and add two sometimes three floors, extend the back. And the result is, I think, an architectural nuisance.

Older areas have been rezoned, thus new structures may be different in massing height and even use. The increase in new infill projects in existing neighborhoods may be a direct reflection of increased demand, but I think the profit motive is what's driving this.

And in Ward 1, every part of Ward 1 is a red hot real estate market today. Execution and administration of compliance with
the zoning regulations may not be equitable throughout the city.

And I wonder, I hate using this kind of reference and I've heard this for 15 years on the council, and I hate saying it, but why don't we have pop-ups in Georgetown? Why aren't there no pop-ups in Dupont Circle? Why are there pop-ups, you know, on Kalorama and on Ontario and Ontario Place?

Some of the zoning is similar, but pop-ups don't appear there, but they appear in our areas. So I wonder about that. Are there pop-ups in Georgetown and if not, why not, if you could tell me.

A project's designed as new or a poor quality and difference from the existing nomenclature. Is there proper review for these types of occurrences? Why body has or should have jurisdiction?

How do we create an environment that will encourage good urban development and not be overburdening with numerous reviews often by
those not qualified for such tasks?

What controls can Government have on areas that are changing and buildings that are constructed in compliance with current zoning and building regulations?

And historic districts are not exempt. There's no guarantee that if you're in a historic district that you can't have these.

It is clear to me that zoning is a tool used by local Governments to manage the physical development of land and regulate it's use in order to protect our residences while enhancing quality of life.

Can the Zoning Commission review neighborhoods that were rezoned to levels that are dramatically different than the current building contacts to see if zoning is appropriate for today and into the future.

It is my understanding that in the ZRR, the Office of Planning and Zoning Commission are not proposing to lower the permitted heights of structures in any zone.
There that is, is part of the zoning regulations rewrite. The city is not being remapped and zone districts are not changing.

There is, however, one change to how height is measured in lower density zones. I'm advised that currently height is measured to the underside of the top story, allowing additional massing above that height.

I understand further, that the Office of Planning has proposed to change this to measure height to the mid-point of a pitched roof or the top of a flat roof. This could result in a reduction in the massing and visual height of the building.

I'd like to really learn more about that. This may be an excellent way to manage more contextual or sympathetic heights of new structures without requiring the burden of design review or review by the historic preservation review board.

Are there other ways that the new zoning regs couldn't address this issue? I
understand that the Zoning Commission can
address any issue related to zoning and is, in
fact, an unchecked legislative body on these
matters.

Are your intentions to address the
issue of pop-ups in some form or fashion as part
of this review? The height, use and lot
occupancy in every neighborhood can be
restricted and it is restricted in every area of
the city by zoning.

Our review structures are only to
match what currently exists, then there's a
simple course of action, zone areas to reflect
what is already there.

I'm here this evening with these
questions, and let me repeat. What is the
Zoning Commissions intent in addressing the
issue of pop-ups? Is there any authority vested
with the Zoning Commission that addresses this
issue aside from remapping and down-zoning areas
with existing structures?

As I think most of the pop-ups are
conforming to zoning regulations, otherwise there would be an address, they would be redressed to their existence, are there other means or thinking within the D.C. Government to address this circumstance?

I'm aware that this may be a complex topic, but I request that you provide for me answers to these inquiries made this evening and to provide me with a good idea of how the Zoning Regulation Review and Zoning Commission may address this issue. Thank you very much for your consideration and patience. Thank you.

CHAIRMAN HOOD: Okay. Thank you, Councilmember. You can make sure that we get a copy of that, so we can make copies for all of us. And also we will follow-up with your questions and the issues that you have on the pop-ups because it brings --

COUNCILMEMBER GRAHAM: Mr. Chairman, I thought it might fit tonight because you're dealing with residential tonight and --

CHAIRMAN HOOD: It's exactly in
COUNCILMEMBER GRAHAM: This is a very hot issue in the neighborhoods I represent, very hot issue. And every new one that is added to the landscape, you know, provokes a great reaction and controversy.

CHAIRMAN HOOD: I think I heard that some years ago from Ms. Hargrove, so I think, yeah. Yeah, so I think that is an issue and that's why I wanted to make sure we get your testimony. You have some good points. Commissioners, any questions of Councilman Graham? Commissioner May?

COMMISSIONER MAY: Yeah, I just wanted to ask, I mean, you raised question of some of the neighbors that this really isn't being experienced. And I don't recall the exact list that you cited, but it occurred to me that all of them were historic districts and so they would have to go through historic preservation review and the permitting process.

And, you know, if it's, I mean, I've
had to do that, I live in a historic district and you have to get that check off. And there's quite a lot of scrutiny that happens even at the staff level. You know, to the point of making sure that you have the right, you know, mullions in your windows and things like that if you're going to do an addition on the back of your house.

So that it's quite thorough even at that level when you're in an historic district. When you're not in an historic district, you know, anything goes. And that shows in the historic district that I live in because once you get outside of it, that's where you start to see the pop-ups.

So, you know, I'm wondering if there actually is a greater protection in the historic districts that could be replicated. Although I'm not sure that that's something that we can do in zoning. It may be something that has to be done in the building permitting process or with Office of Planning review as part of that. I don't know.
COUNCILMEMBER GRAHAM: Well, I can tell you, I know of two and possible three experiences that come immediately to mind. On Kalorama Road, just east, is it Kalorama? Yes, I think it is. Just east of Connecticut which is in an historic district, you know, these pop-ups were recently approved despite the objections of the people who live in the apartment building on Connecticut Ave.

COMMISSIONER MAY: Yes.

COUNCILMEMBER GRAHAM: And they are now in court, but it went through the HRPRB and it's been approved. The same is true on Oakwood Terrace which is in Mount Pleasant, which is a historic district.

And the latest word on that is that they have been approved to a height that is far higher than anything in the neighborhood and it's going to change the whole line of sight in Oakwood Terrace.

COMMISSIONER MAY: Right.

COUNCILMEMBER GRAHAM: And if I'm...
not mistaken Lanier is in a historic neighborhood and here again, they have been approved. So the mere fact of a historic district, I used to think what you've just said, but the mere fact of a historic district is not a sufficient guarantee at all because the HPRB can sign off --

COMMISSIONER MAY: Right.

COUNCILMEMBER GRAHAM: -- on the developments of the house.

COMMISSIONER MAY: And I didn't mean to suggest that it was a --

COUNCILMEMBER GRAHAM: Oh.

COMMISSIONER MAY: -- guarantee protection, but it adds a layer of protection that is apparent.

COUNCILMEMBER GRAHAM: Well, it hasn't worked at any Ward 1 neighborhood that I'm aware of.

COMMISSIONER MAY: Right.

COUNCILMEMBER GRAHAM: Now, whether this worked somewhere else, that's a
question I leave with you --

COMMISSIONER MAY: Right.

COUNCILMEMBER GRAHAM: -- so you can tell me if we have a double standard or a triple standard here. But it hasn't worked where we live.

COMMISSIONER MAY: Okay.

COUNCILMEMBER GRAHAM: Thank you.

CHAIRMAN HOOD: Other questions.

Okay. Thank you --

COUNCILMEMBER GRAHAM: Thank you, Chairman --

CHAIRMAN HOOD: -- Councilman.

COUNCILMEMBER GRAHAM: -- Hood.

CHAIRMAN HOOD: Appreciate you coming and giving --

COUNCILMEMBER GRAHAM: I'll get you --

CHAIRMAN HOOD: -- testimony.

COUNCILMEMBER GRAHAM: -- the copies --

CHAIRMAN HOOD: Okay.
COUNCILMEMBER GRAHAM: -- with my apologies.

CHAIRMAN HOOD: Well, you can just give us one and we'll the make --

COUNCILMEMBER GRAHAM: Oh, you just want to --

CHAIRMAN HOOD: -- the rest of them.

COUNCILMEMBER GRAHAM: -- take one?

CHAIRMAN HOOD: Yes --

COUNCILMEMBER GRAHAM: Oh.

CHAIRMAN HOOD: -- we'll take one and we'll make the rest.

COUNCILMEMBER GRAHAM: Thank you very much.

CHAIRMAN HOOD: Thank you. Okay.

Ms. McCarthy. Thank you very much.

MS. MCCARTHY: Good evening, Mr. Chair and members of the Commission. I'm here to express the strong support by Ward 3 vision of the proposed zoning update, particularly the proposed changes to accessory apartments.

ADU's are a long-standing way of
accommodating those in search of reasonably priced housing and providing extra income for potential home buyer's or those who wish to supplement fixed incomes and age in place.

In the 1950's when the District population topped 800,000, our homes were teeming with extended families, borders, tenants in English basements, carriage houses and other accessory units.

Even now, many low-density single family neighborhoods like mine, have numerous renters in accessory units, in basements or in stand-alone structures in their rear yards, mostly illegally converted because of the time and expense of having to go to the board of zoning adjustment to get permission to formally create them.

And I would say, in light of what you will probably hear later tonight, we have not experienced any of the horrors or adverse effects to our neighborhoods because of these units that you are likely to hear later.
There are many reasons Ward 3 vision supports ADU's, one, creating an inclusive city. Given the price of land in places like upper northwest, opportunities to build large, new, affordable apartment buildings are limited.

But with ADU's, inclusionary zoning, affordable housing proffers and new PUD's, we can begin to make some progress in allowing those with more moderate incomes to have access to the same public benefits we enjoy, good schools, nice parks and playgrounds, libraries, community centers, et cetera.

It's only one tool, but there's a strong reason to add this arrow to the quiver. Two, supporting the widespread desire to age in place. An enormous interest that has been evidenced by older resident's in D.C. to age in place in their homes as long as possible, has been very notable.

The ability to create an apartment for additional income or to accommodate renters who can provide care or household maintenance
while still providing privacy for the primary homeowners is an excellent benefit of ADU's.

Three, you can accommodate additional families without putting undue pressure on housing costs. One very difficult public problem we face is how can we provide more reasonably priced housing options for families.

Construction of new, larger units is expensive and new supply has been limited. One policy that OP and the Commission have pursued is to change the zoning in some areas with larger houses to discourage the conversion of these structures to condos.

Conversions which not only reduce the inventory of larger homes, but create upward price pressures making it difficult for families to compete with potential condo developers when houses come on the market.

ADU's because of the requirement that the owner must remain on the premises, accommodate some additional residents, but without the substantially greater price
pressure that would result from converting an entire building and selling off three or four units. The easiest way to provide affordable family housing is preserve what we have.

Four, support the housing market. Many in large, low-density neighborhoods have expressed fear that ADU's will devalue the neighborhood. I believe exactly the opposite is true.

Few recognize the enormity of the baby boomer age cohort that many of us present large house owners are part of. Nor do they realize that the Gen Xers who come after us are a drop in the demographic bucket and have much more limited wealth accumulation than we had.

As a result, people in Ward 3 and many other sections of the city should support not oppose a policy that permits younger folks who will want to purchase larger homes, to have the ability to add rental income in order to qualify and afford a mortgage.

Five, we need to support the
continued economic health of the District and the region. The report I attached to my testimony shows that we will need more than 700,000 net new housing units in the next 20 years, yet we will likely fall short by over 150,000 units based on our current rate of construction.

If our employers can't recruit the talent they need to fill jobs because people can't afford housing within reasonable commutes, our children won't have jobs, the tax revenue won't be there for our aging population, our economic development will be stymied.

Again, ADU's not the sole answer, but they're an important tool. In fact, we would suggest going further and eliminating the restriction in 1606.1 against having more than one ADU --

CHAIRMAN HOOD: Ms. McCarthy.

MS. MCCARTHY: -- on the premises.

CHAIRMAN HOOD: Ms. McCarthy.

MS. MCCARTHY: That's fine.
That's --

CHAIRMAN HOOD: Okay.

MS. MCCARTHY: -- just, right.

That was the last one.

CHAIRMAN HOOD: This is rough and I've been knowing you a long --

MS. MCCARTHY: Yeah.

CHAIRMAN HOOD: -- time. Mr. Frost would say he's showing favoritism, but I can't do that. Okay. Commissioner, and you can provide, if we don't have your testimony, you can provide it.

MS. MCCARTHY: You should have my --

CHAIRMAN HOOD: Okay.

MS. MCCARTHY: -- testimony.

CHAIRMAN HOOD: Good. We got quite a bit. We probably do have it up here. All right.

MS. MCCARTHY: You should have it here.

CHAIRMAN HOOD: Okay. Let's see if we have any questions. Mr. Miller?
COMMISSIONER MILLER: Thank you, Mr. Chairman. Thank you, each of you, for your very thoughtful testimony. Let me ask you, Ms. McCarthy. Why do you think we should eliminate the restriction of only one ADU per property?

MS. MCCARTHY: Thanks for the question. Because I think if you retain the limitation of no more than six individuals total on the lot and you retain the restriction that the owner has to remain in at least one of the structures on the lot, you've guarded against the potential adverse impacts.

And particularly, if you retain the requirement for a special exception for ADU's and accessory buildings, then I think you've guarded against any adverse impacts that might occur because of impacts of building additional unit on those who back up to that rear yard.

But I think there's also a real positive that I became very aware of when I had a lab who needed to be walked a lot. And we would frequently walk down alleys and realize that so
many of the homes in these R-1 through R-3 districts have built these very tall fences at the back of their property, so that there are no eyes on the street in the alleys.

If you're walking down the alley, nobody knows that you're there. Whereas, when I walk down the alley that's between Legation and Livingston, there are two accessory dwelling units in accessory structures there. One at the base and one at the top of the alley.

And I always felt like if there were someone looking to do ill or looking to, you know, rob somebody's garage or other places, that at least there were people in those structures that could keep an eye on what was going on.

COMMISSIONER MILLER: Thank you.

CHAIRMAN HOOD: All right. Any other questions? Okay. I'm going to thank this panel.

VICE CHAIR COHEN: Quickly.

CHAIRMAN HOOD: Okay. Vice Chair.
VICE CHAIR COHEN: Yeah, I'd like to ask either Mr. Lewis or Ms. Moore. Georgetown actually took it upon themselves to initiate this special planning, is that correct?

MR. LEWIS: That is correct. Well, we followed the invitation --

CHAIRMAN HOOD: Mr. Lewis, you want to turn your mic on.

MR. LEWIS: It's not -- oh, thank you. It is, but we did so because we followed the invitation in the public materials that customize zones, where appropriate, would be entertained and we appreciated that because of the new ZRR, we had lost the opportunity for a zoning overlay the way so many other neighborhoods already had.

So we took that invitation very seriously. We had open meetings all through the community on this. And what I did not hear Mr. Alpert say was any objection whatsoever to almost all of what is in the Georgetown customized zone, the lot coverage, the setbacks,
the height, the accessory building placement, the corner stores, all of this is justified by the physical characteristics of Georgetown.

And in the case of the corner stores, by the fact that Georgetown is already the most accessible neighborhood in the city, with a thriving business district within walking distance of every house and with corner stores sprinkled throughout the neighborhood.

The only thing he objected to was the relatively modest differences in the accessory apartment dwelling unit provisions and those were driven by the characteristics of Georgetown that are well-known to this Commission.

You know, we had over a year of hearings on what happens when there's excessive density from group houses in Georgetown and how it does affect the quality of life.

And these very minor changes simply require a zoning exception process, so that someone who says he lives in the house will testify to that under oath and there will be some
protection so that you can't do it lightly.

VICE CHAIR COHEN: Councilmember Graham said that, you know, pop-ups were just a Ward 1 issue. Are they in your neighborhood at all, do you know?

MR. LEWIS: Pop-ups give temporary retail is not really --

VICE CHAIR COHEN: No, I think he's talking about the height of --

MR. LEWIS: Oh.

VICE CHAIR COHEN: Yeah.

MR. LEWIS: Well, no, we were so protected by the old Georgetown board, Fine Arts Commission, HPO, that whatever zoning says, I took pop-ups differently. It's funny you said that after a Christmas retail in the parking lot of the bank, we do have that. But, no, because of the historic preservation review process is very stringent and that doesn't happen.

VICE CHAIR COHEN: I know. And thank you.

CHAIRMAN HOOD: With the exception
of Commissioner Lewis and Mr. Alpert and Ms. McCarthy, could you all, the rest of you tell me, and maybe you too, especially you, Mr. Thompson because I know your ANC was involved, could you four tell me how you found out about the ZRR process and how long you've known about it? I'm just curious.

MS. MOORE: I've known about it, actually, I think since the process, probably three years.

CHAIRMAN HOOD: Okay. And I'm just curious, how did you find out about it, in the news or on the --

MS. MOORE: Well, I was Chairman of the Historic Preservation and Zoning Committee and so, of course, we were aware that this was going to be considered.

CHAIRMAN HOOD: Okay. Yes.

MR. FITTIPALDI: I first found out about it probably a couple months ago. I've lived in D.C. for one year and I attended a move D.C. transportation meeting that was open to the
public.

CHAIRMAN HOOD: Was that the one where they were serving pizza?

MR. FITTIPALDI: No --

CHAIRMAN HOOD: I'm just curious how people find --

MR. FITTIPALDI: -- not this one.

I don't --

CHAIRMAN HOOD: Okay.

MR. FITTIPALDI: -- think so, but.

CHAIRMAN HOOD: Okay. Okay. All right.

MR. FITTIPALDI: That'll get me there too, but --

CHAIRMAN HOOD: It would have got me if I could've went. Yeah.

MR. FITTIPALDI: Yeah.

CHAIRMAN HOOD: Okay.

MR. FITTIPALDI: But I had someone from the Coalition of Smarter Growth approach --

CHAIRMAN HOOD: Yeah.

MR. FITTIPALDI: -- after I spoke
there --

CHAIRMAN HOOD:  Asked you to come

MR. FITTIPALDI:  -- Cheryl --

CHAIRMAN HOOD:  -- testify.

MR. FITTIPALDI:  -- Cort.  Yeah,

she actually asked me --

CHAIRMAN HOOD:  She asked you to

come on --

MR. FITTIPALDI:  -- to testify --

CHAIRMAN HOOD:  -- and testify.

MR. FITTIPALDI:  -- in general.

CHAIRMAN HOOD:  Okay.

MR. FITTIPALDI:  So, yeah.

CHAIRMAN HOOD:  Good.  All right.

Thanks.  Next.  I'm just curious.

MR. FARRELL:  Yes.  Yeah, I'm also

on the Coalition for Smarter Growth.

CHAIRMAN HOOD:  Oh.  Well, she

asked you to come testify also.

MR. FARRELL:  And I saw what was

going on and volunteered, so.  And I wasn't

approached personally, no.
CHAIRMAN HOOD: Okay. Okay.

Next.

MR. FROST: I'm just as susceptible to free food, so. But I was also on the Coalition for Smarter Growth --

CHAIRMAN HOOD: Okay.

MR. FROST: -- email list.

CHAIRMAN HOOD: All right. I want to thank each and every one. And Mr. Lewis, I want to properly thank you for the other endeavor that you helped us with that worked out with this Commission and what you did.

I hope it working out, but I think that went very well and I appreciate all the work that you and your colleagues have done to make that work also.

MR. LEWIS: Thank you, sir. I'll be here on the 25th when --

CHAIRMAN HOOD: Oh, I might have spoke -- did I speak too soon?

MR: LEWIS: No.

CHAIRMAN HOOD: Oh, okay.
MR. LEWIS: When a matter comes up --

CHAIRMAN HOOD: Okay.

MR. LEWIS: -- as follow-up and I'll be able to give a very positive report.

CHAIRMAN HOOD: Oh, good. I'll make sure I'm here on time that night. Thank you very much. Thank you all. We appreciate it. Thank you. I don't have those.

MALE PARTICIPANT: I don't.

CHAIRMAN HOOD: Okay. Let's go with Cheryl Cort, Myles Smith, Carol Aten, Tad Baldwin, Nancy MacWood. And I'm here and mess up somebody's name, Ksenya Gurshtein, Jonathon Tomer.

FEMALE PARTICIPANT: Good luck, Commissioner?

CHAIRMAN HOOD: Cliff Majersik. Let me see how many we have. Okay, the last name I called was Cliff Majersik. Let me see, how many seats do we have left? We have two more. Let's fill them up. Jonathon Tomer, Steven
Feingold, Alan Budde.

Okay. And if I mispronounced anyone's name, forgive me. We're going to start from my left, your right. And you may begin.

MR. TOMER: Hi. My name is Jonathon Tomer. I live in Bloomingdale in Ward 5 and I actually thought that I was going to be talking about corner stores, but hearing some of the testimony has inspired me to speak a little more than I planned about accessory dwellings, which I also, I wholeheartedly support the proposed changes and encourage the Zoning Commission to follow through on them.

The reason I want to talk about them is because of the nature of the objections I've been hearing, which mostly fall in the neighborhood of, not in my neighborhood, not in my block, I don't want to see this from my backyard.

Essentially, people wanting to protect what is basically an elite status of living in a nice old rowhouse in a low-density...
area and not having to see people who maybe can't afford half a million dollars for a house or not having to have their skyline change ever.

I just want to note that it's really ironic, a lot of the rowhouse neighborhoods in D.C. were actually originally constructed as very low quality cheap dwellings.

And if the farmers who owned the land before them had petitioned the Zoning Commission to enforce three or five-acre zoning, like the people in West Loudoun County do every year, those houses wouldn't exist. People wouldn't be able to live in them. Cities change. Places change. And that's good.

And populations grow, and we shouldn't restrict the growth of those populations to the elite few who can afford the oldest, utmost, unchanging dwellings.

Anyway, that's enough moralizing. I came here to talk about corner stores for a much more personal reason. I, myself, moved into the District in 2007 from Reston, where I used to
drive 25 minutes each way to work and ten minutes
to the grocery store and basically all over the
place.

And I didn't realize until I lived
here how much that sucked. Now, I bike to work
and I'm just so much happier not being in a car
for an hour to three hours a day depending on
traffic.

The real big weakness is if I need
to go shopping. Huge grocery stores are well
and good, but they can only be far away from me
because they're huge. And having the ability to
walk somewhere or bike somewhere nearby to get
most of my needs is really just makes a big
difference in my quality of life.

So I strongly support the proposed
changes to corner store regulations. In fact,
I don't think they go far enough. I think it
should be a lot easier than even the proposed
changes. I think that the BZA should have a lot
more authority to waive requirements for
example. Thank you.
CHAIRMAN HOOD: Thank you very much. Next.

MS. CORT: Thank you Chairman Hood and Commissioners. I'm Cheryl Cort with the Coalition for Smarter Growth. And I, again, want to thank the Zoning Commission Office of Zoning and Office of Planning for their extensive public outreach on a process that started in 2007.

We're gratified to see that this proposal, though it has many, many compromises in it through so much public engagement, we do believe that it is achieving the essential objectives to create a revised zoning code that makes our city more walkable, sustainable, affordable and a code that's more understandable.

I wanted to address two specific issues in Subtitle D. First, our strong support for the accessory apartments provisions. We, overall, support these provisions to allow an accessory apartment as a matter of right.
We agree with most of the provisions, although, we question the 24-foot alley requirement. Twenty-four feet is wider than some streets and the wide standard could disqualify many existing accessory apartments in historic neighborhoods.

A 20-foot standard is actually pretty common for fire trucks with their outriggers. And narrow widths can also be considered under different fire code standards. So we ask the Zoning Commission to evaluate this incredibly wide standard of 24 feet.

In general, we just wanted to express our support for easing the restrictions on accessory apartments, which can be perfectly compatible with neighborhoods.

Encouraging accessory apartments is an important part of providing new housing opportunities. It can benefit renters, homeowners and the neighborhood. And especially older neighborhoods may have very adaptable housing stock, especially as our
household sizes have gotten smaller and smaller.

   We might be housing the same number
of people, just in separate units on the site. We know that this has been a contested issue, but
we think that it's logical to allow accessory
apartments in lower density residential
neighborhoods to give older homeowners the
opportunity to better use underutilized space
when they become empty-nesters.

   And to allow for as people age, allow
for additional benefits of renting an accessory
apartment including companionship, helping with
home maintenance, personal services in exchange
for lower rent.

   And for new home buyers, this can
help people qualify for a larger loan. It may
be the case that a young family wants to buy a
larger home that they can't really afford
without the additional income from the accessory
unit.

   But as they proceed in their career
and maybe as they have a growing family, that is
a way to adapt their home that in the future maybe
they wouldn't use it as an accessory apartment
as they have a growing family.

So there's a lot of benefits to the
adaptation of our housing stock to better
respond to the affordable housing needs to the
needs as we, at different stages of our lives,
we need different things and this helps us do
that.

And furthermore, by easing the
restrictions on these units, we can also make
sure that we bring unpermitted units above board
and ensure that everybody has legal protections,
landlords, renters in the neighborhood and also
that the safety standards are met for these
units.

Regarding corner stores, we also
wish to express our support for legalizing
existing corner stores and permitting new corner
stores. The provisions have been debated and
many compromises have been made.

These are rather restrictive
provisions for corner stores, but we appreciate the effort to balance the wanting to provide the benefits of a walkable neighborhood with the potential negative impacts of commercial activity next to home. So we appreciate trying to strike that balance.

I used to live on Brown Street in Mount Pleasant and we had a corner store on the next block. And I thought it's sort of a great example of a small neighborhood store where you could just pop in and get some sugar when you ran out of it for your morning coffee.

These are the kinds of stores that really offer a certain level of walkability and convenience that I think is quintessentially a city convenience. And we think that the corner store provisions are very conservative, thoughtful and will be helpful in making the city a more walkable and convenient place. Thank you.

CHAIRMAN HOOD: Great. Thank you.

Next.
MR. BALDWIN: Good evening. My name is Tad Baldwin. I'm a 43-year resident of Chevy Chase D.C. neighborhood and a city planner by training. I'm testifying tonight in strong favor of the proposed accessory apartment zoning regulations for four important reasons.

First, these units have the potential of being an important source of affordable housing in an increasingly high cost city. The ADU program is a wise way to maximize the capacity of our existing housing stock.

Before retiring I spent most of my career as an affordable housing developer in Montgomery County. And much of that time was spent seeking grant funding to write down the cost of apartment rehab projects, especially when total development costs for modest two-bedroom units began to soar over $200,000.

There would never be enough subsidy funds to make an adequate number of new or rehab units affordable to lower wage earners.

Secondly, diversity in
neighborhoods can be achieved by the presence of smaller rental units in ownership communities. ADU's would provide room for both younger and older residents, two groups with special affordable housing needs.

Diversity makes life more interesting. Some critics think this program will lead to stranger danger, but I consider that additional eyes on the street are far more beneficial, especially in neighborhoods such as mine which is largely deserted, except for the elderly, since the two-wage earners are gone all day.

Thirdly, additional income would be generated by elderly homeowners to help them afford to remain in their neighborhoods. Reduced retirement income is often not enough to afford today's costs.

Fourthly, to allow homeowners to become law abiding citizens again. There's currently widespread violation of the existing law with existing and new often basement
apartments being rented to unrelated individuals.

The new proposed code is more restrictive in the number of ADU's permitted, but is a more reasonable statute. The required presence of a homeowner in their principle residence provides ample controls.

The one change that I would suggest to this section of the code is the reduction of the minimum square footage of 2,000 square feet.

My own four-bedroom, two-and-a-half bath home is assessed at nearly $1 million and yet falls below the minimum size. I'd suggest 1,750 square feet is a more reasonable minimum. More than half the D.C. homes would be excluded at the 2,000 square foot level. Thank you for the opportunity to testify tonight.

CHAIRMAN HOOD: Great. Thank you. Next. Turn your mic on. The light's up, down on the base.

MS. GURSHSTEIN: There we go.

CHAIRMAN HOOD: Okay.
MS. GURSHSTEIN: Good evening. Thank you for the chance to testify. My name is Ksenya Gurshstein. I live in Ward 6.

I came because I wanted to share my story, which is one of somebody who really benefitted from an existing accessory dwelling and I think a lot of people like me would benefit from them as well.

I moved with my partner to D.C. in the fall of 2011 and for two years we lived in a basement apartment on Capitol Hill, an area where, you know, never in a million years we'd be able to afford to buy something.

We lived in the basement apartment. I think we were a great addition to the neighborhood. It was really walkable. We spend almost all of our money locally. I think the people who converted the apartment when they first got the house had been, you know, complete dirt basement, nothing there.

You know, they added a huge amount of value to their house. It provided them with
additional income. They were retirees. And I think it added economic diversity in us to the neighborhood as well as additional income.

So I think for all of those reasons it makes sense. And the other thing is that it allowed us to get to know Capitol Hill and the surrounding area. And so when it came time for us to buy, we decided to stay in D.C. because we liked the neighborhood so much and we knew sort of the southern part of the city.

So now we live in southwest near the waterfront metro partly because it was close to where we used to live near Navy Yard and we felt sort of really attached to the neighborhood.

And the last thing I wanted to say is that now as a new first time homeowner who works full-time, is also looking for a new job, I applaud the intention of the new regulations to remove red tape as much as possible.

It is hard enough to have to deal with contractors for months and months. We're redoing our condo. So I think to the extent that
is possible, I think it's a great idea to allow people who are working full-time and who are new homeowners buying homes in D.C. to supplement their income and to do construction on existing structures or in basements. Thank you.

(Off mic comment)

CHAIRMAN HOOD: Oh. Thank you.

Next.

MR. FEINGOLD: Hi, my name is Steven Feingold. I'm a relatively recent person to the District. I moved here about six months ago with my girlfriend. And I'm one of those people that I lived in Ward 4 and 4-D.

And I'm one of those people who lives in an basement apartment, but if you ask my landlord, he would say that we're roommates because it's not in the current allowed.

And I just want to say, you know, the fact that we are able to have this basement apartment, it's very affordable, we wouldn't have been able to move within the District probably without it.
She's doing an unpaid internship and I'm still looking for work, so the fact that we're able to have such low-cost housing is of great benefit to us.

Additionally, you know, it's a great help to my landlord. We look out for rodents in the basement because he's afraid of touching a dead mouse and I take them out for him. You know, so it's benefitted him.

He has a very nice kitchen thanks to the money we pay him, as well. And it's, you know, it's a personal relationship with the landlord that you don't get in a normal apartment complex. And I think that's really nice to have.

You get to know your landlord. You can be on friendly terms if they're, you know, hopefully a friendly landlord as opposed to some apartment manager who you maybe never see or they just hire a staff person to take care of you. So I just want to say I'm a strong supporter of making it easier to have accessory dwelling
CHAIRMAN HOOD: Thank you. Next.

MS. ATEN: Mr. Chairman and members of the Zoning Commission, my name is Carol Aten. I live in Ward 3. I have lived in three different sections of the Palisades over the last 40 years.

I'm testifying as an individual citizen, frankly struggling to understand the implications of the proposed new zoning code on my community and the city. I have submitted my statement for the record and will just touch on a few points this evening.

My basic concern is that the new code does not do enough to protect the character of neighborhoods. Sort of similar to Jim Graham's concern.

I believe our neighborhoods are a very important part of our city. Over 100 interesting neighborhoods, each with their own character.

There are a number of policies and
action items in the land use element of the comprehensive plan that encourage variety, conservation, enhancement, revitalization, protection of single family neighborhoods and discourage tear-downs.

I've attached some excerpts for the comp plan to my submitted testimony. One of the specific action items in the comp plan is called avoiding mansionization.

Two of the biggest problems in my neighborhood are tear-downs and mansionizations. Tearing down existing houses to build bigger ones and enlarging existing houses to two or three times their original size, which were pretty reasonably sized in the beginning.

I'm sure that all of the Palisades bungalows are doomed, which is a shame because they are part of the history of our area and our city and some of the most affordable housing in our neighborhood.

Briefly, let me summarize my
concerns and objections. Height and size; height and size are important because the predominant character of many older neighborhoods, including mine, is one or two stories and less than 40 feet.

Two recent remodelings near me, one in front and one in back, have more than doubled the size of the houses. These look like behemoths and are out of scale in the neighborhood.

The proposed zoning rules have the same height limits as current zoning rules, 30 feet, I mean, 40 feet and three stories with some slight changes on how the measuring is done. Obviously, this has not been working.

The avoiding mansionization action item in the comprehensive plan says consider adjustments to the District zoning regulations to address the construction of excessively large homes that are out of context with the surrounding neighborhood, mansionization.

These adjustments might include the
use of a sliding scale for maximum lot occupancy based on lot size and application of floor area ratios in single family zone districts to reduce the excessive building mass.

I believe the new zoning rules need to set height limits at the level that is predominant in the area and the FAR should be limited in relation to lot size to avoid tear-downs and mansionization.

Front setbacks is another area that is important. And there's an attempt to eliminate erratic looking streetscapes in the current proposed rules. However, it won't be solved by allowing construction to replicate the extreme anomalies.

Currently proposed is a range between the furthest back and the furthest forward. I would suggest that something more like the Georgetown approach that says either that front setbacks consistent with an immediate neighbors or one of them or that the range be narrowed to throw out the extremes and create a
narrower range or some other kind of alternative
to create a more pleasing streetscape.

I have made other points in my
testimony, but I'll stop there. Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MS. MACWOOD: Good evening. I'm
Nancy MacWood testifying Committee of 100.
Most of the proposed changes to the zoning code
affect low and moderate density residential
zones.

Among the positive recommendations
are measurement of height from the existing
grade, although, this should be extended to
accessory structures, by-right, accessory
dwellings created in the home and limits on
rooming house occupation.

However, there are also new
permissions that have a high potential to alter
neighborhood character in a way that many
residents are not expecting and will not
welcome.
It's important to have a common understanding what the purpose of single family zones include. The current code describes R-1 through R-3 zones as providing family-oriented environment. And the R-1-A and R-1-B zones add that they are intended to be quiet residential zones.

While it may not be in vogue to choose yards and larger homes over downtown condo, the District's comprehensive plan emphasizes that we strive to maintain a variety of housing options for the broadest possible demographic at different stages of life.

It's less important that OP has removed quiet from the purpose statement, then what they proposed to intensify the use of single family properties.

Recreational roof structures up to ten feet above the 40-foot height limit would be allowed. This is basically adding an additional floor or a pop-up on houses that predominantly are 25 to 35 feet tall. This
would happen in many neighborhoods that are
required to have side and rear yards where
recreation now takes place.

The comp plan doesn't comment on
roof structures in low and moderate density
zones because it wasn't contemplated that they
would be used for anything but mechanical
equipment. It should only be allowed by special
exception in R-3 zones where side yards may not
exist and where rear yards are less deep.

Two-story 20-foot high garages and
accessory structures could be nearly as tall as
some residences. Whereas now the mass of
garages or accessory structures are minimal
enough to allow them next to a neighbor's lot
line without disturbing privacy or light and
air.

The taller structures could cast
shadows or, alternatively, illuminate second
floor windows where previously there were none.
Again, there is no mention of this in the comp
plan because it wasn't contemplated as the land
use policy change.

The Office of Planning wants to transform a basically passive structure into an activated structure with home occupations or accessory dwelling units. The larger size makes no sense and has no utility unless it can be used for something that is prohibited today.

The Zoning Commission should not authorize the taller accessory structures on a lot line without a special exception, which would give the neighbors an opportunity to object.

Home occupations should only be allowed in the home where the resident enjoys the benefits and the negatives. Special exception should only be granted if it is demonstrated that a home occupation must be located in an accessory structure and the use won't interfere with neighbor's enjoyment of their homes and property.

ADU should not be authorized under any circumstances without specific guidance.
from the council that a second household in a second residential structure is appropriate on a single family lot.

There is no data to support the need to do this. And it would be a wiser course to monitor the implementation of more flexible rules for internal ADU's and alley lot residences before permitting two residences on single family lots.

Corner stores could be a positive or negative addition to R-3 zone neighborhoods. The comp plan does not address the creation of new corner stores, but does comment on the negative and positive consequences of existing corner stores and the need to make sure they do not adversely affect the neighborhoods where they exist.

The Zoning Commission should not assume that a valued Capitol Hill or Georgetown market will be the model if this use is authorized.

Philadelphia has the most corner
stores of any large urban city and they also have
the highest obesity rates. The city has engaged
for several years in a challenging effort to add
some healthy foods to these corner markets with
varying success.

In 2008, Johns Hopkins Center for a
livable future began a four-year study in
Baltimore. That included mapping food desert
areas and an intensive survey of the food on
market shelves and menus.

They found that full-service
grocery stores offered the healthiest food while
corner stores and carry-outs offered the least
healthy food.

In an article published in the
American Journal of Preventive Medicine in June
2011, researchers reported that youth spent an
average of $3.96 daily on, predominantly, chips,
candy and soda. And typically the food was
purchased at corner stores or fast food
establishment. Half of the sampled youth were
obese.
Is this the model we want to replicate? What is the problem that corner stores solve and is this a replacement for providing a full-service grocery store?

The comp plan does not have policies encouraging the Zoning Commission to authorize the by-right conversion of housing to this use. We strongly urge you to be cautious.

Ask communities to request corner stores through customization process, so that they can impose conditions and control the types and proliferation of corner stores and prevent unintended consequences. I'll submit --

CHAIRMAN HOOD: Okay.

MS. MACWOOD: -- the balance --

CHAIRMAN HOOD: Thank you.

MS. MACWOOD: -- of my testimony.

CHAIRMAN HOOD: Thank you very much. Next.

MR. BUDDE: Thank you for the opportunity to speak here tonight. My name is Alan Budde. I live in Mount Pleasant and I'm
here to testify regarding my support for zoning code updates to allow by-right accessory dwellings in some parts of the city.

I believe that allowing accessory apartments would be a great thing for homeowners, renters and the community at large.

The proposed zoning code change is one way amongst many others to tackle poverty by increasing the supply of modest housing that a person, a couple, a parent and child or a family can live in while maintaining a decent standard of living.

There are many new housing units being built all over the city, but as we know, affordable housing by-and-large is not something that you can easily build new.

Much affordable housing that exists consists of slightly older houses and apartments in some less central parts of the city.

Existing basements, garages and carriage houses, to me, represent a great opportunity to better use the space that's
existing and create new affordable housing
without significant financial cost to the city.

I first moved to the District in 2000
to attend college and I decided I wanted to stay
here because of the opportunities to live, you
know, a walkable, comfortable lifestyle.

I've always found it challenging to
live here on a daily basis. And increasingly,
I've seen this challenge come in the form of
people having trouble making ends meet.

For some, like me, that might mean,
you know, cutting out on eating out some nights
of the week, but for other people it's a struggle
to pay the rent at the end of the month.

I read recently that the region has
surpassed San Jose as the most expensive rental
market in the country based on median rents
according to the Census Bureau.

There is an affordable housing
crisis in the city and I think we need to do
something about it. In addition to giving some
less well-off people more options, accessory
dwellings allow older homeowners or those who might have seen their income reduced, a way to better utilize their existing spaces.

I don't think we should force older couples who want to age in place to sell their homes in order to pay their bills at the end of the month. I also think we should give younger people a shot at owning property. And that might mean being able to rent out part of their home.

As someone who currently lives in a basement apartment in Mount Pleasant, I find that my neighborhood is a better place for bringing together people from many different walks of life, ages, incomes, races and perspectives. Thank you.

CHAIRMAN HOOD: Thank you very much. Commissioners, any questions for this panel? Any questions?

VICE CHAIR COHEN: Yeah.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Oh.
CHAIRMAN HOOD: Vice chair?

VICE CHAIR COHEN: Yeah, Ms. MacWood, you submitted testimony, but it was the abbreviated form. It would be helpful to hear your or read your explanations as well, so can you submit what you read from, please? Thank you. Actually, that might be my only question.

CHAIRMAN HOOD: Okay.

Commissioner May?

COMMISSIONER MAY: Thank you. First of all, Mr. Tomer, just out of curiosity, when you say you bike to work and you want to have corner stores for shopping convenience and the grocery store is a little bit farther away, do you ever ride your bicycle to the grocery store?

MR. TOMER: I do, but it's surprisingly hard to bike with full grocery bags. You don't want --

COMMISSIONER MAY: No, that's the wrong --

MR. TOMER: -- to fall.

COMMISSIONER MAY: -- answer.
CHAIRMAN HOOD: I like that question. I hope the person who Tweeted that, got that, so they could Tweet exactly what your response was. Excuse me for interrupting. Go ahead.

COMMISSIONER MAY: I'm doing this for your benefit. I thought you might actually have someone who could give you a practical --

CHAIRMAN HOOD: Ask him --

COMMISSIONER MAY: -- explanation of this.

CHAIRMAN HOOD: -- how many bags does he have on his, when he's going to the grocery --

COMMISSIONER MAY: Yeah --

CHAIRMAN HOOD: -- store.

COMMISSIONER MAY: -- that's a good question. How many, do you use panniers or you have baskets or something?

MR. TOMER: I do have one pannier. I can carry more walking than biking, though --

COMMISSIONER MAY: Yeah.
MR. TOMER: -- without a doubt.

COMMISSIONER MAY: Yeah. Well, you know, with more experience doing this, I'm sure you can actually do more. How much beer can you carry in that? I mean, never mind. I don't need an answer to that.

MR. TOMER: Haven't hit the limit yet.

COMMISSIONER MAY: I've got really good baskets for that, anyway. So, no, that was really it. I just wanted to see because it's the ability to get around on a bicycle is really great, but corner stores are really great too.

And I know my neighborhood. I lived in the same neighborhood 25 years ago and there are, I moved away for a little bit and then I came back and now there are three or four less corner stores than there used to be. We're down to like one within walking distance from where I am now.

And it has benefits, but it also has, there are some pitfalls because you see plenty of kids walking to school eating snack foods and
junk food and stuff like that too.

MR. TOMER: And if I may, I'd like point out that corner stores don't have to only sell junk food, right? Like, if people went to corner stores for groceries like they did 100 years ago, corner stores would stock groceries.

For example, there's a, you know, there's a store on Rhode Island Ave a few blocks from my house. It's called Field to City, it used be To Mar Bodega.

It's not a corner store because Rhode Island is a commercial corridor. But it's this wonderful fresh grocery. If there were one half the distance to my house, that would be even better.

COMMISSIONER MAY: Right. Well, and I will say the one near me that was there 25 years ago and it's still there now, what they sell has changed significantly since then. And in addition to having more fresh stuff, there's a better selection of wine and beer, so, anyway.

Ms., your testimony, I'm curious,
you're neighborhood where you're having the mansionization problem, is that actually historic district where you are? It is not. Okay.

And, Ms. MacWood, the Office of Planning, I don't recall if you were in the room when they did do their presentation at the very beginning, but they went to great length explaining why the current or the proposed accessible dwelling unit regulations are not significantly different than the current regulations. And, in fact, are more restrictive in certain ways than the current.

And I'm wondering if you saw that and what reaction you have to it. Do you --

MS. MACWOOD: I didn't see it, I'm sorry to say. But I've heard their presentation about ADU's a number of times. The only thing I can think that they might be referring to, is this, Ms. ***7:53:39--

COMMISSIONER MAY: If you want, I can --
MS. MACWOOD: Is this --

COMMISSIONER MAY: -- explain it.

MS. MACWOOD: -- regarding external

ADU's as opposed to internal?

COMMISSIONER MAY: It's both. I

mean they talked about both. But I think the

major issue is with --

MS. MACWOOD: Sure. I know.

COMMISSIONER MAY: -- was with

external.

MS. MACWOOD: I can tell you, I can

anticipate what the issue is.

COMMISSIONER MAY: Okay.

MS. MACWOOD: Currently, there is

that rather archaic provision in the code that

if you want to house a domestic, you can do it

on the second floor of a garage that is in at

least ten feet from the side yard, but is

otherwise in the side yard, not in the rear yard

as most of our garages are, which are on the lot

tolline, and the domestic can live on the second

floor.
COMMISSIONER MAY: Yes.

MS. MACWOOD: It's a very restrictive proposal. I'm also an ANC commissioner and been one for 13 years. My community has R-1-A and R-1-B neighborhoods in it and there's only been, in all of that time, there has only been one instance that I can recall where somebody even wanted to do this.

And in the particular neighborhood where they wanted to do it, I think there was eventually a lawsuit. The people were so upset about it. So, at any rate, I don't think that domestic exception is really a prototype for what is being proposed here because it was --

COMMISSIONER MAY: Well, they referenced that. And they, I mean, clearly they're not talking about limiting it to domestic employees anymore.

MS. MACWOOD: Right. Right.

COMMISSIONER MAY: But it is a permissible use and they do mention the fact that it's not allowed in the rear yard. But I think
that's a required rear yard, so if there's excess rear yard, it could be located in the rear yard that's above and beyond what's the required rear yard, so.

MS. MACWOOD: Currently, you couldn't, but the part --

COMMISSIONER MAY: No, that's --

MS. MACWOOD: -- in the proposal --

COMMISSIONER MAY: -- what it says --

MS. MACWOOD: -- is that --

COMMISSIONER MAY: -- it is now.

MS. MACWOOD: -- he could.

COMMISSIONER MAY: I think that's what she said it was now.

MS. MACWOOD: No, it has to be in the side yard, I believe.

COMMISSIONER MAY: No, it says it shall not be located within the required rear yard.

MS. MACWOOD: Oh, okay. So --

COMMISSIONER MAY: So, but that --
MS. MACWOOD: -- that doesn't --

COMMISSIONER MAY: Sometimes --

MS. MACWOOD: -- side --

COMMISSIONER MAY: -- people interpret that to mean, I guess, that it is required to be in the side yard when it could just be in the portion of a rear yard that is not the required rear yard.

MS. MACWOOD: Within 25 feet.

Okay.

COMMISSIONER MAY: Yeah.

MS. MACWOOD: All right.

COMMISSIONER MAY: So --

MS. MACWOOD: There could be that scenario. You're --

COMMISSIONER MAY: Right.

MS. MACWOOD: -- right.

COMMISSIONER MAY: I mean, it's hard for me to understand how this proposal really is significantly different. What they're proposing is significantly different from what exists right now with the exception
that, you know, opening it up to more than just
domestic employees.

MS. MACWOOD: I think if you look at
it from a practical perspective as opposed to
just what is in the zoning code. We --

COMMISSIONER MAY: Yes.

MS. MACWOOD: -- don't have any of
these in the city. I mean they're probably, as
I said, my ANC represents probably eight or nine
different neighborhoods, a very large portion of
the city and I can't think of any of them, that
we have any of these with the exception of the
one I mentioned that was quite controversial.

From our standpoint, the Committee
of 100, we are strongly in favor of making
internal ADU's legal, getting them inspected,
getting them on the tax rolls, making sure that
they are safe and insured.

And monitoring the use of them,
finding out where are they located, who is moving
into them, are they indeed affordable, what are
the goals we're trying to establish and are they
being met, are seniors actually being able to stay in their home because of ADU's, and really learn what is going on.

You know, Arlington County only approves 28 of these a year and they've said that they're taking that rather cautious approach because they do think that it could change neighborhood character and they want to be able to stay on top of it.

Montgomery County only allows them if you've got, and they've been doing it for 25 or 30 years, they only allow it if you have an acre of land. All --

COMMISSIONER MAY: Well --

MS. MACWOOD: -- of the jurisdictions --

COMMISSIONER MAY: -- okay. There are a lot of things that happened in some of the Virginia jurisdictions or our own jurisdictions that we wouldn't want emanate here I mean --

MS. MACWOOD: 7:58:17 --

COMMISSIONER MAY: -- that --
MS. MACWOOD: -- County's not suburban. I mean that's --

COMMISSIONER MAY: Yeah, but requiring a minimum of an acre to have an accessible dwelling unit.

MS. MACWOOD: Is extreme --

COMMISSIONER MAY: That's --

MS. MACWOOD: -- obviously.

COMMISSIONER MAY: Yeah, that's --

MS. MACWOOD: Yeah, that's not --

COMMISSIONER MAY: That's --

MS. MACWOOD: -- the model --

COMMISSIONER MAY: -- a very different circumstance --

MS. MACWOOD: -- we would want to use, so.

COMMISSIONER MAY: -- that we're in. So there are not a lot of them now.

MS. MACWOOD: Yes.

COMMISSIONER MAY: Is that because they're, I mean, there are a lot of these garage structures, but they're not used for this
purpose or because --

MS. MACWOOD:  No.

COMMISSIONER MAY:  Okay. So people just simply choose not to use them for this purpose.

MS. MACWOOD:  Well --

COMMISSIONER MAY:  But they could use them for their domestic employees?

MS. MACWOOD:  Actually, I don't know how many, I would not be able to tell you how many eligible garages there might be --

COMMISSIONER MAY:  Right.

MS. MACWOOD:  -- that would not be in the rear yard. In my ANC, for example, I think the vast majority of garages are in the rear yard on the lot line.

COMMISSIONER MAY:  And they're not, the rear yard on the lot line.

MS. MACWOOD:  They wouldn't be eligible.

COMMISSIONER MAY:  They wouldn't be eligible.
MS. MACWOOD: They wouldn't be eligible.

COMMISSIONER MAY: Right. So, I mean, having this regulation wouldn't suddenly make them eligible either.

MS. MACWOOD: It would. It would. If you don't expand the garage, you can by-right according to the proposal you could create an accessory dwelling unit in the garage.

COMMISSIONER MAY: An existing garage?

MS. MACWOOD: In an existing garage.

COMMISSIONER MAY: All right. Thanks.

VICE CHAIR COHEN: Commissioner Miller?

COMMISSIONER MILLER: Thank you, Madam Vice Chair, I have no questions. I just want to thank each of you for your very thoughtful testimony.

I might say, Mr. Feingold, have you
tried, if your landlord/roommate would allow you
to have cats, maybe that would --

MR. FEINGOLD: My girlfriend
really would want a cat, but --

COMMISSIONER MILLER: Yeah.

MR. FEINGOLD: -- I don't.

VICE CHAIR COHEN: Okay.

(Off microphone comment)

COMMISSIONER MILLER: It's
effective though.

VICE CHAIR COHEN: Mr. Turnbull.

COMMISSIONER TURNBULL: Thank you, Vice Chair. I think a lot of the questions that
I had have already been asked. But again, I
would echo Commissioners Miller's. Thank you
for comments, your insightful concerns.

Mr. Baldwin, I'm going to ask OP
about your comment about the change from 2,000
to 1,750. I think that's something we need to
think about, so.

And, Mr. Feingold, I think you've
got some great material for a sitcom. I think
it sounds, you ought to start writing it, but thank you again.

VICE CHAIR COHEN: The Chair asked that I not dismiss this panel, so I will ask another question of Ms. Cort.

I believe the Coalition does a lot of investigation and houses research on various issues that are Smart Growth related, so my questions is are you aware of any cities that have done the extensive research that has been suggested by the Committee of 100 that could be submitted to the record to help in evaluating accessory units?

MS. CORT: Montgomery County just adopted within the last six months, a new accessory apartments regulations to liberalize it and make it a matter of right with some restrictions.

And Arlington County a couple of years ago also went through this process. Although, they adopted something that's pretty restrictive, but I think they didn't allow it at
all before.

So those are two neighbors who have recently investigated and acted before we have in terms of adding accessory apartments to new zones.

COMMISSIONER MILLER: So do they no longer have that one acre requirement that was --

(Off mic comment)

COMMISSIONER MILLER: -- referred to earlier?

MS. CORT: The manager for Montgomery was going to come tonight. I talked to him because I saw him on the Website with a photo of giving out certificates for accessory apartments. And he would be able to answer that question.

COMMISSIONER MILLER: You can ask if you're also planning to provide us --

MS. CORT: But we can --

COMMISSIONER MILLER: -- with --

MS. CORT: -- find out.
COMMISSIONER MILLER: -- that.

MS. CORT: I don't --

COMMISSIONER MILLER: We could --

MS. CORT: -- think that's the case, no. I mean, and so he's cited to me that they've had about, they thought they might get like 30-some a year. They've already gotten 30-some in six months maybe.

The problem is that he needs to cite the statistics. But those are sort of very ball park and they've only had one objection.

They actually, it's a matter of right process, but they actually post the property to notify the neighbors and they've had one objection in all those applications. So they feel like things are going smoothly.

CHAIRMAN HOOD: Ms. MacWood, let me ask, have you seen, and I know you, as you mentioned, I'm going to follow-up on your conversation with Commissioner May.

And I know you've seen this whole presentation probably more than once. But I
would like for you to get a copy of Slide 12. And I noted the Committee of 100. And I'm interested in something you said at the end.

And I'm actually, I use that phrase for the whole ZRR rewrite, for the whole revision, the unintended consequences. We can sit here all day and come up with stuff, but I'm concerned more than about the unintended consequences.

And I like that because I'm going to be using that once we deliberate, but. In a lot of stuff we can see the ANC in black and white, but what actually are we going to be doing? And that's what I'm looking for throughout this whole process.

Now, the Committee of 100 obviously is in support, as you've stated, for the internal ADU's. Am I correct? I'd just like for you to, and you heard that whole conversation or if you've not heard, I would like for you to maybe read the transcript of it.

Listen to the whole conversation of
the presentation that Ms. Steingasser gave
because she said there was a lot of confusion out
there about ADU's.

And I agree with you about the
prototype of affordability, but I just want you
to see if Committee still has that same position
for external ADU's that you have, which you just
presented.

Once you look at this information,
and watch the exchange or listen to the
presentation by Ms. Steingasser because she said
there's a lot of misinterpretation. I'm not
exactly quoting her correctly, but well,
exactly, but it's a lot of misinterpretation,
so. If you could do that and I'll be looking
forward to seeing that from the committee.

MS. MACWOOD: I'd be happy to do it.

CHAIRMAN HOOD: Okay. Thank you.
I want to thank everyone. I'm not going to talk
to you about the bicycles, but I do want to ask
you this, though, have you ever carried ten bags
from a grocery store on a bicycle?
MR. TOMER: Ten bags, no.

CHAIRMAN HOOD: Okay. So, thank you very much.

COMMISSIONER MAY: Chairman Hood, maybe you want to ask Ms. Cort that question.

CHAIRMAN HOOD: No, she knows.

COMMISSIONER MAY: Okay. Then I'll ask her --

CHAIRMAN HOOD: I'm looking for the Tweet --

COMMISSIONER MAY: -- about that.

CHAIRMAN HOOD: -- tomorrow.

COMMISSIONER MAY: What's the maximum number of grocery bags you carry --

MS. CORT: Well, I used to --

COMMISSIONER MAY: -- for a day's worth of --

MS. CORT: -- shop, for a family of two, I used to shop with just two bags or two panniers and a couple of bags on the back. But now I have a family of three. I have a two-year-old toddler and so, I went to a trailer,
him, the bags, can carry a lot of stuff on a trailer.

CHAIRMAN HOOD: Ms. Cort, since he did that, could you tell them who you saw down at the bike the work week?

MS. CORT: I was very happy to see the Chairman of the Zoning Commission down at last spring's bike to work day.

CHAIRMAN HOOD: Thank you very much. I think Commissioner May won't say anything else. Thank you very much. We really appreciate --

COMMISSIONER MAY: We went every year --

CHAIRMAN HOOD: -- all your testimony.

COMMISSIONER MAY: -- and I go every year.

CHAIRMAN HOOD: I didn't see you there.

COMMISSIONER MAY: Oh.

CHAIRMAN HOOD: All right. I want
to thank everybody and we appreciate your testimony.

(Off microphone comments)

CHAIRMAN HOOD:  Okay.  Let's move right along.  Susan Kimmel, okay, forgive me, Richard Layman, Ben Klemens, Sarah Gutschow, Donna Brockington, Elinor Hart and Sara Green, Christine Driscoll.

Let me see how many I have here. Okay.  Let's call a few more.  Torend Collins, John Forrer, I think if you're back tomorrow night, maybe I'll get your name correct.  Did I pronounce it correct?

MR. FORRER:  Yes.

CHAIRMAN HOOD:  Oh, okay.  I got it right.  Okay.  Is that everybody?  We have one more person, Milton Grenfell, Linda Schmitt. Okay.  We're going to start to my left, your right, and you may begin.

MS. KIMMEL:  Thank you.  Good evening, Commissioners.  My name is Susan Kimmel and I live in Tenleytown, Ward 3.  I'm
here tonight to express my strong support of the proposed updates to the D.C. zoning code, in particular, my support for the revisions concerning accessory apartments.

I am well aware of some of the opposition voiced on the list serves and perhaps here at this hearing about the types of tenants who might possibly live in these accessory apartments. But I feel that by requiring the owner of the primary structure to reside on the property, the proposed regulations nullify that concern.

Most likely the renters will be screened carefully and be good tenants and neighbors just as myself, my friends and other members of my family have done.

Here are a few examples that demonstrate how this housing option has benefitted people at different phases of their lives. When I was first married, my husband took a short-term job in Toronto where we rented a basement apartment in a nice residential
section of town, walking distance from his office. There proximity was crucial because we were snowed in most of the winter.

When my sister's husband accepted a teaching position at the University of Texas, they moved from Detroit to Houston, but could not afford to buy another house before selling their one in Detroit.

That took many months and they suffered a significant loss which made them very risk averse. And so instead they rented a carriage house that was behind a main house in a beautifully landscaped setting.

For a friend, when her elderly mother could no longer live independently, they hired a live-in home health worker and provided a basement apartment for this woman and her husband.

Later, after my friend had inherited the house and moved into it, she rented the apartment to the same couple for many more years.

When my 30-year-old son switched
carriers to work as a chef, he moved back home
to thriving D.C. and came to live with me. Once
he starts to make a little more money, he hopes
to find his own place. But rather than move way
out to Germantown or Leesburg, he would like to
be able to afford an accessory apartment in town.

Formerly, when I had been an empty
nester who's footsteps echoed through the family
home, I considered converting the basement into
a rental apartment. However, I was deterred by
the time, cost and uncertainty of going through
the special exception process.

This last point is one reason I
strongly support the proposed zoning rewrite.
Under the new code, it would be a matter of right
to convert space inside the home or an existing
garage for use as an accessory unit.

Admittedly, more accessory units
will not solve the affordable housing crisis in
D.C. Yet, this is one important piece of the
puzzle to foster inclusivity which would benefit
the aging population to remain in their homes and
provide housing choices for the younger
generations.

CHAIRMAN HOOD: Okay.

MS. KIMMEL: Thank you for your
time.

CHAIRMAN HOOD: Thank you. Next.

MR. LAYMAN: Thank you. All right.

Thank you, Commissioner Hood and Commissioners
for the opportunity to speak today.

I'm Richard Layman. I live in Ward 4 and have worked on urban revitalization issues pretty hard core for the last 13 or so years including creating and helping to create the H Street Main Street program 12 years ago.

And I realize I could also testify about some of these other matters, but I'm going to stick to ADU's and maybe submit additional testimony.

Support the proposed change. Like Ellen McCarthy, I recommend approval of ADU's and accessory apartments be expanded to include both types on a single lot.
In those cases where the building and lot footprint can accommodate more than one unit, the OP recommendation is kind of arbitrary and suggest that such units could be targeted into areas with high frequency transit service, which is where we would want to concentrate additional population anyway.

There are many reasons to do ADU's. Lots of people talked about them even though they didn't necessarily give good examples like Seattle, Vancouver and Santa Cruz which have great studies and materials to look at, way better than Arlington or Montgomery County.

Montgomery County also has, by the way, a similarly arbitrary rule of 2,000 units maximum which has nothing to do with how much land they have, how big the lots are, how big the buildings are.

Anyway, we know D.C.'s population is growing, the cost of housing continues to escalate. As the housing costs escalate, people can't afford to live in the houses.
We also know that Congress is considering changes to the tax code including the elimination of mortgage interest deduction and state tax deduction. That could change people's ability to own houses.

More rental housing is being constructed, but rents are still escalating. Most new housing constructed is multi-unit. Some people want to live in non-multi unit housing. More importantly, ADU's and apartments are cheaper to build or convert than new multi-unit construction. Housing can be built on a per unit basis. It has to do with concrete, height, parking.

Plus, using existing infrastructure and land to add more housing without having to buy more land to build the housing, is economically and environmentally sustainable.

We know ADU supply has been restricted by policy and regulations. As other people testified, our neighborhoods are shaped by the nature of the available housing and
they're increasingly less diverse and more economically segregated gaining --

CHAIRMAN HOOD: All right.

MR. LAYMAN: -- population --

CHAIRMAN HOOD: Thank you very much. And we'll be looking forward to your testimony. Mr. Green?

MS. GREEN: Good evening and thank you for the opportunity to testify. I'm here just to share a few comments from ANC 4B. We have submitted other testimony as well.

In terms of the accessory dwelling units, I don't think there's been enough discussion so far about the combination, the impact on a community of a combination of new residents on a specific residential lot along with a home occupation.

And so when you're expanding the number of home occupations that can go on a residential unit, as well as combining that with additional residence, there is a change to consider in the character of the community.
One of the things, again, I apologize, I don't have the exhaustive knowledge that many of your speakers do, but I was really surprised. In Chapter 3, there is one home occupation, and forgive me for not remembering what it is, it says that you can have no more than eight clients or customers on the premises in any one hour.

There are businesses in Georgia Avenue and I can read right now, that'd be thrilled to have eight customers in an hour. You know, I don't know if you've been on Georgia Avenue lately, but that's a problem.

So I don't know why we are encouraging permitting a home occupation to have eight customers in an hour. Please, go to Georgia Avenue where we need you. Do not come into a, you know, that kind of occupation into a residential neighborhood.

I think there's something else about a home studio would be permitted if it's 60 percent of, you know, you can have up to 60
percent of a residential where the home's street. Sixty percent, I mean, now it's not a residence anymore. Now it's a business. So that's a huge change that I think people need to consider.

In terms of corner stores, I don't think we have a lot of them within ANC 4B. Looking at the map, it might be just a corner, a part of us, a corner for a corner store. I don't know how much we'd have.

But this is really a disturbing. I mean I've heard the testimony about wanting the warm and friendly milk and the cup of sugar and all that and the fresh food. But we have convenience stores all throughout this city and on Georgia Avenue and elsewhere, and they're not offering quality, fresh food.

And the reason they're not doing it is because the economic model isn't there. If people could make money right now, selling healthy, you know, foods that people, instead of beer and wine and chips and all that, they'd be
doing it.

So I don't think the corner store, the advertisement or the promise of the corner store that's being dangled in front of us, is going to be producing what we want. I do suspect we're going to get more alcohol. We got plenty of alcohol in Ward 4 --

MALE PARTICIPANT: Yes.

MS. GREEN: -- plenty of it. And so if you're going to permit corner stores, then I would say no alcohol. And then you'll see, people are not going to want to do these corner stores unless they can sell alcohol.

The other issue is blight. There are no design considerations here. If you're a historic district, okay, you've got something, but this is blight. You're going to have grates, you're going to make permanent changes to attractive residential stock that can't be converted back.

Somebody showed me pictures of Baltimore and with all these corner stores.
They're really not very attractive. And when
the Office of Planning came out and they had
pictures of corner stores, they took the two
charming ones in the city. They're really
adorable, they're charming, but I don't think
that's what we're going to be getting.

We're going to be getting a lot of
haphazard commercial, you know, changes from
quality residential to the blight. And I'm
really hoping that you think this through and,
we said special exception with our ANC, so at
least very strong restrictions. Thank you.

CHAIRMAN HOOD: Thank you. Next.

MS. BROCKINGTON: Hello. My name
is Donna Brockington and I'm chair of ANC 4D.
I'd like to say thank you for the opportunity to
address this body with the concerns of our
commission and constituents.

I'm going to first address the
corner store proposal. And you already heard
some of the concerns that are coming out of 4C.
And also in 4D, we still have the concerns of,
with respect to not repeating, the part about the eating and drinking establishment in row homes.

Currently, right now, we have a new situation in the District where a lot of these establishments like to put the little chairs and the tables and all of that outside so people can come out and sit and have their coffee.

That would have definite negative impact on our streets because it's going to reduce street accessibility, especially for those residents that have physical limitations and may need the help of medical devices such as wheelchairs, walkers, in order to travel.

And also with regard to the fresh foods, these stores are not going to be able to survive selling just apples, oranges, grapes, healthy produce. And out of necessity, they are going to have to provide unhealthy snacks, cigarettes, sodas in order to make a profit.

The 15 percent of the floor space devoted to selling beer, wine and whatever alcoholic beverages they'll be selling, there's
no statistics that state that allowing 15 percent of the store's corner floor space does not, in any way, impact alcohol consumption. As a matter of fact, you just simply restock once those areas are depleted.

ABRA is not able to timely investigate our allegations pending currently of violations of stores now that are selling alcohol and beer and wine when they are not supposed to be.

We have recently, with one particular business, we've gone back and forth with this issue and now, I am still waiting for them to begin the investigation that we started in July. And the neighbors have gone in, our residents have gone in and purchased such and have the receipts.

No one has contacted them. I'm emailing back and forth. I'm not getting responses. So I question whether or not these corner store businesses are going to operate. What type of oversight will we be getting with
them selling alcohol and beer all night long.

We've had businesses that have been selling alcohol that were never licensed to sell beer and alcohol. They were carry-outs and they're selling beer, wine and single cigarettes. And we are still waiting for DCRA and ABRA to do something.

We also have businesses in our neighborhood that are selling cooked foods and they're not supposed to be selling cooked foods. The Department of Health has gone in there several times and they continue to do nothing. These stores are not even getting fined.

And I'm getting over-inundated with the complaints for the trash, the rodents, you know, because they don't even have the proper trash containers. That, you know, inspectors should be able to get out there and handle those complaints and they can't.

So with regard to fresh foods in our neighborhood, we already have two Safeways, we have a Yes! Organic, in the summer we have the
little outdoor market from the farmers that come up. We have two Wal-Marts coming.

So we have enough affordable fresh fruits and produce and groceries currently in our neighborhood, all within quite a few feet of each other. They will be battling it out and lowering their prices for our business.

So now, with the ADU's, we are still getting problems with illegal boarding houses. I have complaints now, the DCRA and the inspectors can't resolve with the additional noise, the complaints that come with that, the additional trash, the loitering, the sale of drugs and other things that come along with this.

And if we're not able to right now, have a solution to these problems, then we are creating more problems for the citizens that live there, let along the elderly. Heaven forbid, that they have to live next door to that because we do have them right now.

I've had residents who have moved because they could not get any resolve with the
police department, DCRA. And when we, ourselves, have had the voucher people come down to talk about those that are in Section 8, there's little that they can do.

So we stand in opposition to that. And lastly, we need more time to review that 1,100 page document --

CHAIRMAN HOOD: Okay.

MS. BROCKINGTON: -- preferably --

CHAIRMAN HOOD: Thank you.

MS. BROCKINGTON: -- 90 to --

CHAIRMAN HOOD: Thank you.

MS. BROCKINGTON: -- 120 days.

CHAIRMAN HOOD: Thank you. Thank you very much. Next.

MS. HART: Good evening, Chairman Hood and other members of the Commission. I welcome this opportunity to testify in favor of the zoning regulations changes which will make accessory apartments easier to establish.

VICE CHAIR COHEN: Can you identify yourself, please?
MS. HART: Oh, I get your pardon. My name is Elinor Hart. I am especially pleased because I advocate for affordable housing on behalf of the League of Women Voters of D.C.

And the League has been in favor of land use policies which will promote the development of accessory housing since 1989. I am sure that the option to create accessory apartments as a matter of right will significantly increase the number of these apartments.

Accessory apartments will make more housing available in and near some of the city's most desirable neighborhoods and they will provide additional housing in areas easily accessible to jobs, restaurants and cultural attractions.

They will be welcomed by the many young people who are flocking to D.C. The additional income from accessory apartments will be welcomed by older and less affluent residents eager to remain in the homes they have
lived in for years.

The Office of Planning and the Zoning Commission are to be commended for modifying D.C.'s land use policies to better meet the needs of our residents and to improve the quality of life in the city. Thank you for the opportunity to testify and for your good work.

CHAIRMAN HOOD: Thank you. Next.

MS. COLLINS: Good evening. My name is Torend Collins and I'm a resident of Washington D.C. and I reside in the Brookland neighborhood.

I come tonight to testify in support of the proposed changes to D.C.'s zoning code regarding accessory apartments in low-density areas, and this testimony is my own.

As a renter, I know the benefits of having multiple housing options from which to choose. In August of 2011, I left my home state of Kentucky to move to the District after traveling back and forth for over a year.
Having always stayed with family and friends, upon my permanent location to D.C. I was faced with a harsh reality, a rental housing market that was extremely expensive and beyond my budget.

During my search, I found economically affordable one-bedroom apartments that offered minimal space and large apartments that provided more space at a much heftier price tag.

Needless to say, the entire process proved to be very exhausting and frustrating. And after speaking to friends, I found that I was not alone in my experience. Many others faced the same challenge when relocating to D.C. and it is my belief that changes to the current zoning codes to permit more accessory apartments could reduce this problem.

By permitting more homeowners to construct the apartments, D.C. can make a significant impact on the rental housing market.

Furthermore, changes to the codes...
could bring diversity to neighborhoods and provide new sources of revenue for homeowners. Personally, I've benefitted from renting an accessory apartment.

While interning in San Francisco, my roommate and I rented an apartment from a lovely middle aged couple that were natives to the area. The accessory, excuse me, apartment provided us with easy access to downtown San Fran and afforded us the opportunity to become active residents within the neighborhood, participating in neighborhood clean-ups, Halloween festivities and other activities.

Given the statements above, I support the changes to the zoning code. Thank you. Oh sorry, I thought that was the last bell. Sorry.

I support the changes to the zoning codes so they reflect broader, less restrictive rules for the construction of accessory apartments.

I'm invested in Washington D.C.
And as a future homeowner, fingers crossed, I believe the changes will improve our community and provide greater housing options to individuals eager, like myself, to reside within the District.

I thank you for your time tonight and for your long hours of service to D.C. Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. FORRER: My name is John Forrer. I live in the Colony Hill neighborhood in Northwest D.C. I'm not here tonight to talk about anything that is proposed before you, but rather something that isn't, mainly the customized zone for my neighborhood.

Six years ago when the Brady Estate immediately north of our neighborhood was sold and we saw the size of the houses that they planned to build in that new development, we became aware and very concerned that such houses could be built in our neighborhood which would
be totally out of character with the existing housing stock and character of our neighborhood.

We considered seeking historic district status, but we decided that was too restrictive. We didn't want those mullions on the back windows of the house to be of concern.

But Travis Parker came to a meeting of our neighborhood community and told us about a new process just starting to rewrite the District zoning code.

He estimated it would take about a year and he said that a central part of it would be an emphasis instead of on citywide criteria of particular categories of neighborhood, on individual customized neighborhood zones appropriate for the particular neighborhood.

He asked that we wait until that year was up so that we would have a format for submitting a proposal of our own. Well, as you know, he was a bit optimistic in his one year estimate. But he reassured us throughout his stay that that emphasis on neighborhood zones...
were still a central part of what was going to be proposed.

And when he left and our Arlo Jackson took over, she reassured us on the same point. However, when a draft of the code was finally proposed last December, and I went to the Office of Planning and asked it if was now time to submit a proposal for our neighborhood, I was told that they had decided not to consider any proposals other than one for Georgetown or actually, I guess, it became two for Georgetown.

And I am very concerned, therefore, as to when and how our neighborhood will be able to obtain a set of zoning criteria that will be appropriate for our neighborhood when the existing R-2 zone proposals are clearly not.

I would ask one of two things. Is it too late to submit a proposal to you now for consideration and for inclusion in this code that you are looking at? If not, tell us what the deadline is for submitting it and how we should go about it.
And secondly, if we cannot submit or even if we can, would you include in the code a clear statement that such customized zones are welcomed and encouraged, and a clear indication of the rules and process by which such zones can be created quickly in the future either by our neighborhood or other neighborhoods.

CHAIRMAN HOOD: Okay.

MR. FORRER: Okay.

CHAIRMAN HOOD: Thank you very much. Next.

MS. SCHMITT: My name's Linda Schmitt. Four points, ADU's are right for elder abuse. If a home has a separate entrance for a rental unit, the unit falls under landlord tenant laws. Laws that notoriously favor the renter and the homeowner loses effective control of their property. From my own experience, I can tell you that ADU's are right for abuse.

Three examples, renter in a elderly lady's house refuses to move out even as the lady is terminally ill, eventually dies after many
months and the renter won't move, wants a year's rent, a new location, but, so the heirs can sell the house.

Elderly lady moves to her daughter's and squatters take over her house through a tenant who ignores the no sublet. No way to get them out.

Basement apartment renters in a elderly lady's house demand a deposit on a house before they will move out. The rent's unpaid and according to the D.C. attorneys, it takes a year to get people out.

Legal process for eviction is impossible, lengthy and expensive. A D.C. office instructs tenants on how to avoid paying rent. The elderly are unable to deal with it and any rent is eaten up by the legal mess.

These are bad situations and nobody helps. Politicians don't touch the rental laws. Police won't intervene unless there's a crime. The ANC's powerless. Don't jump the gun by making ADU's matter of right. Take a good
look at what could happen to these homeowners.

Second, demand the BZA expand capacity. We heard the BZA's swamped and that's one of their pretexts for making things matter of right. Because BZA is swamped is no reason to abandon oversight.

OP's answer is to make everything a matter of right. The fixes demand BZA expand capacity to handle workload. It can be two or three panels with coordination to use the same criteria.

We don't use just one judge for all legal cases. The BZA can expand and ADU's authorized only by special exception. The certificate of occupancy, license to operate a business, inspection, insurance, limit the people in a ADU to two or three. We don't want kids in D.C. growing up thinking grass is just what you smoke because our backyards are turned into buildings.

Three, ignorance of the ZRR. In a city where we receive delivered to our doors a
beautiful full-color brochure announcing the fall leaf pickup, we can't bother to mail residents decent literature about the proposed zoning changes? Only in the last month did OP finish their recommendations. How's the public supposed to know, comprehend, understand, much less, respond?

Role of the Zoning Commission. Don't be satisfied with OP's list of these are all the things we did. Ask for the results. How many residents did you actually contact? How complete, how accurate, how up-to-date and reader friendly was that information?

There's nothing that says the ZRR has to be decided after one round of hearings. Don't blind side the public. The Zoning Commission risks losing legitimacy by acting unilaterally on such sweeping changes. Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Any questions of this panel? Any questions?

Commissioner Miller?
COMMISSIONER MILLER: Thank you, Mr. Chairman. I just wanted to thank each of you for your thoughtful testimony and many constructive suggestions.

Mr. Forrer, I think we will pose that question to OP about whether and how there is a statement in the code itself as to customized zones going forward because I think that is a question people have. So thank you for bringing that up.

CHAIRMAN HOOD: Okay, Vice Chair?

VICE CHAIR COHEN: Thank you, Mr. Chairman. Ms. Schmitt, you did start off with you had personal experience --

MS. SCHMITT: Yeah.

VICE CHAIR COHEN: -- with the elder abuse and that you did not get any type of resolution with regard to the abuser. And what was the final outcome?

MS. SCHMITT: On the lady who eventually died, the renter actually went to the Legal Aid Society and there were months of
wrangling with the lawyers with that case, a lot of money.

The woman is in the house. The house is empty. She decided that she was going to stay in the house, the heirs were going to sell the house and she was going to convince any perspective new owner that she was going to live in that house.

Now, I've got to tell you, what family needs to deal with that. There isn't anybody that helps. There's nobody that helps.

VICE CHAIR COHEN: All right. Well, is this your profession, senior --

MS. SCHMITT: No.

VICE CHAIR COHEN: -- social --

MS. SCHMITT: No.

VICE CHAIR COHEN: No.

MS. SCHMITT: No. This --

VICE CHAIR COHEN: This is just --

MS. SCHMITT: -- is, I mean, just in my own little life.

VICE CHAIR COHEN: All right. Are
you aware that AARP, though, supports the concept of accessory dwelling units to help seniors stay in their homes to --

MS. SCHMITT: The --

VICE CHAIR COHEN: -- afford it?

MS. SCHMITT: -- AARP is a nationwide organization. I don't know that they're familiar with the D.C. rental laws.

VICE CHAIR COHEN: Okay. Thank you.

CHAIRMAN HOOD: Okay. Mr. Forrer, you were here last night in the discussion about just Georgetown and --

MR. FORRER: Yes, I was.

CHAIRMAN HOOD: -- you also heard last night from Ms. Steingasser's comments back to me and the others that they were open to doing it for any neighborhood. You heard that conversation, right? Or did you?

MR. FORRER: I don't know that I did.

CHAIRMAN HOOD: Okay.
MR. FORRER: Maybe if --

CHAIRMAN HOOD: Maybe it was --

MR. FORRER: -- I stayed long enough.

CHAIRMAN HOOD: Oh, you didn't stay for our questions. I don't blame you, I would've left too. But that actually was the comment that was made by Ms. Steingasser and I will continue that question.

And it's good to know that another neighborhood now, is ready to do something like that.

MR. FORRER: Well, we've been ready. We've had a committee appointed for over a year that's been looking at this.

We have not taken it to a final vote of the neighborhood nor have we yet gone to the ANC with a proposal because we were waiting until we had a green light to proceed, lest some changes occur along the way that would cause us to, in the overall proposal, it would cause us to have to go back and change what our proposal
I think at this point, I know Christmas and Thanksgiving holidays are coming up, it may be hard to accomplish anything. So, but I would sure be certain by the end of January we could have a proposal if that would be still timely for inclusion at this point.

CHAIRMAN HOOD: I don't want to commit any of us up here or that, but I just know that that process, I was assured last night that other neighborhoods will be able to do some customization.

I don't want to put words in Ms. Steingasser's mouth. I could ask her now, but I'm not because I know what I heard last night. So we'll wait and see what happens. But I do know that they are going to be looking for other neighborhoods to do exactly what Georgetown did.

MR. FORRER: And then if they, you know --

CHAIRMAN HOOD: Because I heard you say --
MR. FORRER: -- are, we'll be ready to come in.

CHAIRMAN HOOD: -- that's something you were told that only Georgetown only. That's unacceptable because that's I don't believe that --

MR. FORRER: Yes.

CHAIRMAN HOOD: -- was the case. I'm not saying nobody didn't tell you that, but --

MR. FORRER: But that's what --

CHAIRMAN HOOD: -- that is unacceptable.

MR. FORRER: -- Ms. Steingasser and her staff told me last January.

CHAIRMAN HOOD: Okay. I will follow-up with that. It's ironic, Ms. Green, because I looked at that today about the eight and within one hour that is actually one of the questions that I will be following up at the --

MS. GREEN: Thank you.

CHAIRMAN HOOD: -- an appropriate
time. And Ms. Brockington, I'm going to get in trouble, but there's a gentleman with SWEEP and you can call him. He can help you with all your trash issues. He's name is Andre Lee. I hope he's not looking at this. I'm not going to tell him I said that. But his name is Andre Lee. I guarantee you, he will help you out. Okay?

MS. BROCKINGTON: Andre Lee?

CHAIRMAN HOOD: All right. Andre Lee.

MS. BROCKINGTON: BBW?

CHAIRMAN HOOD: Yeah. SWEEP. He's with the SWEEP program. Okay. And don't worry about calling him tomorrow because he'll probably kill me and I won't be back tomorrow night. Okay, Mr. Layman.

MR. LAYMAN: It's possible to carry at least seven bags of groceries on handle bars, plus your backpack.

CHAIRMAN HOOD: Would you carry seven bags?

MR. LAYMAN: And I've carried a
20-pound watermelon or a 25-pound bag of rice five miles from Union Market to where I live in Tacoma.

CHAIRMAN HOOD: Okay.

MR. LAYMAN: And I live 1.25 miles equal distance from two grocery stores. One is uphill going, one it uphill coming back. So where I go depends on how energetic I feel.

But I live in a R-1 neighborhood. We're the only household on our block that doesn't own a car. We're .8 miles to the metro. It's fully bikeable even though there's the dam fall line. You have to ride uphill coming from the core.

CHAIRMAN HOOD: Mr. Layman, I appreciate that, but the correct quote was ten. When you get to ten, I'm proud you were seven --

MR. LAYMAN: Okay.

CHAIRMAN HOOD: -- and when you get to ten, then come back and let me know you've done ten. Okay? Yes.

MS. BROCKINGTON: I have a question
of consideration. The parking, no one can seem to talk about parking in residential neighborhoods once the established businesses are there.

The biggest concern is the meters being put in because these will now be established businesses and taking up the parking.

And we've just cured or attempted to cure a situation that was in the reverse at Illinois and Kennedy Street where a long time ago there was a row of businesses there, but they went back to the original use which is all residential.

As a matter of fact, there was an additional condo put there on the corner, but the meters stayed. We finally got the meters removed, but they moved them to the other side of the street, so now on street cleaning day they still have to pay a meter. That's not fair for a resident to have to pay a meter to live in a residential neighborhood. And no one yet has --
CHAIRMAN HOOD: We're going --

MS. BROCKINGTON: -- considered --

CHAIRMAN HOOD: -- wait, let me just --

MS. BROCKINGTON: -- that.

CHAIRMAN HOOD: -- say this. We're going to be dealing with parking next week. We don't want to get too overwhelmed because we have a lot --

MS. BROCKINGTON: I'm talking about with the corner store initiative.

CHAIRMAN HOOD: Okay.

MS. BROCKINGTON: Where they --

CHAIRMAN HOOD: That's something --

MS. BROCKINGTON: -- called on --

CHAIRMAN HOOD: -- we'll look at.

MS. BROCKINGTON: -- and now say well, this is a --

CHAIRMAN HOOD: We're going to look at that whole piece.

MS. BROCKINGTON: Okay.

CHAIRMAN HOOD: Okay. So if you're
able to make it, come back down. But --

MS. BROCKINGTON: Next week?

CHAIRMAN HOOD: -- we appreciate --
yeah. Yeah.

MS. BROCKINGTON: Okay.

CHAIRMAN HOOD: Next week. And you can go on line, what day is it, the 12th.

MS. BROCKINGTON: No problem.

CHAIRMAN HOOD: The 12th. And we don't want to get too overwhelmed. Tonight we're ADU's, corner stores. And if --

MS. BROCKINGTON: We're overwhelmed too.

CHAIRMAN HOOD: -- you want to put it with parking. Yeah, I understand.

MS. SCHELLIN: If she wants to testify, it would be the 19th --

CHAIRMAN HOOD: Oh, the 19th.

MS. SCHELLIN: -- because the 12th is closed for more testimony. But if she wants to hear the Office of Planning report, it's the 12th.
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MS. BROCKINGTON: Okay.

MS. SCHELLIN: But testimony would be the 19th.

MS. BROCKINGTON: 19th?

MS. SCHELLIN: Yes, so.

MS. BROCKINGTON Thank you.

CHAIRMAN HOOD: All right. Mr. Forrer.

MR. FORRER: I didn't want my remarks to imply in any way that I thought that Ms. Steingasser or her staff were hostile to us. I think, rather, that they were simply overwhelmed and felt that they couldn't at that time handle any additional proposals.

CHAIRMAN HOOD: Okay. Well, I didn't --

MR. FORRER: You know, that they --

CHAIRMAN HOOD: -- take it as she was hostile.

MR. FORRER: -- wouldn't be able to

CHAIRMAN HOOD: Okay. Thank you.
MR. FORRER: -- until they had completed the revision which I think didn't only reach to you at the end of August.

CHAIRMAN HOOD: Okay.

MR. FORRER: So I certainly have not --

CHAIRMAN HOOD: I'm sure she's going to still work with you. I'm sure. You won't have any problems. Okay.

MR. FORRER: Thank you.

CHAIRMAN HOOD: All right. Thank you all very much. We appreciate it.

VICE CHAIR COHEN: I have one other further --

CHAIRMAN HOOD: We have one other question.

VICE CHAIR COHEN: I'm sorry. I should have asked this earlier. But, Ms. Green, we did hear quite a few earlier testimony of people who really strongly support --

MS. GREEN: Yes.

VICE CHAIR COHEN: -- corner
MS. GREEN: I think everybody is, you know, thinks they're going to get something that I think that the market is probably not going to provide.

I mean, I don't have a crystal ball here, but there are an awful lot of convenience stores scattered throughout this city including on Georgia Avenue, and they're not providing fresh fruits and all of these -- because I don't think they can make money doing it.

But they can make money selling alcohol and a lot of other stuff. And so I understand the dream. I understand the ideal here. But I'm thinking what we're going to get is trash and blight and grates and all sorts of ugly permanent architectural changes in lovely residential neighborhoods and that's what concerns me.

VICE CHAIR COHEN: Thank you.

MS. BROCKINGTON: Who do I give copies of my testimony to?
CHAIRMAN HOOD: You can give it to the staff to the left. Okay. Thank you all very much. We appreciate your testimony. Okay. Jalal Green, Dorcas Adkins, Gale Black, Kinley Bray. Is there anyone else who's in attendance who'd like to come up and testify? Okay, let me see, I don't think I have that many. You three can come forward.

(Off microphone comments)

CHAIRMAN HOOD: Okay. Yeah, and that.

(Off microphone comments)

CHAIRMAN HOOD: Okay. Is there anyone else who'd like to testify who's in attendance. Okay. I think -- oh, make sure we give our witness cards to the Court Reporter to my right.

Okay. So this will be our end of our panel and it looks like we're going to be able to ask a few questions tonight. Good. Okay. Okay. We're going to start with my left to your right. You may begin.
MS. ADKINS: Good evening, Commissioner.

CHAIRMAN HOOD: Make sure you're light lights --

MS. ADKINS: Okay.

CHAIRMAN HOOD: -- up, please.

MS. ADKINS: Good evening, Commissioners. Thank you for giving me this opportunity. My name is Dorcas Adkins. We hear everyday about the problems caused by suburban sprawl, air and water pollution, gridlock, traffic and the disappearance of our precious farmlands and forests.

The population of the D.C. area is projected to increase sharply in coming years and housing will be created for these people either farther out in Maryland and Virginia or within the city with it's developed transportation infrastructure.

For reasons of environmental quality as well as quality of life, we have to hope that much of it will be created in the city.
Our current low-density neighborhoods will become unsustainable with the projected population numbers.

We owe it to the next generations to accept increases in density whether they be in the form of new high-rise apartment buildings or accessory apartments created in basements, backyards and alleys.

I feel we need both and that the latter can provide much affordable housing stock where available space for new apartment buildings is unavailable.

For over 30 years, I've owned a home in Tenleytown. When I bought it in the '80s, it was priced within my moderate means. But over time, home values have increased six or sevenfold.

Now, most of the houses around mine are owned by couples with dual professional careers. Young couples with children are unusual and stay-at-home parents are almost unheard of.
I'm speaking in support of proposed zoning changes allowing accessory apartments, so that some of my neighbors will be able to create low-cost housing units in their basements and their garages.

As an aging resident, I hope to stay in Tenleytown as much as anything because it's a good place to live once you can no longer drive. A supply of more affordable housing is a sure way to enable me and others like me to do so.

We can move into these units ourselves or take advantage of having as neighbors people who can provide needed services for us. As a bonus, we would see increased diversity among Tenleytown's residents in race, in age and in profession.

A wider price range of housing stock would allow us to enjoy as neighbors, a more varied group, house cleaners, maintenance workers, caregivers and young families with children, many of whom now commute into the area from far out in the suburbs.
While I support the loosening of current restrictions on these units, I don't think it goes far enough. I'm disappointed to see that additions and new construction on garages are not included as matters of right. Most D.C. garages including mine need --

CHAIRMAN HOOD: Okay.

MS. ADKINS: -- second --

CHAIRMAN HOOD: Thank you very much. We have your testimony.

MS. ADKINS: Okay. Thank you.

CHAIRMAN HOOD: Next.

MS. BLACK: Good evening. My name is Gale Black and I'm here today to testify on behalf of ANC 4A. The ANC passed a resolution, which I think has been provided to you all, so I'm not going to read that in. I will do accessory dwelling last assuming time permits.

We are four neighborhoods that border Rock Creek Park, homeowners, primarily low-density, single family, or single household
if you prefer, residences.

And we, like much of the city, are seeing a number of young people aged 20 to 34 coming in, increased by 23 percent. We also have seniors and individuals with disabilities.

So the large lots and homes that we have serve as a resource that we hope the city will retain because that's what you're going to need for your caregivers.

Height, let me just start with height. We believe that there needs to be an absolute height limit for all residential buildings and we need a consistent way that that height is measured.

We agree with the other ANC's that suggest a ten-foot limit above for anything else in pop-ups are an issue. Side yards, we don't believe in having accessory buildings permitted within the side set backs.

We are concerned about the nonconforming uses. Although they may have been permitted, I can assure you they're not on
the ground right now. We don't have any within Crestwood, where I live. There are no medical facilities with 300 people. We have no liquor stores. We have no commerce.

We do have architects and doctors and we think that the list of current occupations is sufficient. Community-based institutions under this proposal, it says it could house 15 people, but that doesn't include the resident's supervisors.

This would allow lodging as an accessory use. That's a concern. Now, and I must say that as a person who's family has, my mom just passed, so we're dealing with estate issues.

We have a caregiver and their family living in that house now, which is helping us to maintain the home and it's also providing affordable housing.

When I was younger, my first house, we rented it out. There are many of us. We're not the enemy. We are the ones who actually can
tell you how you can provide and keep affordable housing because like, as was said before, in the 1940s and '50s we had over 800,000 people. Many of us are already doing this.

Alleys, I wanted to, I'm just going through my little tickler list here. This proposal would permit, as we're understanding it, alley dwellings in the R-3 to R-5 zones.

And we are primarily R-1 and R-2, but we understand the proposal changes what an R-2 zone is, so now we're concerned about that. And any change in alley use should go through the D.C. street and alley closing act before that happens.

I'll just touch upon the parking in the sense that it pertains to residents. I understand the proposal calls for reducing by 50 percent the required parking along certain corridors and for some reason that are controlled by WMATA. I don't quite understand that.

But just looking at the Crestwood
apartment on 16th Street, parking is an issue and this would just make it a lot worse. There are ambiguities here as well, in terms of whether you're referring to an accessory dwelling, an accessory apartment, an accessory unit and you talk about something that's being unduly burdensome, what exactly does that mean?

No corner stores. Right now, again, ANC 4A is, at least west of 16th Street, there is no commerce. And so when you introduce something that is not currently there, you are changing the fundamental character of the neighborhood.

There, we did study for accessory dwellings. We are okay with internal accessory dwellings. We recognize the need for that, but we hope that there would be no use of the garages.

And there were suggestions, best practices that were offered for ADU's. Office of Planning provided that, internal only, owner occupied, only one unit rented, limiting the total number of persons, no separate sale and
that the height should not increase the height of the overall premises. The entrances should be from only one side.

The last thing I wanted to say is that --

CHAIRMAN HOOD: Ms. Black.

MS. BLACK -- the seniors --

CHAIRMAN HOOD: Ms. Black, let me just say this. I cut everybody else off, so I'm going to cut you off at this time. I may come back and ask you that question because I am interested in what you were going to say. Okay. Next.

MR. MILLIGAN: Hi. My name's Sam Milligan and I'd like to thank you guys, everyone here for allowing this to happen and to take part in the Democratic process that we have here.

And one thing I would like to say is I think there's actually I have a lot of respect for a lot of the opinions in the room, especially people who want to maintain the beauty and the historical significance of the city.
I would say allowing the normal economic engines of housing to function while maintaining the beauty and historical significance of the city should be a very American ideal.

We have a lot of infrastructure in this city, a lot of subway systems and bus stations. And being close to those is something everyone really wants to do nowadays, especially people who are interested in living sustainable lifestyles.

And I think there's a growing wave of people who are interested in those sustainable lifestyles. And it should be not only noticed that those people are coming from outside the city into the city because they view it as a place where you can engage in that sort of a lifestyle.

But also notice that across the nation, I think there's kind of a growing trend towards that sort of thing. And I think also that, well, I got a lot off topic, but the corner
stores and the dwelling units could contribute to allowing more people who are moving into the city to engage themselves in those lifestyles.

And walk to the different businesses, which allow for more people to start local businesses which keeps the money in the city as opposed to big box stores which end up diverting it to other cities where they're usually headquartered.

There's a lot of arguments, I think, that could be said for supporting a more community-oriented and local-oriented sustainable system. And that's most of the reason why I came here today.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. BRUSOE: Good evening. My name Peter Brusoe and I'm the president of the Woodley Park Community Association. We had emailed Donna Hanousek to get on the witness list, but I guess some miscommunication happened.

To put it simply, the Woodley Park
Community Association strongly supports the accessory dwelling units, the additional apartment options for our residents. Our community's located in Northwest D.C., approximately about 7,000 residents, soon with an onboarding of new buildings we're expecting more residents and we have some of the oldest row housing in the District of Columbia, designed by Wardman himself.

And our neighbors, our community, they want the option of being able to add additional space to their homes be it for a caretaker, be it for a hardworking American University student or maybe even a GW student, to be able to go through and have an affordable places to live.

We want to applaud the Office of Planning, in particular, Deputy Director Jennifer Steingassser. Followed her great work and outreach.

She came and talk to members of
Woodley Park Community Association good part of
two-and-a-half hours. And the conversation was
very engaging and very deliberate.

We are very concerned about
community associations, community
organizations who don't engage with the
community to learn about these issues.

We have written testimony in night
is of the hour, we just provided that to the staff
to share with the Commission. But again, we are
strongly supporting the new proposals as
written. Thank you.

CHAIRMAN HOOD: Thank you. Next.

MR. MAJERSIK: Good evening. My
name is Cliff Majersik. I live in Woodley Park
in ANC 3C along with Peter and Ms. MacWood.

And I'm here to testify in favor of
the full package of the Office of Planning's
zoning proposals. In particular, the accessory
dwelling unit and corner store proposals.

We live in our house, we've lived
there since 2001 and in D.C. since 1992, with our
three children, my wife and I with our three children. We have only one vehicle. Our 13-year-old takes the Metro to school. Our two boys, I walk them to school. I bike to work. They all go to D.C. public schools.

Whenever possible, I run errands in the neighborhood on foot or by bike. A corner store or a fresh grocers would contribute to making our neighborhood more walkable, safe and liveable.

They are an amenity for families like ours to get staples, milk, bread, whatever we need on short notice to save ourselves time, to make our life easier and more pleasant.

Chance interactions with neighbors at the store or on the sidewalk en route strengthen our community, the neighborhood that we live in.

Accessory dwelling units also contribute to a more vibrant, safe and livable neighborhood with a diverse mix of ages, incomes, life schedules and life experience.
More varied demographics makes for more eyes and feet on the street around the clock and a safer neighborhood. Speaking personally, my mother-in-law is now healthy and independent, but I'd like to have the option for her to live in an accessory apartment in our house, converting a part of our house, of our garage to that purpose. And I think everybody should have that option. It helps to reduce pressure for suburban sprawl and the environmental harm that sprawl causes.

I won't be able to be here for the upcoming hearings, but I'd like to commend the Office of Planning on the whole package of proposals that they've provided. Including proposals to modernize the zoning code and ease and eliminate parking minimums.

I'd like to have seen them go farther in steps to make the city more friendly to pedestrians, cyclists and car sharing. But I think they did a good job of balancing the competing interests, so.
I thank you all for your time. I know you're volunteering your time and this is a long series of hearings that you have to do. And thank you for the opportunity to testify. Good night.

CHAIRMAN HOOD: Okay. Thank you. Next.

MR. DEWITTE: Chairman Hood, members of the commission, my name's Conrad DeWitte and I'm here tonight representing the Foxhall Community Citizens Association.

I'm a resident of Ward 3, living in Foxhall Village and I'm a board member of the FCCA. The FCCA opposes proposed section 1606 of Subtitle D allowing corner stores as a matter of right so long as the store is more than 500 feet from an existing commercially zoned area.

Foxhall Village is a rowhouse neighborhood with historic designation next to both the Georgetown University main campus and close to GW's Mount Vernon campus. We're very concerned about liquor.
All the rowhouses in Foxhall Village were built at the same time in the same Tudor style. These rowhouses were built around a central commercial area that is walkable from every rowhouse in Foxhall Village.

However, some portion of the rowhouses in Foxhall Village on 44th Street are more than 500 feet from the commercial area in Foxhall Village.

It appears that corner grocery stores could be placed on some parts of 44th Street, specifically at the corners of Greenwich Parkway and 44th Street, Q and 44th Street, P and 44th Street and Reservoir Road and 44th Street or some combination of those.

Corner grocery stores in Foxhall Village are unnecessary given the planned development of Foxhall Village around this commercial center.

We ask that through a neighborhood customization the Foxhall Village historic district be excluded from the requirement that
corner grocery stores be allowed in view of the existing neighborhood serving retail in the historic district. Thank you.

CHAIRMAN HOOD: Okay. Thank you very much. Any questions, Commissioners?

Vice Chair.

VICE CHAIR COHEN: Yeah. Mr. DeWitte, I understand that, you know, Foxhall Village does have it's access to convenience stores, but what about the other side where they may be able to serve people who are 500 or 1,000 feet away on the other side of you?

MR. DEWITTE: What other?

VICE CHAIR COHEN: Well, I don't know if there is. You know, I'm just trying to visualize.

MR. DEWITTE: The way Foxhall Village historic district is designed, unfortunately I don't have it printed it out for all of you, but if you were to refer to the ZZR draft corner store map which shows, yeah. Well, mine looks like this.
I don't know. It's we're a little triangle. We're bordered on the north by Reservoir Road, on the west by Foxhall Road and on the east by Glover Archbold Park and then Georgetown University, and we come down to a point. 44th Street --

VICE CHAIR COHEN: Yeah.

MR. DEWITTE: -- is, you know, on the other side of 44th Street is the park and on the other side of that is Georgetown University.

So really, we're talking the commercial retail is located on the east side of Foxhall Road, so it really does. If the requirement were 1,000 feet, I wouldn't be here because we, you know, the commercial retail is within 1,000 feet of every rowhouse just about or I'd say almost for sure in Foxhall Village.

VICE CHAIR COHEN: You answered my question actually, 1,000 feet.

MR. DEWITTE: Yeah.

CHAIRMAN HOOD: Okay. Any other questions?
COMMISSIONER MAY: Mr. Chairman?

CHAIRMAN HOOD: Yes.

COMMISSIONER MAY: I wanted to follow-up with the same question. I'm looking at the map that I have and I'm not seeing a green dot. Oh, those are the existing corner stores, potential corner -- so there's a red area here that shows your neighborhood is that right?

MS. STEINGASSER: The property in Foxhall is actually zoned commercial. It's actually C-1.

COMMISSIONER MAY: Right.

MS. STEINGASSER: So it wouldn't show up as a corner store because it's a --

COMMISSIONER MAY: I understand that --

MS. STEINGASSER: That's a --

COMMISSIONER MAY: -- but I'm looking at the potential corner stores and trying to -- I mean, I guess, at first I was thinking that it was not showing up as a potential area for it, but it looks like it is.
So I understand that concern. That's all. I answered my own question by reading the map more carefully.

CHAIRMAN HOOD: Okay.

Commissioner Black, now, the reason I'm not introducing anybody else, but you started off saying seniors. And I wanted to hear what you had to say about seniors.

MS. BLACK: I have heard very truly from our seniors that there's a strong concern about the accessory dwellings. They have pointed out that there could be an unintended tax consequence, for one, to the proposal.

For example, 1606.7 requires that the property owners have a residential rental business license form the Department of Consumer and Regulatory Affairs and that the property has to be inspected for relevant housing code compliance.

That's a disincentive for the seniors to open up their homes. And it would expose the more vulnerable, those who have to
take in boarders in order to survive to be on the
hot seat basically, because their house may not
currently be up to code. And they may not be
able to afford to bring it up to code.

And they're also concerned that
their neighbors would take advantage of having
an accessory dwelling and would be bringing in
people that they are concerned about.

I am just relaying to you the
concerns that I've definitely heard from our
senior contingent.

CHAIRMAN HOOD: So basically, they
are in support of ADU's. I'm talking about the
seniors now, not necessarily you. They're in--

MS. BLACK: Some, but internal
interior only, no garages, no exterior use and
they are -- the many requirements that seem to
be required here, would be a disincentive for
them to actually take advantage of it because if
their house has to be shown to be in compliance
to the housing code before they rent it out,
where windows have to be a certain size or
whatever, they're not going to do it.

CHAIRMAN HOOD: So they want to possibility, but they don't want to go along with 1606.7 which --

MS. BLACK: Yes.

CHAIRMAN HOOD: -- possibly a safety issue.

MS. BLACK: Right.

CHAIRMAN HOOD: All right.

MS. BLACK: Right.

CHAIRMAN HOOD: All right. I'm just curious. Okay. Any other questions? All right. I want to thank this panel. We appreciate all your testimony.

MS. BLACK: Okay.

COMMISSIONER MAY: Thank you, Commissioner.

MR. DEWITTE: Thank you.

MR. MAJERSIK: Thank you.

CHAIRMAN HOOD: Okay.

Commissioners, we're going to keep pressing forward. If we have any questions of the Office
of Planning's presentation, which was probably about three hours ago. So I'm sure we took good notes. Hopefully, we did.

We're going to stop and what we'll do is ten-minute rounds. And we'll start off with Commissioner May's. I know he only has one question, so we --

COMMISSIONER MAY: Maybe two.

CHAIRMAN HOOD: Okay, two. Okay. We'll start with you Commissioner May. Thank you.

COMMISSIONER MAY: Okay. So I'm interested in the alley issue 20 feet versus 24 feet. And I recalled some past BZA cases and having to address this issue and I'm wondering what's magic about 24.

I mean, I know 24 is less than 30, which is what it is now, right. But, well, I mean, what's wrong with 20? That seems to be the standard we're pushing for when we get some alley widened.

MS. STEINGASSER: We were, yes,
COMMISSIONER MAY: Yeah.

MS. STEINGASSER: -- chief --

COMMISSIONER MAY: Yes.

MS. STEINGASSER: -- and their standard was 24. That's what he recommended and so that's what their position was.

COMMISSIONER MAY: All right. I know that there are circumstances where the, you know, an entrance to an accessory unit might be off the alley or, you know, a yard off of an alley that's very close to the street. So it's, you know, within, I mean you can see it the whole way.

And I'm wondering if there's any allowance for that in the existing codes that -- because, you know, there is a practical benefit to having a property alongside an alley. And I mean, I can think of a half dozen examples that I've seen in --

MS. STEINGASSER: Yes.
COMMISSIONER MAY: -- in my own neighborhood. I mean granted it's not an R-1 or 2 zone, but we'll get to this issue tomorrow. It seems like there's a practical reason why it might be okay for an accessible dwelling unit.

MS. STEINGASSER: We can look at that. I think what's coming to mind, it's what you're talking is a similar spacing like fire hydrants. There is so many feet that you have to have a fire hydrant because --

COMMISSIONER MAY: Yes.

MS. STEINGASSER: -- the hose can go --

COMMISSIONER MAY: Right.

MS. STEINGASSER: And that there may be that kind of depth from the principle street that they may be able to go back. And we can certainly follow-up with them.

COMMISSIONER MAY: Yeah. I mean, if it's close enough, fine. Okay. So, and then my next question is the issue of pop-ups that Councilmember Graham brought up.
And I recalled that early on we had some kind of discussion about that, I think, and we also talked about mansionizations and things like that, but I don't see a lot in the regulations to address that other than a new measurement for height --

MS. STEINGASSER: Yes.

COMMISSIONER MAY: -- which would push things down a little bit, but probably not very much at all.

MS. STEINGASSER: The difficulty we had with pop-ups is it's basically diminution of property rights.

COMMISSIONER MAY: Yes.

MS. STEINGASSER: So to make a citywide blanket that you have to be as high as your neighbor's, when for the last 55, if not more, years there's been an anticipated property right that you might be able to put a top floor on, was a very difficult thing to assess.

COMMISSIONER MAY: Okay.

MS. STEINGASSER: And the other, I
know everybody hates mansionizations and the McMansions, but they sell.

COMMISSIONER MAY: Yes.

MS. STEINGASSER: Somebody's buying them and living in them. So that became an issue of how do we deal with the fact that somebody may not like what their neighbor's doing, but their neighbor likes it. The property owner likes it.

So it became a really difficult issue for us. The way we went at it was to try to deal with some of the visual effects, lowering the way height's measured, reducing the roof structures that could go on top.

I mean this famous one on 10th and 11th, that block is actually anticipated to be redeveloped up to 65 feet. It looks really odd because it was the rowhouse in the middle that went up first and had to reinforce itself, so it --

COMMISSIONER MAY: You're talking --

--
MS. STEINGASSER: -- sticks up --

COMMISSIONER MAY: Oh, so you're talking, you're back on the pop-ups. You talked for a second about mansionizations.

MS. STEINGASSER: Oh, all of it.

COMMISSIONER MAY: You put it all together, okay.

MS. STEINGASSER: Yes. You mentioned them both together, so that's why I said --

COMMISSIONER MAY: Yeah. Yeah, okay.

MS. STEINGASSER: Okay. So pop-ups, it's a difficult --

COMMISSIONER MAY: So --

MS. STEINGASSER: -- thing to go to get at. We're trying to both accommodate a growing city --

COMMISSIONER MAY: Right.

MS. STEINGASSER: -- and --

COMMISSIONER MAY: So --

MS. STEINGASSER: -- maintain those
property rights.

COMMISSIONER MAY: And I think a lot of people don't realize that the addition of a third floor --

MS. STEINGASSER: Yes.

COMMISSIONER MAY: -- on an existing rowhouse has been a common practice --

MS. STEINGASSER: Yes.

COMMISSIONER MAY: -- over the years. And historically, there are many of them. And the thing is that many of them that we see now, they just look like it's the third floor of a building that was built all at once.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: And they're not all that way. I mean, very often when you see a difference in the architecture from the second to the third floor and the third floor looks like, you know, it's got more of a kind of a balcony feel or it's set back a little bit further or it's got a mansard treatment or things like that, very often those are third floor
additions.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: But they were done so long ago that, you know, nobody remembers that that's what they were. It seems that what we're getting right now is very often, you know, like a 20/24-foot tall rowhouse that's getting 20 feet added.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: And, you know, it may be because that room, you know, those top floor rooms have, you know, 20-foot ceilings in them.

MS. STEINGASSER: Well, we've maintained --

COMMISSIONER MAY: They're really, really silly, so.

MS. STEINGASSER: They are.

COMMISSIONER MAY: Yeah. But they don't add, I mean, I guess if all you can add is a floor, I mean, maybe there's a limitation on the height of floors if you add a top floor?
MS. STEINGASSER: Well, right now, the regulations maintain the three-story limit.

COMMISSIONER MAY: Right.

MS. STEINGASSER: So we're not proposing any change to that.

COMMISSIONER MAY: Right.

MS. STEINGASSER: And so are you suggesting that it be a two-story limit and that third story would have to be by special exception or I'm not sure how to -- I mean what --

COMMISSIONER MAY: No.

MS. STEINGASSER: -- would really require is that somehow the city would regulate block by block. That's how detailed you'd have to get to --

COMMISSIONER MAY: Really?

MS. STEINGASSER: -- be --

COMMISSIONER MAY: I'm not totally convinced of that. I mean --

MS. STEINGASSER: Well --

COMMISSIONER MAY: -- I think it's probably worth thinking about a little bit more
because, I mean, there's no reason why some of these things go all the way up to 40 feet when they're in a row of other, you know, 25-foot tall --

MS. STEINGASSER: Yes.

COMMISSIONER MAY: -- houses. And if effectively all they're doing is adding a story, you know, adding one reasonable story might look okay. I don't know.

MS. STEINGASSER: Well, we could certainly draft a text that says, you know, no more than one story of ten feet or whatever that --

COMMISSIONER MAY: Yeah.

MS. STEINGASSER: -- would be. But there's the effective height. You know, we would want eight-and-a-half --

COMMISSIONER MAY: Yeah, right.

MS. STEINGASSER: -- did insulation and then roofing.

COMMISSIONER MAY: Right. Yeah.

And, I mean, and I don't know what the right
number is. It may not be ten feet or 12 feet, but I don't know, I just think maybe there is something that can be done. And maybe I'm not understanding the full picture of what can happen. So maybe what I'm imaging could be fix isn't really a fix, so.

MS. STEINGASSER: I mean, we certainly hear of it. HP or historic preservation hears of it a lot. They're looking at options to a historic district and what that would do. You know, obviously that has a review process, so that'd be --

COMMISSIONER MAY: Well, and I think --

MS. STEINGASSER: -- the way that.

It's --

COMMISSIONER MAY: Yeah.

MS. STEINGASSER: -- a tough one and it's, some of the properties cited weren't actual pop-ups as much as they were new construction that is --

COMMISSIONER MAY: Well, what, I
mean, what if there were --

MS. STEINGASSER: -- all.

COMMISSIONER MAY: -- required staff design review of additions in an existing neighborhood? I'm not saying that we, I mean, we don't have to have BZA reviews. And we don't want to, we can't require HPRB review everything, but there is something to be said for that staff review that is done by the Office of Planning as the first filter on historic preservation --

MS. STEINGASSER: And I would look --

COMMISSIONER MAY: -- for neighborhoods.

MS. STEINGASSER: -- support in front of the city council for that particular staff to be created. I mean we don't have architects on board. The architects we have on staff are in historic preservation --

COMMISSIONER MAY: Well, no, I mean --
MS. STEINGASSER: -- and so you --

COMMISSIONER MAY: -- you know, one of the things that Councilmember Graham asked for was whether there was something that could be done legislatively. And if it's design review and staffing for the Office of Planning to do it, maybe that's the answer.

MS. STEINGASSER: I don't want to get into the function of the Agency as a way to solve for this. If what you're looking for is some kind of regulatory structure, we'll be happy to take another look at that.

I can't comment on whether --

COMMISSIONER MAY: Okay.

MS. STEINGASSER: -- it's appropriate for --

COMMISSIONER MAY: All right.

MS. STEINGASSER: -- the Agency to have an internal review staff.

COMMISSIONER MAY: All right.

Thanks.

CHAIRMAN HOOD: Okay.
COMMISSIONER MAY: I finished before that beep.

CHAIRMAN HOOD: You have one minute --

COMMISSIONER MAY: I'm done.

CHAIRMAN HOOD: -- but you don't see that --

COMMISSIONER MAY: I was finished.

CHAIRMAN HOOD: Okay. All right.

Vice Chair.

VICE CHAIR COHEN: Thank you, Mr. Chairman. Accessory units, again, what is managing them is the size of the lot, is that correct, but not the size of the unit?

MS. STEINGASSER: That's correct. The size of the lot and the size of the house.

So what Mr. Baldwin brought up is correct. And we carried that forward from the existing regulations.

I think he made a very good point and we're happy to take a look at something smaller than the 2,000 square feet. That's what's in
the regs now, we've brought that forward into the proposal.

VICE CHAIR COHEN: I would suggest to you that if we don't take a look at that, we will have significant amounts of illegal units in Dupont Circle, in rowhouses that have basement apartments --

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: -- on my own street now.

MS. STEINGASSER: Say no more.

VICE CHAIR COHEN: Okay. One of the opportunities for affordability is something called co-housing, which hasn't really taken off in our area, but exists significantly in a number of other communities.

And I'm just hoping that, and again, this concerns me, that a lot of the larger homes, and I'm thinking of one in particular in Dupont Circle, it's a huge house.

MS. STEINGASSER: Yes.

VICE CHAIR COHEN: It often has
students living in it, shared housing, but that would be perfect for co-housing as well. Is there any way that we can introduce that concept as well and allow for it, especially if there are large homes that can be converted?

Again, a lot of seniors are looking forward to not going into institutions, but maybe living as like a smaller part of the village movement in a co-housing arrangement.

MS. STEINGASSER: We can take a look at that. Yeah, absolutely.

VICE CHAIR COHEN: Good. When I read the comprehensive plan, I never thought that it did not allow for accessory units. I don't think it's an inconsistent use.

MS. STEINGASSER: Yes.

VICE CHAIR COHEN: Is it not mentioned specifically? I don't recall.

MS. STEINGASSER: It is absolutely called out --

VICE CHAIR COHEN: It is --

MS. STEINGASSER: -- directly.
VICE CHAIR COHEN: Yeah, I thought.

Okay.

MS. STEINGASSER: It's an action item to look at ways to encourage, what they call, granny flats, accessory.

VICE CHAIR COHEN: Right. Okay.

MS. STEINGASSER: Yeah --

VICE CHAIR COHEN: -- I --

MS. STEINGASSER: -- absolutely.

VICE CHAIR COHEN: -- didn't think that it was inconsistent. I thought somebody said that, mentioned it tonight and I don't know, maybe I'm imagining. All right. Those are my questions. Thank you, Mr. Chairman.

CHAIRMAN HOOD: Okay. Thank you.

Mr. Turnbull.

COMMISSIONER TURNBULL: Oh, thank you, Mr. Chair. I guess one of the things, we had a lot of good questions tonight and comments made from a lot of the people that showed up, and I think the one time that I think is the customized format that came up.
MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: Georgetown is the one that's out there, but I asked to one of the question is, what's the next process for other neighborhoods to get this.

MS. STEINGASSER: Well --

COMMISSIONER TURNBULL: I mean, Mr. Forrer, he was, but he wasn't being, I think and he made clear, he said I'm not saying I'm being picked upon or that we're being ignored, but he said I feel like they were put off, not put off, but he was like, I feel like we don't know what to do next.

MS. STEINGASSER: Well, until the Commission makes a ruling one way or another on the customized zone options, it's an enormous amount of work, both for --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- and to take it to the ANC, to do the assessment of the property. We look to the community to be the lead in this.

So before we want people going out
there and doing the hundreds of hours of work, the Zoning Commission needs to act one way or another on this zoning regulation.

The general process is set out in Subtitle X, I think. And it talks about just the general --

COMMISSIONER TURNBULL: Now, does that clarify then that it's an open process?

MS. STEINGASSER: Absolutely. And I want to clear -- you know, Georgetown volunteered to be the first, to do that work and to do it themselves. So it's not as if we chose one community over another. They were ready to go.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: They wanted an overlay about six years ago. We said no, we don't want to be doing any more overlays because we're heading into this new process.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: So they volunteered to be that prototype. But, yeah, we
absolutely expect to work with multiple communities on this. But in the, you know, --

COMMISSIONER TURNBULL: Well --

MS. STEINGASSER: -- in the last eight months, no, we were not in the position to stop the process, start taking up a new community and try to incorporate it into these regulations.

COMMISSIONER TURNBULL: Now, when you do this, does the community, the group that -- do they take the lead then on --

MS. STEINGASSER: That's our expectation, you know. Because it's not going to be the same issues that are important to every community.

COMMISSIONER TURNBULL: Yes.

MS. STEINGASSER: And we want to have as close to unanimity on what those issues are, especially, if it starts getting into issues of reduced building bulk, reduced property rights, uses, limitations, those kind of things that we want to make sure that the
property owners are in general consensus, not
100 percent consensus, but in general consensus.

COMMISSIONER TURNBULL: Okay. One
of the other, I mean, a lot of people made
comments about embellishments and the heights,
the, you know, limiting it at ten feet. You took
all that in. I mean, there was concerns about
suddenly that some of these things could be
occupied spaces. I think that there's --

MS. STEINGASSER: Well, I think
that's a, right now the code allows for roof
structures to be 18.5 feet.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: We proposed that
in the low-densities it be reduced to ten feet
There's a comment. In terms of what can be used
for recreational, I think it just needs to be
more clear. We're talking about communal space
on things that may be nonconforming existing
apartments in the R-1s and the R-2s and the R-3s.

That was not intended that a single
family detached could suddenly put a communal
pool on their roof, you know. So that's a carry-over from the current code. It just needs to be massaged.

COMMISSIONER TURNBULL: We just need to clarify it. Okay. We heard a lot of concern about the corner store.

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: And a lot of these, we're not going to be able to go back to the '50s or the '60s where you're going to have a lot of neighborhood grocery stores. I just can't see that, that the economies of that are going to happen.

MS. STEINGASSER: Yes.

COMMISSIONER TURNBULL: And I think a lot of there was concern, I think Commissioner Green had something about, I think they were worried about too many convenience stores, like 7-Elevens or something that it's soda pop, beer, chips and cheap food that people can come in and snack food. And I'm not sure how we deal with that. I mean --
MS. STEINGASSER: We did hear a lot and we heard it mostly from Ward 4. They are greatly concerned about the corner store issue.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: And we heard it for a number of reasons. We heard exactly what you heard this evening, that they are concerned about an abundance of alcohol and low quality wares.

COMMISSIONER TURNBULL: Yeah.

MS. STEINGASSER: They are also concerned about it drawing from Georgia Avenue and commercial corridors that they're trying to get reinvestment in.

And then we heard, the third element was many of the neighborhoods that are R-3, were built in the '20s and they're berms, so their topography may not lend itself to the same kind of corner store access that you would see in Georgetown or Capitol Hill.

So that's why we went away from the matter of right proposal and went to a special
exception, so that these things could be considered.

   We felt it was important for grocery's to be a true grocery. And you're right, there may not be a market, in which case it wouldn't be there. I don't know how to address the enforcement issue.

   COMMISSIONER TURNBULL: Yeah.

   MS. STEINGASSER: We did propose a limitation on alcohol. But there's also, you know, there's different types of corner stores. There's the florist, there can be the dry cleaner. We see a lot more than just food sales in terms of corner stores that serve this neighborhoods.

   COMMISSIONER TURNBULL: Okay. Talked about, I think Commissioner may have brought up about the alleys and I know I have a case coming up on the BZA about a alley, you know, which has been postponed, which I think the Office of Planning is in opposition to, but it's they don't go away. These alley units do not go
away.

MS. STEINGASSER: Well, that's why we want to try, and I'm not referencing any particular case --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- but we do want to make it clearer where they can be, where they're appropriate and give some hard and fast guidance on what we think is the right development for them.

I think the biggest move we're making is not permitting them in the R-1 zones and the R-2 zones.

COMMISSIONER TURNBULL: Okay. One of the things Commissioner Black, I mean, we've heard different, a lot of -- some people don't mind internally to use, but there was quite a few comments on no garage ADU.

MS. STEINGASSER: Yes. Well, we actually --

COMMISSIONER TURNBULL: I guess it depends upon the neighborhood of the area.
MS. STEINGASSER: In terms of, I'm not sure, obviously the Office of Planning's position is that we do recommend them in --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- existing structures. But I think, yes, you are hearing from various communities very different positions. But I think it's just the nature of each community as to whether they support or don't support them.

COMMISSIONER TURNBULL: Right.

Now, it would be that there was some comments made, I mean, and I think you have. You've done studies, not -- I mean people talked about Montgomery County or Arlington, but you had looked at other cities and the policies of --

MS. STEINGASSER: We have.

COMMISSIONER TURNBULL: -- what they are --

MS. STEINGASSER: We have. Yes, we did do a best practice study of what other cities are doing. And every city's very different --
COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- especially here. The way Arlington does its business is just completely different. It's what they call a Dillon Rule state. It has a very different legal structure on how they negotiate development.

COMMISSIONER TURNBULL: Yeah.

MS. STEINGASSER: And we'll follow-up on Montgomery County and what they're doing. I think Ms. Cort pointed out that so far their's has been fairly successful. You know, and ours has been on the books for quite a long time.

COMMISSIONER TURNBULL: What about some of the other cities like Boston and Chicago?

MS. STEINGASSER: We have surveyed them and we can supply that report to you.

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: You know --

COMMISSIONER TURNBULL: Thank you.

MS. STEINGASSER: -- report. It's
CHAIRMAN HOOD: Okay.

Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. When, I think, Ellen McCarthy and Richard Layman raised the issue of, if I got it right, of that only one accessory dwelling unit's permitted on a property. And that seems overly restrictive, especially given that currently, as you presented in your overview, you could have more than that.

So, why is that restriction or no permission if there's certain other lot size configurations or otherwise that would allow more than just one? Why couldn't you have both the garage and the internal at the same time, since you can have that now?

MS. STEINGASSER: I mean, we felt it was kind of excessive. We were trying to bring everything as close as we could to a middle ground.

We didn't actually study the concept
of two accessory dwelling units being on any lot beyond an analysis of the current code.

COMMISSIONER MILLER: But currently under the current code, you could --

MS. STEINGASSER: You could have --

COMMISSIONER MILLER: -- have --

MS. STEINGASSER: -- two.

COMMISSIONER MILLER: -- more than one.

MS. STEINGASSER: yeah.

COMMISSIONER MILLER: You could have one internal and one --

MS. STEINGASSER: Than the --

COMMISSIONER MILLER: -- external.

MS. STEINGASSER: -- domestics.

We, you know, it was a big enough fight to try to get one as a matter of right, so.

COMMISSIONER MILLER: Yes.

MS. STEINGASSER: But if want us to take a look --

COMMISSIONER MILLER: But --

MS. STEINGASSER: -- at it.
COMMISSIONER MILLER: -- you could have it by special exception or no? You couldn't even have more than one by special exception?

MS. STEINGASSER: Could not. You would have to get a variance.

COMMISSIONER MILLER: And that would be a --

MS. STEINGASSER: Probably a use variance.

COMMISSIONER MILLER: -- use variance.

MS. STEINGASSER: Yes. And --

COMMISSIONER MILLER: I think we should look at --

MS. STEINGASSER: -- at --

COMMISSIONER MILLER: -- given where the existing code is, I understand all the balancing that's gone on and is going on, but I think we should look at possibly allowing it to be a special exception process versus for more than one.
MS. STEINGASSER: Okay.

COMMISSIONER MILLER: I mean, you'd be looking to adverse impacts and that's what it's all about for the neighborhood. But that's just my own view. I don't know if my other commissioners would agree with that.

I do agree with the content, the size, the lot size needs to be looked at for these minimum lot sizes. If we're excluding half of the city from being eligible right off the bat, that's a lot of exclusion and it might encourage the very thing that's going on now as the Vice Chair pointed out about illegal units rather than trying to legalize these things with appropriate conditions.

Well, before I leave accessory units, I think Ms. MacWood on behalf of the Committee of 100, said that we were going from that the existing code allows only a one-story 15-foot high accessory structure, whereas this proposal would permit two stories and 20 feet.

I didn't understand that to be the
case, but can you address what she's --

    MS. STEINGASSER: Well, I know the --

    COMMISSIONER MILLER: I should have probably asked --

    MS. STEINGASSER: -- current code for an accessory building without -- that's not, let me get my English correct here. An accessory building that does not have a domestic quarters on top is limited to 15 feet and one story.

    The only time you can go to 20 feet and two stories is to have living quarters for your employees. We're proposing that that be basically taking the word employee and domestic out so it would be permitted. If it's not already constructed, it would be by special exception.

    COMMISSIONER MILLER: Okay.

    MS. STEINGASSER: Now, the one change I want to be clear about is we're not proposing that it be restricted out of the rear
yard. We're actually saying it can be in that rear yard because we feel it's almost more safe to have it back by an alley or back along the property and keep that sense of openness and air and space and all of that.

It's a more a traditional form to have the accessory buildings back. But we're not dictating, it be one place or another. But that is a change in what you're proposing.

COMMISSIONER TURNBULL: Okay. Thank you. And on that absolute height, we've heard a number of citizens testify about this absolute ten-foot height limit of things on the roof --

MS. STEINGASSER: Yes.

COMMISSIONER MILLER: -- and roof structure. Is it not absolute or can these things go higher?

MS. STEINGASSER: Right now, the regs allow for penthouse and mechanical structures on the roof to go to 18'5". And we're proposing it be absolute at ten.
There's some confusion in the way it's worded. That we just listed A, B, C and one of the B's talks about the communal recreation space which we just kind of copied over from another section. And so that needs to be clear that that is not appropriate for single family residential detached.

I mean, it's seldom that you would ever see. I can't imagine what an 18 foot penthouse would be on top of a --

COMMISSIONER MILLER: Yes.

MS. STEINGASSER: -- residential structure. But, you know, it gets to the issue of the way people manipulate the regs and the way the pop-up issues and the way people treat those upper spaces, so we thought we'd at least limit that. But we can be clearer on what that can be used for. And mostly you'll see it in the rowhouse zones, not in the single family zones.

COMMISSIONER MILLER: Now, Ms.,

back to the accessory issue.

MS. STEINGASSER: Okay.
COMMISSIONER MILLER: On the 24-foot width --

MS. STEINGASSER: Yes.

COMMISSIONER MILLER: -- requirement for the alley that the Commissioner May asked you about. And you said it was the fire department that's requiring it.

For the alley lots, though, you are allowing if it's less than 24 feet to allow it by --

MS. STEINGASSER: By special exception.

COMMISSIONER MILLER: -- special exception. Would that be the same for the accessory?

MS. STEINGASSER: That would be the same.

COMMISSIONER MILLER: Okay.

MS. STEINGASSER: Yes.

COMMISSIONER MILLER: Yeah. And is that consistent with what their recommendations had been in allowing
development around the city or is this something new that they've --

MS. STEINGASSER: For matter of right, they haven't really, well, I'm going to ask Mr. --

MR. GOLDSTEIN: Yes.

MS. STEINGASSER: -- Goldstein, who actually did most of the work with the fire department on this. Do you want me to get --

MR. GOLDSTEIN: Actually, if you don't mind asking it again. It --

COMMISSIONER MILLER: So is there thing that they need the 24 width and then on 24 width of the alley --

MR. GOLDSTEIN: No.

COMMISSIONER MILLER: -- before giving the okay accessory structure being there, is that requirement for habitable structures is that consistent with their policies elsewhere?

MS. STEINGASSER: Or did they maybe distinguish between that or of right and special exception?
MR. GOLDSTEIN: You know, I'm not quite sure how to answer that, frankly. In alley lot cases, we've often tried to get them engaged and with mixed success.

We did meet with them and they did express they want 24 feet. And that's why our special exception was geared to try to provoke them as well to give feedback as part of a special exception process.

COMMISSIONER MILLER: Okay. Mr. Turnbull has a follow-up.

COMMISSIONER TURNBULL: Well, I just, I don't want to take away from Commissioner Miller's time, but then what's the minimum? If you're allowing a special exception, if it's less than 24, there's got to be some limit where they're going to say at 15 feet forget it or what's the minimum you can go?

MR. LAWSON: I think that's not really what they're looking at. They're looking at whether or not, well, 24 feet allows in their mind the truck to go down the alley.
If the alley is less than that, then they would look at can they run the hoses in through some other way. Is there a way to bring it across the properties or a high joint at the end of the alley that would provide that service. Would they be able to ride that service in a way where they wouldn't necessarily have to take their truck down the alley itself. But that they see is more of a case-by-case kind of sight-by-sight basis because they would need to assess all of those factors.

COMMISSIONER TURNBULL: Well, then that would have to be identified when it's been presented to the BZA then, I would think.

MR. LAWSON: Yes --

COMMISSIONER TURNBULL: And --

MR. LAWSON: -- and Mr. Goldstein said that's really one of the main purposes of a --

COMMISSIONER TURNBULL: Yeah, somebody was --

MR. LAWSON: -- special exception.
COMMISSIONER TURNBULL: -- asking me to clarify what that is then.

COMMISSIONER MILLER: Okay. I think I had one last question. I thought there was one area in the Georgetown customized zone where it actually for a little bit, it actually went the other way and they allowed something. And I think it was in the area of balconies, which aren't allowed at all.

It's a lot like prohibition on accessory structures for everybody else, but in Georgetown they allowed it, but with very stringent conditions, had to be in the footprint of the building.

MS. STEINGASSER: That's correct.

COMMISSIONER MILLER: Why wouldn't we at least allow elsewhere with the restrictive condition, but would allow the balcony that's allowed in Georgetown?

MS. STEINGASSER: We can certainly do that. What Georgetown did is they actually did a survey of every alley lot they had and every
alley structure.

        And they have some very specific, I don't want to call them communities, but small clusters of old carriage houses that are already two stories that have different articulation on them. And they wanted to recognize those and not prohibit them.

        We haven't done that for all the rest and we were trying to minimize the impact of people being able to stand on a balcony and look into other people's property just on a general rule. We weren't able to make this indetermination.

        But Georgetown did, they walked and surveyed. They've got a photographic survey of all of their alleys and all their alley structures.

        COMMISSIONER MILLER: I guess someone could come in with a special exception in that case too and that could be one of the conditions that could waived --

        MS. STEINGASSER: Absolutely.
COMMISSIONER MILLER: -- if that's shown that that doesn't have that kind of adverse --

MS. STEINGASSER: Right.

COMMISSIONER MILLER: -- visual impact.

MS. STEINGASSER: Yeah.

COMMISSIONER MILLER: Okay.

Thanks.

CHAIRMAN HOOD: Okay. Let's see how I'm going to ask this question. Ms. Steingasser, current structures that are in the new rear yard that are measured from the rear lot line, will they be noncompliant? You may have answered this. Will they be nonconforming or noncompliant?

MS. STEINGASSER: An existing accessory building --

CHAIRMAN HOOD: Existing structure that's in the rear, as we see it today, as it exists today. And I think you alluded to that earlier, I just can't remember your response.
An existing structure in what would now be the new rear yard --

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: -- from the lot line, the 25 feet that we have, so would that be nonconforming or noncompliant?

MS. STEINGASSER: No sir, not as an accessory structure. No.

CHAIRMAN HOOD: Okay. As we have in there. So how will that be measured.

MS. STEINGASSER: Well, I hope we captured it correctly. We're proposing that accessory buildings be continued to be allowed to be within a required rear yard. And that's how the current code reads. It's whether it has an accessory apartment on top. That's what distinguishes it's location under the current regulations.

And we proposed to allow that same rear yard encroachment. I don't even want to call it an encroachment because it's allowed to be there, these accessory.
CHAIRMAN HOOD: So it would be --

MS. STEINGASSER: So think of it --

CHAIRMAN HOOD: -- nonconforming.

MS. STEINGASSER: -- as a driveway coming off an alley that would be in the rear yard, but we would naturally want that garage to be off the alley. And so we tried to incorporate those provisions.

CHAIRMAN HOOD: Okay. And let me go to something else that hasn't come up, at least, and I don't even know if that's the right night. But I think it is.

The, I can't think of the name of them, sometime back I mentioned to Office of Planning early on that we wanted to look at those little houses or whatever. You're supposed to grow flowers in it, but they put it on a trailer and they're able to get around the zoning laws in the city.

I have to go back and look and see what those are called. They're little houses.

MS. STEINGASSER: Little green
houses?

CHAIRMAN HOOD: Well, they in other words they're not supposed to live in them, but I know for a fact they live in them. We need to address that.

MS. STEINGASSER: And they live in them?

CHAIRMAN HOOD: Yeah, they live in them. I can't think of the name of them right now. They're on trailers.

COMMISSIONER MAY: You're talking about the micro houses, the --

CHAIRMAN HOOD: Is that --

COMMISSIONER MAY: -- micro units?

CHAIRMAN HOOD: -- what they call them? No, is that what they call micro units?

Yeah.

COMMISSIONER MAY: There's --

CHAIRMAN HOOD: They're in Ward 5.

COMMISSIONER MAY: -- a cluster of them in Ward 5.

CHAIRMAN HOOD: I don't know.
COMMISSIONER MAY: And they're like 200 square feet.

CHAIRMAN HOOD: I thought it was another name. But I can tell you --

COMMISSIONER MAY: Oh, they're trailer. I didn't think that --

CHAIRMAN HOOD: Yeah.

COMMISSIONER MAY: -- they were considered --

CHAIRMAN HOOD: But I can tell you the way they got around that law was because they are on wheels.

FEMALE PARTICIPANT: They're not on wheels.

CHAIRMAN HOOD: They don't move anyway. People live in them. They're having parties. But that's something we need to address. I know if this is -- and here's the thing, I don't think the Commission should grandfather them in.

(Off mic comment)

CHAIRMAN HOOD: That was a loop
around this law and we need to deal with that.
Let me move on. I need to do my research on it.
Jim Graham has asked us a number of questions.

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: Our Councilmember
represents the whole --

MS. STEINGASSER: Eight.

CHAIRMAN HOOD: -- ward. We're
going to need to respond.

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: If we can work with
the Office of Planning, Office of Zoning, just
like we responded to Councilmember Cheh's
letter, we need to respond.

But I do, and I know my colleagues
have already asked about the pop-ups. We do
need to deal with that as it's been an issue, as
I stated to him as (HARDROW?) mentioned that to
us some years ago. So, okay.

Let me see. Let me run right quick.
I don't want to go over my time because I don't
want Commissioner May to say that I went over my
time.

There's some things probably, about other concerns. Oh, I'll tell you this. I'm concerned about the participation. I know we've done everything we can do.

I'm concerned about, even though this is just the third night, we've had two people from Ward 5, nobody from Ward 7. And I'm not necessarily asking the Office of Planning this, I'm just saying this for anybody who may be viewing this.

Maybe, and I don't meant this sarcastically or anything, maybe we need to ask Ms. Cort how we get people involved. And I mean that wholeheartedly because what's going to happen is once we finalize this, I'm going to be in some of those neighborhoods or some of those areas, we're going to be in some of those areas and they're going to be asking us why did you all do that and, or why was this done.

But I just don't know how to get people engaged. I think Office of Planning, and
I've said this, has done a real nice job about getting out. The Office of Zoning has done a real nice job about getting out.

I don't want to disencourage the participation we had tonight or we had the other two nights. But I just would like to see some of the folks that I'm going to see after this is over and I'm hoping they're watching this.

And they're going to criticize us for how they're going either say how we've done, well, they're not going to say how we've done a great job with this, but how we messed it up. But that's why we need -- let me finish my sentence -- of how we're going to. And I'm just saying that for anybody who may be looking.

Let me ask this, Ms. Steingasser. Ms. Schmitt brought up a point about renters. I'm not sure if that's necessarily tied to zoning. That's a whole other issue about putting people --

MS. STEINGASSER: Yes.

CHAIRMAN HOOD: -- out of homes. I
mean that's going to be hard either way. I don't know if zoning is the cure-all or even the right, and I'm sorry she's here because I don't want to make a scene like I'm saying this while she's not here, but I don't even know if this is the right forum for that.

Did you all consider that, about how it's hard to get renters out?

MS. STEINGASSER: We didn't. I mean if a homeowner doesn't want to be a landlord, they're not forced to be a landlord. These are options.

Our conversations with the tenant advocacies, this is a very rare case. Eviction is a very extreme position. It's not something that happens every day.

You know, we do recognize, DCRA requires a business license, they require a registration of the unit. If it's less than four units and it's a homeowner, it's not subject to rent control laws if it's built after '75. But in terms of elder abuse, that's not a zoning
issue. I didn't understand then.

CHAIRMAN HOOD: Okay. And also the
issue from Commissioner Green about the alcohol.
I know Mr. Turnbull touched on that. I think the
regulations, what is it, 20 percent of the square
footage of the corner store? Is it 20 percent
or 10?

MS. STEINGASSER: Fifteen.

CHAIRMAN HOOD: Fifteen percent.

And were studies done on that or was that that's
what's allowable now?

MS. STEINGASSER: We took 15, you
may remember the Harris Teeter and Adams Morgan
in the big --

COMMISSIONER MILLER: Citadel.

MS. STEINGASSER: The Citadel.

That was the resolved percentage of floor area
that they felt was appropriate for alcohol sales
there. And so we went with that same standard.

CHAIRMAN HOOD: Okay. And that's,
again, this is a balancing act because I can, and
I didn't think of this until she left, but there
are some people who actually want to go their corner store and have a beer. And that's just, you know, that's where it is.

I understand what's she saying though, abundance of it, but there are some -- so that's a dual argument.

MR. LAWSON: I just want to clarify something. They wouldn't be able to go to the corner store and have a beer.

CHAIRMAN HOOD: Oh no. Yeah, I --

MR. LAWSON: But this one's --

CHAIRMAN HOOD: -- understand.

MR. LAWSON: -- approved.

CHAIRMAN HOOD: I mean, excuse me, purchase a beer.

MS. STEINGASSER: Purchase a beer.

MR. LAWSON: You'd be able to purchase one. And you're right, we have heard from a lot of people who have trouble, you know, carrying their beer on their bike from the grocery store.

MS. STEINGASSER: You'd have to
drink it on the --

CHAIRMAN HOOD: Well, that bike, not going a ways --

MR. LAWSON: Yeah, and so it's more convenient. But seriously, we have heard from people on both sides of this argument. We've definitely heard from people that they're very concerned about the ability to have a corner store to sell alcohol at all.

We've heard just the opposite, people saying that they really look forward to an opportunity to have, you know, a nice, you know, little wine store in their neighborhood. So we've definitely heard both sides.

We thought that we would come up with a number that would make sure that the corner store was never predominantly a liquor store. That it would be kind of overwhelmingly, actually 85 percent of it's space would be devoted to other kinds of uses.

But, certainly, if the Commission wanted us to look at that number, if you felt that
that number was too large or too small, we'd certainly be happy to do that.

CHAIRMAN HOOD: No. And I appreciate the clarification, Mr. Lawson. Because when I looked at the regulations, you're right, you cannot consume it in.

And what eventually went through my mind when Ms. Green and especially others, even though you can't consume it in the corner store, most people go right out and consume it. So, you know, you can't tie that in to --

MR. LAWSON: Most.

CHAIRMAN HOOD: -- most people.

MR. LAWSON: No.

CHAIRMAN HOOD: I'm not going to --

MR. LAWSON: Well --

CHAIRMAN HOOD: Okay. Well, again, it depends on where you are. The houses are called tiny houses and I'm going to thank the Office of Zoning for letting me know that. They're called tiny houses. Okay. Okay, I've got one minute.
And I'm kind of pushed between a lot of these issues of making a matter right. I know some issues are already there. I would agree with Commissioner Miller.

I forgot exactly what it was, but I'm always of the mindset of making sure that the community has input. That's just how I've always been and I definitely agree with Commissioner Miller's issue. I can't remember what it was, but the matter right.

I'm always in favor of, I mean, not matter right, I'm always in favor of community input. So, I know some of these things we're looking at is a matter of right and trying to make them matter of right.

I'm not going to rush. I'm done. I have 19 seconds left. All right. Any other -- do we need to do a second round? Let me ask this first before anybody goes. Do we need to do a second full round? Do we need to do a five-minute round? Do we need to do a two-minute round?
VICE CHAIR COHEN: I think ten-second round would be okay.

CHAIRMAN HOOD: Okay. Well, as long as it's ten seconds. Go ahead, Vice Chair.

VICE CHAIR COHEN: Thank you, Mr. Chairman. And Mr. Chairman, I had similar your experiences with actually getting participation from a number of communities. And that's why I had and it might have been a very unpopular suggestion, but I still think it might be fruitful for us to actually go out to listen to communities when they're reluctant or unable for whatever reason, but at least make ourselves available in the community.

CHAIRMAN HOOD: I think that's something that, and I appreciate that Vice Chair and I agree with you, I think that's something that we're going to be looking into because we need to discuss.

But I don't want to fall short of mentioning that I was glad to see a letter from 8A and 8C, which they've asked us to leave the
record open. And I think somebody asked us again tonight, so it's gradually getting there.

And again, no reflection on the Office of Planning, Office of Zoning, I know for, I'm not going to let anybody say they didn't do their due diligence because they did.

But I really want the citizens of this city to understand the impacts or what may be the impacts or the changes or the improvements is what I would like to say. I want to end on a positive note, the improvements here.

But I'm still trying to figure out the unintended consequences. But if I know the Office of Planning, if we put something in this code that is detrimental to the city, they will bring it back immediately just as they've done in other cases and things that we've had. So enough said on that. Anything else?

COMMISSIONER TURNBULL: I just have one.

CHAIRMAN HOOD: Yes, sir.

COMMISSIONER TURNBULL: And I don't
think it's really a zoning issue of after you have to structure a certain point, Commissioner Black had talked about all in favor of the internal ADU's, but she saw a problem where if you've got to retrofit your house and bring it up to a significant code level, you're going to find a lot of people are going to say I can't do it.

It's not like years ago where somebody opened up their house or took in a renter, a boarder or a roomer. And if now it's a licensing issue and you've got to go up, so I mean that's really not a zoning issue.

We're allowing the opportunity for it, but I think there's an unintended consequence that it may be more difficult than we think. I mean, and it could be significantly cost prohibitive to a lot of people to want to go ahead and do this.

MS. STEINGASSER: Well, the issue of safety was a critical issue --

COMMISSIONER TURNBULL: Right.
MS. STEINGASSER: -- for everybody and people like harkened back to a horrific incident in Georgetown where --

COMMISSIONER TURNBULL: Sure.

MS. STEINGASSER: -- some students were burned. Boarders are still permitted.

COMMISSIONER TURNBULL: Yeah.

MS. STEINGASSER: So if somebody wanted to have boarders in their home, that's still --

COMMISSIONER TURNBULL: That's still allowed.

MS. STEINGASSER: -- a permitted use. So you could still have your boarders if you didn't want to have the apartment.

COMMISSIONER TURNBULL: Okay.

CHAIRMAN HOOD: Okay. Anything else? Ms. Schellin, do you have anything else?

MS. SCHELLIN: No, sir.

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

And I appreciate again, I'm going to
say this probably every night, I appreciate the work that Office of Planning has done. And again, especially being responsive. That means a whole lot.

And I also appreciate all the work that Office of Zoning has done being responsive and that means a whole lot. And everybody who's participated. So with that, tonight's meeting is adjourned. See you tomorrow night.

(Whereupon, the hearing in the above-entitled matter was concluded at 9:53 p.m.)