GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

PUBLIC HEARING

IN THE MATTER OF:            :
Title 11, Zoning Regulations : 08-06A
Comprehensive Text           :
Revisions                    :

Thursday, November 7, 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 6:00 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

Neal R. Gross & Co., Inc.
202-234-4433
OFFICE OF ZONING STAFF PRESENT:

SARA BENJAMIN BARDIN, Director
SHARON S. SCHELLIN, Secretary
ZELALEM HILL, Staff Assistant

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development Review & Historic Preservation
JOEL LAWSON
ELISA VITALE

The transcript constitutes the minutes from the Public Hearing held on November 7, 2013.
(6:05 p.m.)

CHAIRMAN HOOD: We're ready to get started. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia for Thursday, November 7, 2013.

My name is Anthony Hood. Joining me this evening are Vice Chair Cohen, Commissioners Miller, May, and Turnbull. We're also joined by the Office of Zoning Staff Director, Ms. Bardin, Sharon Schellin and Ms. Z. Hill will join us shortly, and Office of Planning Staff Ms. Steingasser, Mr. Lawson, and Ms. Vitale.

Okay. This proceeding is being recorded by a court reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room, including the display of any signs or objects. The subject of this evening's hearing is Zoning Commission Case
Number 0806A. This request by the Office of Planning for comprehensive revisions and amendments to the zoning regulations, which is Title 11 of DCMR.

The specific subject of tonight's hearing are proposed new subtitles to E and F. Notice of today's hearing was published in the D.C. Register on September 20, 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 provisions of 11 DCMR 3021 as follows: preliminary matters, presentation by the Office of Planning, reports of other government agencies, if any, testimony from the public and, then, questions by the Commission to the Office of Planning.

The following time constraints will be maintained in this hearing. The Office of Planning will have up to 60 minutes, organizations 5 minutes, and individuals 3 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. The Commission reserves the right to
change the time limits for presentations, if
necessary, and notes that no time shall be
ceded.

As noted in the Notice of Public
Hearing, I will be calling witnesses in the
order in which the Office of Zoning received
their 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. Upon coming forward to
speak to the Commission, please give both
cards to the reporter sitting to my right
before taking a seat at the table.

When presenting information to the
Commission, please turn on and speak into the microphone first stating your name and home address. It would also be helpful if you would first identify the subtitle or subtitles to which your testimony relates. When you are finished speaking, please turn your microphone off, so that your microphone is no longer picking up sound or background noise.

The decision of the Commission in this case must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engage the members of the Commission in conversation during any recess or at any time. In addition, there should be no direct contact whatsoever with any Commissioner concerning this matter, be it written, electronic, or by telephone. Any material received by a Commissioner will be discarded without being read and any calls will be ignored.

The staff will be available

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throughout the hearing to discuss procedural questions. As noted, testimony this evening will be limited to proposed new Subtitles E and F. If you have testimony on other subtitles and cannot come back on the scheduled hearing nights for those subtitles, you may hand in your 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 as to not disrupt these proceedings. At this time, the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. Well, we
would go right into the Office of Planning, Ms. Steingasser?

MS. STEINGASSER: Chairman Hood, Commissioners, tonight we're talking about subtitles E and F. Subtitle E represents what we're calling the residential flat zones. They consist of primarily the R-4 Zones. Subtitle F is the apartment zones. That's the R-5-A, B, C, D, and E Zones. So, this is just kind of a reminder of the action to date on these items.

We started back in April of 2009, I'm sorry, December of 2008 on the different heights and uses. We dealt with some of the issues here through sustainability and then, of course, the medium-high density and low to moderate density districts.

Subtitle E, which talks about the residential flats, really sprang from our analysis of this comprehensive plan language about looking and creating a new R-4-A Zone for one or two family row houses and another
zone for multi-family row house flats. We also received guidance from the Commission through this case as well as others about the R-5-B and looking at how to maybe make another R-5-B Zone.

So, we started by looking at the R-4 Zone, which right now is the only flat zone in the District that's two units permitted. The zone has a minimum lot size of 1,800 square feet. That was established in 1958. However, the R-4 Zone represents some of our oldest developed neighborhoods in the city and, as a result, has the highest level of non-conformity to that minimum lot size.

Excuse me.

We're not proposing to change the minimum lot size. We are proposing that it be considered only in terms of creating new lots and that existing lots be allowed to build as if conforming, if they can meet setbacks, side yards, lot occupancy. So, this represents the R-4 Zones in the city. They ring the downtown
and that's mostly Capitol Hill and up through
the central part of the city.

I practice all day and I don't
have any problem. So, we're proposing that
this R-4 District be considered a residential
flat district and that we have two new zones
that would have more than two units. Thank
you. The RF-1 is the R-4 Zone as we know it
today with two units per building. Same with
the RF-2. That would represent the R-4 with
the Dupont Circle overlay. And this is where
we start to see the marriage between the base
zone and the overlay zones into one
comprehensive zone.

All the stated purposes and
intent, restrictions, geographic limitations,
heights, development standards and uses from
the Dupont Circle overlay are incorporated
into the RF-2 Zone. A user would then need
only go to one place to find the development
permissions. Same with RF-3. That would be
the R-4 in the Capitol Interest area. That
has a height limitation. All of that, again, has been reflected in the new zone.

We're proposing two new zones in this subtitle, RF-4 and RF-5. We're not proposing that those be mapped in any place at this time. We would work with communities that would request this type of rezoning and we see it being applicable in many of our larger row house neighborhoods that are actually zoned for apartments.

There's a lot of neighborhoods that ring the R-4, ring the downtown that have very large, very stately row houses. We tried to capture some of these here to show you the size. They're essentially four stories and they are zoned for apartments. And a lot of these neighborhoods don't even know that they have apartment zoning.

It's a well-established, it's either Historic, with a capital H as in the Historic District, or it's just historic in its development pattern. And it appears to be
very much a row house zone, until one of the
neighbors starts to subdivide into an
unlimited amount of apartments.

So we thought these new zones
would be an alternative to the apartment
zones. It would maintain the investment that
somebody may have made knowing that they could
create more than the two units, but it also
takes some of the pressure off the
neighborhoods and the pressure off
artificially altering these buildings and
making them inconsistent with the row house
pattern. And, again, for R-4 and R-5, R-4
would have three units and RF-5 would have
four units. We're not proposed that they be
mapped at this time, only that the zones be
created.

Again, looking at the guidance of
the Commission, we've gone over this for the
last couple evenings, talking about the
residential densities. In this case, we're
talking about units per building and those
reflected in Subtitle E. We've also talked about the nonresidential use of historic institutional uses. Again, that's carried forward, just as we discussed yesterday in the low to moderate density. It's also carried forward here.

The building form, the uniform lot occupancy is a very important issue we talked about. And, again, just in summary, what this does is remove the incentive for single-family detached or semidetached buildings to artificially fill in their side yards or their other open spaces, so that they could qualify as a row dwelling having no side yard and get that extra lot occupancy. Allowing that lot occupancy now actually incentivizes them to move to put additions going back without that kind of artificial in-fill.

Side yards, rear yards, front yards, we've talked about that for the last couple evenings. We're proposing the same standard and methodology in this Subtitle.
Heights, pervious surface, that's also brought forward into these zones.

The corner stores, we talked about that last night in terms of the row house zones that are single household zones. Here we're looking at them also in what we now know today as the R-4. This is one of the most prominent areas we see them, Capitol Hill. We're proposing the same limitations that would be established in the single household zones, what we call now the R-3, would be applicable in the R-4, same permissions, same limitations.

The existing uses would be allowed as a matter of right. I grocery could establish as a matter of right subject to certain conditions and limitations. Everything else would be permitted by special exception, again with spacing and operational conditions. We are not proposing that these be permitted in the R-1, R-2, or the R-5 zones. We'll talk about the apartment R-5
zones in just a moment.

This is the map. We saw this again last night and there's larger paper copies at either end of the hearing room. It makes it a lot easier to see where these potential areas might be. Alley lots, again, in R-4, the current R-4, what we're now calling the RF zones, they have the overwhelming majority of alley lots, with just over 40 percent of the alley lots, and that has a lot to do with their historic development pattern.

We're proposing that they be allowed to be used for both nonresidential and residential uses. One unit would be permitted as a matter of right, in the R-4, now the RF zones. Again, the same alley minimum width of 24 feet. The Commission asked us last night to revisit that and talk again with the fire department and we're going to be doing that.

We're proposing a minimum lot area of 450 square feet, just as a way to start.
But special exception provisions are, I'm sorry, special exception relief is available to all of these provisions through the BZA and that would have the public hearing and, at that point, any developer could kind of look at the site and make their case.

The creation of new alley lots, we discourage that. We don't want people cutting off the back half of their lot. So, in order to create a new alley lot, you would have to have the minimum lot dimensions of the zone. So, in this case it would, in the RF zones it would be 1,800 square feet and then, of course, you'd also have to have the alley width.

In the residential flat zones, the R-4 zones, we've made four major changes to the use permissions. Fraternity and sorority dormitories are now permitted uses in the R-4 zones. We have recommended that they be basically considered the same as any other group home, with a limitation of six, that
they not be called out as a special use that
would otherwise not be permitted in the RF
zone.

This is not an apartment zone.

Fraternity and sororities houses, dormitories
would be permitted as a type of multi-family
residential in the apartment zones, but it's
not a consistent use with the row house flat
neighborhoods.

Boarding houses are permitted
right now. They have no limitation on how
many people can be boarded or whether there
even needs to be a homeowner that lives in the
house. We're proposing that that be capped at
eight. Museums are currently allowed as a
matter of right and as are private clubs with
no restrictions and we're proposing that they
not be permitted as not being consistent with
the residential character of these zones.

A private club, we've seen some
problems with those. They're clubs that the
membership can actually live in the property.
There may be food service. There may be some types of recreation, but it's private. It's not public. It's not related to an educational institution or any religious facility. And so, we figured that's also inappropriate. There have been some concerns about how those interact with a residential neighborhood as well. So, those are our four use changes to this zone.

So, Subtitle F, which is the apartments, we're really not making any changes here. The use names are changing. Again, we're trying to marry the base zone with the overlays, so that a user can find all the information they need in one place. But we're not changing any of those requirements, restrictions, purposes and intent statements. And I think that brings us up, that's our last slide.

CHAIRMAN HOOD: Thank you very much, Ms. Steingasser. Before we ask our questions, again, we're going to hear from the
public. I'm going to ask that you, the first beep that you hear will be a warning. After the first beep, the second beep you need to stop, okay? The first beep is the warning. Work with your testimony, so you can finish before the second beep or right at the second beep. We would greatly appreciate it.

Okay. Let me call Mr. David Alpert, Rahul Sinha, Dan Miller, Joshua Akery, Michael Farrell, Gary Peterson, Anne Sellin, Larry Hargrove, Dave Garrison, Nancy McWood, Robert Robinson, Cheryl Berger, Louise Brodnitz. And forgive me if I'm butchering your name. If it sounds close, it's probably B-R-O-D-N-I-T-Z.

Let me see. I've got two more seats, Sonia Conly, Maya Contreras. Okay. We're going to start with Mr. Alpert, to my left your right and we can come on down.

Thank you. You may begin.

MR. ALPERT: Thank you very much, Chairman Hood and members of the Commission.
My name is David Alpert. I'm a resident of what will now be an A-9-B Zone. I want to express my support for the corner store proposals and also raise a few suggested changes to the Subtitle D and E.

On corner stores, this is a valuable policy tool for many neighborhoods, which either do not have residential zones in close proximity, or in the case of some areas near where I live, commercial corridors which are so popular that some of the neighborhood-serving retail is not able to find any place to locate that hasn't been filled up with a high end restaurant.

Because of that, I think it's good that the Office of Planning has made some of the changes that they made in the last version where, for example, they give the BZA more latitude to, for example, locate corner stores near commercial corridors, if those are warranted, but perhaps not if it actually will compete with the revitalization of that.
commercial corridor.

I'd ask you to ask for more information or perhaps disagree with the Office of Planning, if you do, about why the corner store rules in the R and RF zones do not also apply to the A zones. It seems that the progression is supposed to be that each zone gets progressively more permissive. But, while some retail uses are allowed as accessory uses or with other special conditions in A zones, many of them are not.

Secondly, I think that I'm very concerned about the alley width requirements in both D and E as relate to accessory buildings in R-F zones and accessory apartments in R zones. But it sounded from Ms. Steingasser's presentation that you had already raised that issue with them. So, if that is the case, thank you very much. If I misunderstood, feel free to ask me to go into more detail if you'd like.

I'm also a little bit concerned
about the lot size rules for accessory buildings, also in both D and E. From OPs reports, some of that information which I hadn't seen before, it appears that a very large proportion of lots in some of these zones are not conforming to the lot sizes.

If that means that most or even half or more or even 40 percent or 30 percent or more of accessory buildings end up being ineligible for units, that will severely restrict the number of potential added units that we can get, even in lots where there is adequate room, where the accessory building is large enough, and so forth.

Fourth, as I said in my testify, theaters, I happen to live on a block with a wonderful theater which is located in a residential zone. In my neighborhood, there's also another theater being operated out of a church basement also in a residential zone. That one had to get a variance to continue to operate and, in its report, OPs said that it
didn't think that there was a unique, I don't remember the exact wording. You know it.

The uniqueness and practical difficulty, even though everyone in the neighborhood thought the theater was a great idea. The same may likely be the case for the one on our block and I think that a special exception rule would be more appropriate where it can be a determination based on neighborhood support. You know, the effect on the neighborhood as opposed to necessarily requiring a unique hardship and so on.

Finally, very briefly, I wanted to actually respond to a few of the points that Council member Graham raised yesterday, because he was actually talking about mostly apartment zones when he did so. So, its relevant to this section. He asked you to take a look at pop ups and I think that there are indeed a number of very unsightly pop ups and I share the concern that sometimes they are really very ugly looking. But I think
that that is much more the right place for
some sort of design review process as opposed
to any kind of actual limitation.

In many of the neighborhoods that
he represents and the ones near me, adding
some additional density to buildings is an
important way to add housing. I've talked
about that a few times, so I'm not going to
need to go into it over and over. But we need
to be able to add more housing in
neighborhoods, especially, neighborhoods with
considerable infrastructure, in denser
neighborhoods, and all over the city.

And letting buildings grow is an
important way to do that. So, if you have any
concern about this construction, I think we
should find a way to make sure that it is
attractive, tasteful and not extremely
jarring, as opposed to simply say, no, there
should be no growth. Because we do need that
in order to keep housing affordable. Thank
you.
CHAIRMAN HOOD: Thank you. Mr. Peterson, next.

MR. PETERSON: I'm Gary Peterson. I live in Ward 6. I'm Chairman of the Capitol Hill Restoration Society Zoning Committee. Let me first say that CHRS agrees with almost all of the text for Subtitles E and F and only disagrees in a few specific items.

The first one is uses as a matter of right. You've already heard me speak about agriculture, large and residential, and I'm not going to beat a dead horse for you tonight. I would just suggest that you scratch from the uses "agricultural large" and have it be "residential" and add community gardens to the residential portion of agricultural/residential.

As to accessory buildings and alley lots, CHRS has been interested in developing these for 30 years. I think it was in the late 80s that Jacques DePuy and I tried to get an amendment through and to allow their
development and usage and failed at that time
with that Zoning Commission to achieve that.

As you know, 29 percent or almost
30 percent of the alley lots are located in
Ward 6. So, we have a great deal of concern
about them. As to the alley lots, we think
that the 24-foot alley for access is not
realistic and would actually make most of our
alley lots unusable. It's often typical that,
on Capitol Hill in the big squares, as opposed
to the smaller squares, that there will be
access alleys of 10 to 15 feet in width.

And, then, in the center of the
square there's almost a open square of 30 by
100 feet or 30 by 50 feet in size, where the
structures would be built. And we would
suggest that this requirement would not allow
that to happen.

The other thing is, the section
suggests that buildings must be 12 feet from
the center line of all alleys that it abuts.
And I know some structures that abut three
alleys, believe it or not, in the back. And that would make, I did a calculation and ones I'm aware of would make those undevelopable if they had to meet that restriction.

Finally, corner stores, I listened to the testimony last night on corner stores and I have to say I see a generational gap here in corner stores. Those who have moved to the District into certain neighborhoods find them very useful and convenient to use. And I understood their logic. Those of us who have spent years trying to get rid of them, however, feel a little differently about them.

Many of the corner stores in our neighborhoods were, at one point, clubhouses for drug dealers and their clients. And I think you heard some testimony about that last night. I think that this is a bad idea. I thought so from the very moment it was suggested and have opposed it the entire time period.

Most of these corner stores have
been converted into residential units and we should leave well enough alone. I think, instead, we should look to the commercial areas that are still unused. We have a commercial area at 15th and East Capitol Street that goes down to C Street Southeast that isn't used.

Much of lower Pennsylvania Avenue is not being used, 8th Street Northeast from the Massachusetts Avenue to Maryland Avenue is underused. In other words, I think we do have commercially zoned areas that everybody is aware of and that's where any of this type of development should go.

I didn't go comprehensively over the map, but I know there are other small areas of C-2-A currently that are not being used as well as they could be. So, I think this is unnecessary and is actually not wanted by a lot of people and I think will cause a lot of problems in the future. Thank you very much.
CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. GARRISON: Mr. Chairman and Commission Members, my name is David Garrison. I'm the Commissioner for ANC 6B01 and I live at 8 4th Street Southeast. I appear today on behalf of ANC 6B to provide our Commission's comments and recommendations on the proposed rewrite of the zoning code. And, in particular, I'm here to present recommendations on Subtitle E.

At its regularly-scheduled monthly meeting on October 8th, ANC 6B adopted recommendations on several subtitles, including this particular one. ANC 6B's full statement, with all of its recommendations, was provided to the Zoning Commission on October 21st. In my testimony today, I want to describe our recommendations on five topics addressed in Subtitle E, all of which were adopted by unanimous vote at our October meeting.
First of all, on alley lots, we support the proposal to allow residential use for both renovation and new construction of alley lots and on narrow alleys by special exception. Our Commission supports the proposal to allow two dwelling units to be located either within the principal structure or one each in the principal structure and an accessory structures, such as a carriage house.

On corner stores, ANC 6B supports the proposal to change the test for the conditional use of commercial space in residential areas from a variance in all situations to a more nuanced approach. We support the proposal that such conditional uses of commercial space in residential areas be matter of right for groceries stores at intersections and for grocery stores in mid-block buildings that were built before 1958, for nonresidential use and only where it's been used for this purpose within the previous
three years. All other permitted commercial
uses would also be restricted to either
intersections or mid-block buildings that were
built before 1958 for nonresidential use and
would need a special exception.

The three-year requirement would
especially prohibit the reconversion of
commercial uses of any mid-block building that
had been converted to residential use. Our
Commission supports giving the Board the
authority to waive the requirement that a
corner store may not be located within 500
feet of another commercial use in the same
residential area, where the applicant meets
certain conditions.

Subtitle E lists the prohibitions
on corner stores, including the limitation
that a corner store may not be "on a lot or
within a building also containing an accessory
apartment or another corner store." This can
be read to prohibit there being a residential
unit on the floor above a corner store.
We do not agree that residential units above a corner store should be prohibited. An accessory apartment is defined in Subtitle B as a dwelling unit that is secondary to the principal dwelling unit, in terms of gross floor area, intensity of use, and physical character. ANC 6B supports encouraging the upper floors of corner store buildings to be put to residential use. Indeed, having the owner of the store living above the establishment would seem an especially attractive approach.

Similarly, Subtitle E prohibits locating a corner store "within any building or on any lot containing more than one dwelling unit." This would bar a corner store from a multi-use building with multi-family residential units. We do not agree that a corner store in, for example, a small apartment building on a residentially zoned lot should be prohibited and, thus, we oppose this limitation.
As to lot occupancy for semi-detached buildings, the proposal before you does not change the current limit of 40 percent lot occupancy for a semi-detached dwellings in R-F zones. Our Commission's docket often includes requests for zoning relief to allow semi-detached dwelling to go up to 60 percent of lot occupancy, in conjunction with the building of rear additions.

In most cases, ANC 6B fairly routinely supports such requests on the theory that there's usually not a persuasive reason for treating a semi-detached dwelling differently from an attached building on the matter of lot occupancy. Thus, we urge the Commission to change the lot occupancy requirements for semi-detached buildings in RF zones to 60 percent and I'm pleased to see that the Office of Planning's October 28th report to the Commission here supports this change as well.
Finally, on side setbacks, the current code requires that a rear addition to existing semi-detached residential structure must be set back eight feet from the property line or go all the way to the lot line. This requirement often results in applicants proposing to expand rear additions to the side lot line closing off views through the side setbacks.

This loss of view lines is especially frustrating when the applicants would prefer to continue an existing setback that is less than eight feet, if the code permitted. Thus, ANC 6B supports the proposal to reduce the conforming setback to be five feet for any newly constructed unit and, further, supports under certain circumstances in an existing building allowing the width of an existing setback to be a minimum of two feet. Thank you, Mr. Chairman.

CHAIRMAN HOOD: Thank you. Next.

You want to turn your, make sure it's lit up,
the light.

MS. BRODNITZ: Commissioners,

thank you. I live in Georgetown with my husband and 14-year-old son. We moved. I'm an architect specializing in historic preservation.

CHAIRMAN HOOD: Can you identify yourself?

MS. BRODNITZ: Louise Brodnitz.

And we moved to the city on purpose to be in a place where people walk more than they drive. That's part of why I support generous allowances for corner stores in dense residential neighborhoods. Neighborhoods are places where people are walking, saying hi, stopping or talking en route to their destination.

Growing up in the suburbs, my best friend and I wanted to be able to walk to a place that sold yarn, or an ice cream place, or a toy store, but we couldn't. Even though, in those days, we were free to walk wherever
we wanted, those places were only available along highways and through parking lots.

In Georgetown, there are quite a few corner stores and they are gems. Some corner stores though have lost their grandfathered status as historic corner stores. They look kind of weird because they were designed for retail, but "weird" is a subjective word and so, instead, I would use a preservation term and call these converted corner stores inappropriate and they've lost their integrity of use.

Most, if not all of the zones covered by this provision we're discussing tonight are either historic districts or are likely eligible to be historic districts. Corner stores are character-defining features in denser, older neighborhoods covered by this zoning provision.

Yet, corner stores are under constant threat of losing their traditional retail use. Limiting corner stores puts
constant pressure to abandon their historic use, causing harm to the integrity of the Historic District. Many of these corner stores have already lost the use for which they were designed, because they lost their grandfathered protection after just a few bad years.

Zoning should support, not threaten harm to historic districts, whether already designated or likely eligible. Corner stores in these very dense neighborhoods should be as of right. Allowing retail in residential zones can be protected by the proposed performance requirements. Please embrace zoning rules that get people walking, being neighborly, keeping an eye out. Corner stores do that. Thank you.

CHAIRMAN HOOD: Okay. Thank you. Next.

MS. CONTRERAS: Good evening. My name is Maya Contreras. I live on the border between Ward 2 and Ward 6, near the convention
center and I'm here to speak in favor of corner stores. We do have a number of those in the neighborhood as well, currently, and some are excellent. Some are a little marginal, but they all prove useful. I've enjoyed living in the neighborhood. I've been there about five years and I have visited a number of the stores, some regularly. Some are just ones I walk by.

As the neighborhood has begun to change, we've seen the corner stores change as well. You know, some still carry mostly candy and soda and are a convenience. Others have become quite specialized and are carrying organic vegetables or, you know, specialized milk and it's nice to have those options.

During Snowmageddon, those were some of the only places that were open. In some instances, we do have owners that live above the stores and they made a special effort to be open for their customers. So, I found them to be very useful. I would
encourage you to continue to support these.

Thank you.

CHAIRMAN HOOD: Okay. Okay.

Thank you. Next.

MS. SELLIN: Hello. My name is Anne Sellin. I've been involved in zoning hearings before your body, in the BZA beginning 40 years ago, cases which include six rezonings in the Dupont Circle neighborhood. I live on 16th Street. Dupont Circle is the most densely populated historically designated neighborhood in the city.

I'm very heartened about the proposal for a new RF-4 and RF-5 zone, limiting apartments to three and four units. We really need some limit on the size or the cutup of buildings, because we need space for families and a lot of families are moving into the neighborhood and they're going to need bedrooms to expand for growing families.

The stated intention is to enforce
the character of low and medium scale housing, to preserve and protect open gardens, back yards, and to protect light, air and privacy. However, these things are seriously endangered by the substantial changes proposed in this rezoning. Thoroughly undermined is the claim to preserve housing. In actuality, this proposal replaced thousands and thousands of square feet of housing with non-housing. Many a dwelling would be transformed into an institutional or social use.

Row houses are separated by a depth of only one or two bricks. Noises from music, parties, footsteps on stairs, even voices come through the walls and sounds from yards are heard by neighbors indoors. Someone in a two-story house on an 18-foot wide lot would be overwhelmed with the cries of 16 children outside in a daycare or child development center, if you lived in a three-story area or the cries of 25 children in a higher area. What is more, a house used for
this many would entirely displace its original
residence.

CBIFs in apartment zones should be
limited to eight people, not be warehouses for
20 people. Intermediate nursing homes should
be limited to no more than eight. If you
agree with the Planning Office that we do need
to increase house, why on earth do these
proposals eliminate housing? For instance, in
the old R-4, the new R-F-D-C zone, there's a
provision that permits the emptying of
apartment buildings of some of all of their
residents.

The proposal states that buildings
over 10,000 square feet that are in an
historic district would permit non-profits to
move in. Since Dupont Circle is all Historic
District, this could eliminate at least six
large apartment buildings in R-4. Don't think
that this is a fantasy.

When the 1958 New Special Purpose
Zone was devised for Massachusetts Avenue and
blocks nearby permitting non-profits and professional uses by special exception, we lost all of our housing in the row houses, all of it in the row houses, hundreds of housing units within a period of 21 years.

It would be financial folly for the city, because housing brings in far more tax revenue per square foot than non-profits, which pay their employees relatively poorly and frequently hire personnel who live in the suburbs whom we can't tax. This should be eliminated.

Eliminate as well those art centers, dance schools, performing arts places, film making and photography establishments, which are proposed to displace housing, nor should they be allowed as special exceptions. These are inappropriate for row house neighborhoods and, again, would displace housing. These arts uses would be much better accommodated on mixed-use streets.

In the apartment zone, roof
structure should be limited to a height of no more than ten feet. Eliminate the 18-foot height, which amounts to an extra floor. There are charter schools in D.C. and adjunct university uses in some row houses.

Why should these schools be allowed to have a 90-foot structure in a 40-foot high zone, in RF-2 Residential? That goes completely against the unity of scale and, again, the city would eliminate tax producing needed housing.

These are some of the proposals that will devastate our fragile residential neighborhoods so close to downtown. I agree with Mr. Peterson about corner stores. We have several that have been converted to housing and they should remain so. Thank you.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. HARGROVE: Thank you, Chairman Hood and members of the Commission. I'm Larry Hargrove. My wife and I are longtime
residents of Adams Morgan. We have, I think, five points I'd like to make. First we welcome OPs having dropped the proposal to permit the intrusion of a wide range of commercial, office, and other nonresidential uses in Subtitle F neighborhoods such as Adams Morgan.

These proposals have drawn a series of strong objections from Adams Morgan and other areas over several years as unnecessary in our already eminently walkable neighborhoods, a needless loss of residential space and threat to the integrity of our residential areas and a needless source of competition for businesses in our commercial strips.

This case was made as far back as 2010 in a hearing before this Commission, not as a critique of the commendable sustainability objectives that motivated the corner store proposals, but to show that those objectives were already been met in our
neighborhoods, obviating any reason to do
injury to other important neighborhood values.

Secondly, we welcome the proposals
as other have for the two new row house
districts, which were intended principally to
make it possible for areas like Adams Morgan
to replace our R-5-B and higher zoning with
zoning more compatible with the physical
character and the ambiance of their
neighborhoods. The current zoning itself is
a historical anomaly.

It's useful to recall the Lewis
Plan upon which the somewhat disdained 1958
code was based envisioned a lower density for
these areas, which would have been R-4. That
was scrapped by the District Commissioners at
the time.

This was before home rule, of
course, under the prevailing view, at that
time, that these neighborhoods as built, being
blighted and drug infested were expendable,
could usefully be demolished to the extent
necessary for the Inner Loop Freeway and the Adams Morgan Urban Renewal Plan.

Fortunately, these monumentally misguided enterprises were defeated, but Adams Morgan and similar R-5-B areas have been burdened ever since with this overly dense zoning, which now has the opportunity, thanks to these two new row house zones, of being corrected.

Thirdly, the commercial, office, and other nonresidential uses in residential neighborhoods that have been eliminated from R-5-B and higher, in Subtitle F, should also be dropped from these two new row house zones.

The logic is that those new zones are intended to apply to the same areas from which these nonresidential uses have already been dropped and the neighborhoods, of course, themselves are not going to change depending on which zone happens to turn out to be applied.

There are corrections that need to
be made in the height and setback of roof structures that I will call to your attention in written comments. There are a couple of technical corrections that I will also mention. Thank you.

CHAIRMAN HOOD: Thank you. Next.

MS. CONLY: My name is Sonia Conly. I thank you for the opportunity to speak. I also live in Capitol Hill on North Carolina Avenue presently. Oh, I'm sorry. Push. Can you hear me now? My name is Sonia Conly. I'm speaking for myself and my husband, Robert, on behalf of the proposed expansion of corner grocery stores as a matter or right in certain neighborhoods under specified conditions.

We moved to Capitol Hill in 1975 and have lived on The Hill and walked to corner and neighborhood grocery stores ever since. Corner grocery stores reduce the need to travel by car or transits to large markets, increase walking in the neighborhood by
residents of all ages, and make it possible for persons that do not drive to shop without assistance.

An elderly friend on The Hill who no longer drives is able to do much of her shopping without the need for her ride thanks to her corner store, which incidentally consistent with the experience in George Town and the convention center intersection has quite dramatically changed over the last few years as the neighborhood has changed. Because most stores are market oriented and they will speak to the market.

As a child, I grew up in California. Yes, the land of the car, near a corner grocery store. Long before I could drive, I walked or biked to the Channing Avenue Market for bread, milk, and the like. Safe walking streets are streets that draw walkers during the day and the evening. A properly managed corner store brings neighbors out and helps to create a sense of community.
as well as reducing auto trips and the
consequent environmental impact.

As of 2011, 36 percent of D.C.
households had no access to a vehicle,
according to the U.S. Census Bureau. These
households span a wide range of income and
demographic characteristics. For families
without the resources to own a car, a corner
market reduces the need for time and money,
expensive trips to a large market.

We support the proposal as it
stands. However, we would like ultimately to
see exploration of an expansion. For example,
allow an owner or lessee to operate a small
corner market, occupy one unit and rent
another. The District has a limited supply of
moderately priced rental units. Allowing a
family to operate a small corner market, live
in a unit and rent another unit could make
what would otherwise not be a viable operation
possible and add additional moderately priced
space.

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We also support research that would show how small markets selling a variety of merchandise and services could be integrated with residents in newly developed residential communities. Thank you.

CHAIRMAN HOOD: We really appreciate each and every one of you all's testimony. Let's see if we have any questions. Commissioners, any questions?

Commissioner May?

COMMISSIONER MAY: First of all, I actually just want to let Ms. Sellin know that I'm curious about your concerns about the displacement of housing by these other uses and I intend to ask the Office of Planning that, so, when I get to ask them questions. So, I'm not asking you to answer anything. I mean --

MS. SELLIN: Okay.

COMMISSIONER MAY: But I wanted to let you know that I'm going to ask them about that, because I would like to hear what they
have to say about that one in particular.

MS. SELLIN: That's B zone. Yes.

COMMISSIONER MAY: So, in case you
decide to leave the moment, you know, you're
done testifying, you may want to stick around
and see what they have to say.

Mr. Peterson, I was interested to
hear your testimony on corner stores, because
at least at the table at the moment you seem
to be outnumbered by Capitol Hill residents
who support corner stores. So, I'm trying to
understand a little bit better why that is.
I mean I understand there are potential
negatives to it.

You know, I've lived on Capitol
Hill since the 80s, early 80s and I certainly
know where there were some of the kinds of
situations that you described. I mean 8th and
D I recall, in particular, there was a market
that was always open late and night and didn't
always have the best crowd there. And then,
of course, half a block away you've got the 7-
11, which is running all the time.

I mean is it really just those sorts of circumstances and are there, perhaps, conditions on corner store use that would address that that could turn your opposition to support?

MR. PETERSON: Well, I think that the markets that remain, the reason they remain is they're now catering to the neighborhood and they have stopped being places where illegal activities were taking place. So, I think that's why I said there was sort of this generational gap a little, because a lot of these markets, the ones that remain are legitimate operations.

The problem is, as long ago as what five years ago, we still had a market at 15th and C Southeast that was selling drug paraphernalia. We got their alcoholic beverage license yanked and they were able to stay in business because they were selling enough drug paraphernalia to stay in business.
And the store was bought out and it was built as a residential building with a, it now has a coffee shop and bakery in the first floor. So, I mean these are ongoing problems. It isn't like they've just gone away.

So, you know, it used to be years ago that most of these markets were like that and it was very difficult. And so, we have the problem with the Capitol Restoration Society is it has a long memory and, so we're concerned about repeating past mistakes. And I think that there's enough markets that serve the purposes of the neighborhood and I know within a distance of my house there are at least four markets within three blocks going each direction. So, I mean I have a wide choice of places to go.

There are also, we forget the dry cleaners that are on the corners and I think, you know, we have locations that are zoned C-2 that are struggling to make a going and, if there were more C-2 things going on there, I
think we would have viable little commercial
neighborhoods where that --

COMMISSIONER MAY: Right. Okay.

So, I mean I guess further conditioning on the
placement of corner stores isn't going to
necessarily address the concerns that you
have.

MR. PETERSON: No, I think the
conditions on sales of alcohol -- in fact, I
even thought that the hours of operation was
very generous. Most of the stores can sell
alcohol until 10:00 p.m. and, so most of them
stay open now until 9:30/9:45. And I thought
that the 9:00 closing time was fine. You
know?

COMMISSIONER MAY: Okay.

MR. PETERSON: I don't think they
can exist without, frankly, having alcohol
sales.

COMMISSIONER MAY: Sure.

MR. PETERSON: So, if we want them
to be viable, I think you have to have a
certain amount of sales of alcohol.

COMMISSIONER MAY: Right. So, is this the sort of thing that you think is -- I mean we've heard a lot of testimony from other people that corner stores are highly desirable and should be happening more frequently in many neighborhoods. Maybe where you are in Capitol Hill it's very well covered. I know, you know, I'm set where I am at the moment. But, you know, one store goes down and I'm in trouble. You know? So --

MR. PETERSON: Buy more wine at your corner store.

COMMISSIONER MAY: I do my best to keep them in business. But, you know, there certainly are areas which could benefit from this. So, I'm curious about whether this is something that might be handled in a customization of your RF-3 zone.

MR. PETERSON: I have to say, until this was brought up in a working group on the task force, I have never heard anybody
complain that there weren't enough corner stores. So, I just think this is a, you know, I'd never heard that as an argument that we needed more corner stores.

I've always heard that corner stores were a blight on this neighborhood or that neighborhood and I think, if we had more people testifying from Wards 7 and 8, I think you would hear that from them, that these are not a good thing for their neighborhood.

COMMISSIONER MAY: Yes.

MR. PETERSON: So, I think we've taken something that was not a problem and we're trying to fix it.

COMMISSIONER MAY: Okay.

MS. SELLIN: If you look at Sherman Avenue, you'll see a lot of lighted corner stores, almost --

COMMISSIONER MAY: Yes. I understand. I mean I know there are parts of the city where the corner stores are not necessarily a benefit to the community, but I
also have seen what's happened and what's
changed over the years with corner stores on
Capitol Hill, for example. There are fewer of
them. You know, I think there are four or
five less in just a three-block area from my
house right now than there were when I first
lived in that area, you know, 25 years ago.
So, I can see how it's changed, but also, you
know, what they sell and stuff has changed as
well.

Anyway, I've spent way too long on
this and Mr. Hood didn't put me on a clock.
So, I guess I didn't run over.

CHAIRMAN HOOD: No, you didn't.
Are you finished? I mean for tonight?

COMMISSIONER MAY: I'm not put on
the clock on the questions for them, right?

MS. SELLIN: Thank you, Mr.
Chairman. I have no questions.

CHAIRMAN HOOD: Mr. Turnbull, you
have any questions?

COMMISSIONER TURNBULL: Yes. I
guess, I don't know and I haven't thought
about it before, because it hasn't come up in
the BZA hearing, but I'm not sure what kind of
a use group a head shop is and what it's
permitted as. I mean I'm just curious. I'm
not sure what zones it would be allowed in,
but it's funny what kind of conversations we
get into up here.

But, no, I would just repeat
Commissioner May's comment earlier. I think
there's a lot of questions that came up that
we will go over with the Office of Planning.
I think there's a lot of points that you
brought up. And I think one of the things,
like conversion of corner stores to
residential, and there's been a couple of case
son the BZA where that's come up and it's kind
of a questionable.

It depends upon where it is and
how it falls and what zones it splits on. So,
it gets to be kind of a tossup at certain
points. But you bring up some good points on
that and we'll be sure to get into that with
the Office of Planning. Thank you.

CHAIRMAN HOOD: Commissioner
Miller?

COMMISSIONER MILLER: I don't know
what's wrong with my light. That seems to be
having problems. Sorry. Thank each of you
for your testimony. As Mr. Turnbull said,
there are some good questions and suggestions
in tweaking and recommendations you've made
which we will ask OPs about, including, Mr.
Alpert, you raised this the previous night and
I don't think we have asked on the record yet
about the live theatrical performances by
special exception. At least, I don't recall
that we responded to that yet. So, we will
ask OP about that.

Mr. Hargrove and Ms. Sellin,
you're usually on the same page. Mr.
Hargrove, I thought I heard you say that you
thought the RF-4 and RF-5 would be useful to
help protect these neighborhoods that were
over zoned in Adams Morgan I guess or near
Adams Morgan.

And so, you think it would be
useful, which OPs presented, to maybe have a
mapping case that rezones them into the flat
zone that they're intended to be. But I
thought Ms. Sellin was concerned about the
displacement of housing. Could you just each
briefly? You're usually on the same page. I
usually associate you, Mr. Hargrove, with your
wife, Ann. The two Ann's are often on the
same page or similar page.

MS. SELLIN: Well, I think we
discussed this with the Planning Department
for several years, these new zones. And I --

COMMISSIONER MILLER: You don't
think a mapping case though would help prevent
the --

MS. SELLIN: Well, you have to you
create the zone.

COMMISSIONER MILLER: It's not
like we're changing it right now.
MS. SELLIN: No, you have to
create the zone. You really do to embody the
apartments, three and four. We don't really
have any zone like that, so it would be very
useful and I think Ms. Steingasser has
probably looked at that pretty thoroughly.

MR. HARGROVE: Yes, the principal
problem that is corrected by these two new RF
zones for R-5-B and higher districts is the
lack of any limitation on the number of units.
Consequently, you have repeatedly in Adams
Morgan and Dupont Circle and similar areas
fairly modestly sized row houses in which some
developer will cram six or eight or nine or
more units, frequently with disastrous
aesthetic affects and that's the principal
consequence of this over zoning, but there are
other aspects to it as well.

And those in the various
development standards have been built into the
new RF-3, 4, and 5 zones. They'll go a long
way toward correcting this problem.
COMMISSIONER MILLER: And I misunderstood. You are supportive of --

MS. SELLIN: Oh, yes, very much.

COMMISSIONER MILLER: Okay. Thank you.

MS. SELLIN: Yes, very much.

COMMISSIONER MILLER: Okay.

MR. HARGROVE: We did make the point or I made the point that, if it is appropriate as OP concluded and I think correctly, that the wide range of uses that have been proposed nonresidential uses have been proposed under the rubric of corner stores which, of course, include a lot more than mom and pop grocery stores. They include retail, arts design and creation, and a number of other categories of use.

If it's appropriate that those have been excluded from the A zones as the question Mr. Alpert addressed, it certainly would be appropriate that they be excluded from the RF-4 and 5 zones, which are intended
principally to be mapped in the future on the
areas that are now occupied by R-5-B and
higher. That seems to me an important point.

CHAIRMAN HOOD: Okay. Any other
questions up here? Okay. We appreciate it
and thank you very much for your testimony
and, if you can, give Ms. Hargrove our best.
Tell her we asked about her. Thank you.

Okay. Yes. I didn't want to mess
up your last name, Sara Gutschow? Okay. Ben
Klemens, Fay Armstrong, Graham Jenkins,
Rochelle Carpenter, Chris Marshall, Donna
McLean, and Cary Kadlecek. Let's see. Okay.
Do I have anyone who would like to come and
testify whose name I did not call?

I need two people. Okay. Mr.
Robinson's on his way. Is there anyone else
who would like to testify tonight? Okay. We
will end with this panel. We will ask our
questions right after this. Okay. We'll
start to my left, your right. You may begin.

MR. KLEMENS: Okay. Hi. My name
is Ben Klemens and thank you for giving me the opportunity to speak today. I live at 11th and V, NW so it's basically on the U Street strip, which is great. So, yelp.com tells me that there are 161 restaurants and bars within half a mile of my house and I can also tell you that in that same range there are zero supermarkets. So, you can mark me as very much in support of the idea of a corner store.

I really like the idea of a commercial space that can't be a restaurant or bar and might provide groceries, hardware, or other things that I need for daily life. But, unfortunately, in the current draft of the zoning plan as I just checked it, corner stores can't be located in my neighborhood. They're not allowed within 500 feet of a commercial corridor and not allowed in a denser residential R-5-B Zones. I'm still going to use the old numbering.

So, all parcels in the area are either R-5-B or within 500 feet of the
restaurants on U Street, Georgia Ave, and 14th Street. The U Street area is part of an arts overlay, which restricts the percentage of any given block devoted to bars and restaurants. But the rent for a storefront on U Street, you know, on the High street still make it difficult for an affordable grocer to set up there.

So, as evidence, we need only look down U and 14th Streets in this area. All but one market on these streets is specialty or gourmet. So, all I want is a loaf of bread for under five bucks and I can't find that.

Corner stores are allowed in moderate density, R-3 and R-4 zones, but not in the higher density zones. But there's also much overlap between these higher density zones and areas close to commercial zones, which might allow for more fine-grained control of where corner stores are zoned. For example, one could set rules allowing corner stores, using the older number, anywhere in
R-3, R-4, and R-5-B zones. But not allowing them in R-5-A zones or allowing them in R-5-A zones only more than 500 feet from commercial.

This set of rules might make it possible to finally get inexpensive groceries in the mid-City area, while keeping a buffer around commercial districts in those parts of the city where some residents have expressed a desire for such a buffer.

So, I know there's some controversy about corner stores, but if you're looking for a high concentration of people who like to see foot traffic on their street, who enjoy the feel of a living city, and want to see a store on every corner, the best place to look is within 500 feet of an existing commercial zone and that's exactly, ironically enough, the area where corner stores are currently prohibited.

So, I therefore recommend that corner stores be allowed in R-3, R-4, and R-5-B areas regardless of their proximity to
commercial corridors. Thank you.

CHAIRMAN HOOD: Okay. Great.

Thank you. Next.

MS. GUTSCHOW: Good evening. My name is Sara Gutschow and I live in Columbia Heights neighborhood in the intersection of 14th Street and Fairmont Street Northwest. I am testifying tonight to express my strong support of the proposed update of the D.C. Zoning Code regarding corner stores in residential zones, Subtitle E.

I first moved to the District of Columbia in 2001 as a college freshman and have remained a resident of the city almost continuously since then. During my time as a D.C. resident, I have lived in the Foxhall, Foggy Bottom, Adams Morgan, Petworth, and Columbia Heights neighborhoods. The reason I have chosen to stay in and always return to the District is that I enjoy living in a vibrant and urban, yet very livable, walkable, and beautiful city.
I urge the Zoning Commission to revise D.C.'s Zoning Regulations by creating reasonable allowances for corner stores. Simplifying the zoning regulations for corner stores will make residential neighborhoods like mine more accessible for all residents and help improve the affordability of residential neighborhoods throughout the city.

Over the past decade, I have enjoyed watching Columbia Heights growing and flourishing at an amazing rate. It seems like every day we gain new stores, restaurants, neighborhood amenities and, of course, residents. However, the large majority of the establishments near my apartment are springing up along main streets like 14th and 11th Streets.

In order to visit these places by foot, residents of my neighborhood must often walk several blocks up and down hills. This is inconvenient for some and impossible for others, such as older and disabled residents.
and those with young children. Allowing for more corner stores in residential neighborhoods would make them more accessible and walkable for those who need to purchase basic necessities for their homes.

Besides improving the convenience and accessibility of neighborhoods, the other major reason I support more allowances for corner stores is that having a few commercial establishments in otherwise residential neighborhoods will improve both the safety and communal feeling of those neighborhoods.

Corner stores can serve as not only places to buy things, but also gathering places for bringing together residents. When residents know each other, it makes neighborhoods feel more secure and it also helps make it easier for residents to come together to solve issues affecting their community.

Furthermore, although I do not often buy groceries at the existing corner
stores in my neighborhood, their presence makes me feel safer. I have often felt very apprehensive when walking home alone at night through exclusively a residential areas, because they tend to be darker with fewer residents on the street.

More corner stores in these neighborhoods would mean that, in case of a crime happening, it would be more likely that I could call for help from a person working at or patronizing a nearby store. For this reason, if I am walking home alone at night, I currently tend to stick to commercial streets like 14th Street.

Having more corner stores in residential neighborhoods would mean that the added convenience and security would make me consider more areas in the District the next time I am hunting for an apartment. If more residents like me who do not own cars and prize walkability, were able to spread out to more neighborhoods, it would result in less
demand for currently very expensive neighborhoods like Columbia Heights. This would help make them more affordable for everyone.

Thank you for your time and for all of your work in helping to transform D.C. into an even greater place to call home.

CHAIRMAN HOOD: Thank you. Next.

MS. ARMSTRONG: Good evening, Chairman Hood and other members of the Commission. My name is Fay Armstrong. I'm president of Historic Mount Pleasant. I've come this evening with one primary objective, to end matter-of-right conversions of row houses in our Historic District to condominiums of three or more units. Continuation of this authority, found in Chapter 6 of Subtitle E, will ensure the accelerated loss of remaining single-family homes in Mount Pleasant as well as the construction of inappropriately large additions to them.
As my statement will make clear, and I'm not going to read the whole thing to you, Mount Pleasant has suffered greatly under the R-4 designation. Historic Mount Pleasant requests, first, removal of Subtitle E, Chapter 6, maintenance of current lot occupancy maximums for different kinds of housing and, three, setting those maximums by building type and not the number of units.

In other words, flats we feel should not be entitled to more lot coverage than the building itself, based on its exterior style, whether detached, semi-detached, or row. And we oppose continuation of the Conversion Authority, the current 20 percent lot occupancy conversion bonus, and the proposal to raise maximum lot occupancy to 60 percent to detached and semidetached single family residences with or without accessory dwellings.

Mount Pleasant was built with many basement apartments. We had a lot of front
entrances. So we are kind of, I think, the
original accessory dwelling or one of the
original accessory dwelling zones in the city.
You know, we're completely in support of
accessory dwelling units.

If you look at our history though, it seems that that fact or that architectural
choice 100 years ago plus the fact that we had a lot of large buildings, large houses that,
in the 30s and 40s during the war, were used as apartments and boarding houses, that those facts lead to our designation in 1958 as R-4 and we have suffered very, very significantly under that designation.

We've lost many, many very important historic structures which have been replaced with ugly square and very inappropriate structures and I have some pictures for all of you of probably what is recognized today as the worst example, which is the Brutalist row houses at 18th and Park Road. That structure was really the turning
point for getting the neighborhood behind historic district designation in the mid-80s. And, since we became a historic district, we've been spared from demolitions, but we've had continuing problems with legal and illegal construction and conversions.

This is where the conversion bonus comes into play. The houses that seem to have been principally targeted over the years, over the decades have been the larger houses that have been on the large lots. And, given Mount Pleasant's topography, we have some lots like you take Park Road and it goes like this and then it comes down here at the end. So, we have some very deep lots that have very large lot occupancies that are just wide open for over-development and occupation by any number of apartments. And this has happened over the years.

Today, you can just practically count on it. If a house goes on the market, a particularly large house, particularly on
Park Road or there are a few streets/thoroughfares that are the focal points for these larger lots, it'll be bid up by a developer and it will be carved up into as many units as the 900 square foot rule will allow. Then those units are sold off and the house will never come back together again as a single family house.

I have another example for you in my package there with photographs of what's going on today at 1738 Park Road, which was a single-family dwelling intact until it was sold to a developer last year and it's now being cut up into four units. Where, if it had been cut into three, it could have been done much more compatibly with the other houses.

So, we are very concerned about the continuation of these conversions. It is the single greatest threat to our historic fabric at this time and we're asking that the Conversion Authority not be transferred into
the new zoning code and, also, pay attention
to what effect of this conversion bonus, the
20 percent, is doing and not to accept the
Office of Planning's suggestion to raise lot
occupancy to 60 percent for all types of
houses. Thank you, sir.

CHAIRMAN HOOD: Thank you. Next.

MS. CARPENTER: Good evening,
Commissioners. Thank you for hearing my
testimony on the corner store proposal. My
name is Rochelle Carpenter and I am a resident
of Adams Morgan. I have lived in the region
for seven years and plan to stay in the area,
as does my boyfriend, who was born and raised
here.

I do not own a car, so I walk,
bike, or take transit to go shopping or run my
errands. As time is a precious commodity for
a working professional like myself, proximity
and convenience are very important. Making a
quick stop to pick up a loaf of bread or a
granola bar or fruit from my corner store
makes getting everything done so much easier.

I also appreciate a sense of community that small stores foster. I look forward to running into neighbors to exchange a few words and make me feel more welcome, safe, and happy in my neighborhood. For these reasons, I support the Office of Zoning's or Planning's proposal to allow new corner stores to be added to moderate density row house zones, which was discussed yesterday and to current R-4 zones or even make it less restrictive than proposed to allow more corner stores to be built in other types of zones in the District.

I also wanted to add that I think corner stores can play an important role in low income neighborhoods and places with food deserts, since they can provide fresh healthy foods. And I realize that they have a long way to go in places like Wards 7 and 8, but there are innovations in places like Baltimore and Philadelphia where we've really seen
corner stores be revitalized and actually
provide healthier options for people who need
it the most.

Thank you for your time and, also,

since I can't make it on the 19th, I do

support the D.C. Office of Planning's parking

proposal, if I'm allowed to say so.

CHAIRMAN HOOD: Okay. Thank you

very much. Next.

MS. MCLEAN: Hi. My name's Donna

McLean. I'm here speaking on behalf of myself

and my husband, Marcus Peacock, who's in the

audience this evening. We've lived on Capitol

Hill for 20 years and love the fact that D.C.

has protected the historic nature of our

neighborhood, while maintaining the city's

laws and zoning rules, which support families.

We live on a block that has ten

alley lots that are currently being used as
garages and/or studios. They're each

individually zoned. They're all more than 450

square feet and this suggested change could
dramatically change our block. We have a

clean and safe alley. We are concerned that
the proposed changes to the zoning rules would
abruptly and negatively alter our alley and
reduce the value of our home and homes in our
block and the homes on A Street NE.

We believe that the current rules
on alley dwellings allow for proper
neighborhood involvement. When and if a
proposal is made, it's already in place and we
support it. We do not support the significant
changes that the Zoning Board is proposing.
If the Zoning Board believes, however, that
the proposed zoning rules are needed, we
strongly suggest that, number one, the 24-foot
limitation is not reduced and, if it is
reduced, that that's a significant change and
should have proper public review.

In addition, in situations where
more than 10 percent of an alley would be
changed in a 12 month period, that additional
zoning requirements, reviews, and restrictions
should be in place, so that dramatic and
significant changes are not allowed with one
swoop.

Basicall, all of our alley lots
right now are owned by three individuals that
do not live on our block, so they would not
even be neighbors making this change. So we
generally support improvement of property in
our neighborhood, but we also love Capitol
Hill because the number of families that live
here right now.

Our block is already busy. We're
right close to the Capitol. So, people come
and park in our neighborhood to visit Capitol
Hill. They visit the Folger Theater and park
in our area, the Frederick Douglas Museum, and
several churches as well.

The thought of having ten new
residents with no additional parking, it would
just be a dramatic change. So, Capitol Hill
has certainly changed over the years and
mostly for the better, but these significant
changes that would be allowed in these zoning
alterations would simply be something we would
not want to live. And my husband and I's plan
are to live there until we're carried out.

But if it becomes so inconvenient
for families to live on Capitol Hill, then
you're going to end up protecting the homes,
because you won't let them be chopped up and
that new change in the authority actually
protects the homes, but it doesn't protect the
neighbors.

Because we already have two group
homes in our street that, as you know, when
you live next to a group home it can be loud
and disruptive and the last two weekends we've
been woken up in the middle of the night and
we've had to walk over and shut down the
parties. Thank you very much.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. KADLECEK: Good evening,

members of the Commission. My name is Cary
Kadlecek from the law firm of Goulston & Storrs. I'm here on behalf of Goulston & Storrs, the Consortium of Universities and Independent Education. I have brief testimony and a recommendation on one specific issue. We do not expect that our recommended change is controversial, so we simply want to state it for the record.

The proposed regulations limit the height of roof structures in residential and residential flat zones to ten feet. In addition to Sections 1002.4 and 1001.3A and Subtitles E and F, respectively, this limit applies in Section 1502.2 in Subtitle D.

While this may be appropriate for single family houses and row houses, this height limit will constrain roof structures that need more height for larger institutional buildings permitted by right and by special exception in these zones such as public schools, private schools, colleges and universities, museums, and hospitals. Such
buildings often include extensive rooftop mechanical equipment, HVAC equipment, and elevator overrides that require the full roof structure height of 18 feet, 6 inches afforded under the current regulations.

Therefore, we request that the Commission amend the proposed regulations to permit institutional structures to construct roof structures up to 18 foot, 6 inches. You may note that, to the extent that these institutional buildings are located in architecturally sensitive areas, HPRB and CFA reviews will help ensure that these roof structures are compatible with their surrounding context. Thank you for your time and this concludes my testimony.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. ROBINSON: Thank you very much. Am I on? Oh, I am now. My name is Robert Robinson. My wife, Cheryl Berger, and I live at 1631 Newton Street NW in Mount

Neal R. Gross & Co., Inc.
202-234-4433
Pleasant and we are members of the Historic
Mount Pleasant and we are also active with
D.C. Solar United Neighborhoods and the Mount
Pleasant Solar Co-op.

I'd like to talk primarily about
the concern that we're having in Mount
Pleasant with the slicing and dicing of our
homes. We've all heard the Office of
Planning's argument that D.C. is having
trouble keeping young people in the city and,
therefore, what we have to do is become
denser. And the way we become denser is we
take our neighborhoods that are single family
homes and we cut them up into three or four
units and we create more housing and we solve
the problem. Right? Well, that's not right.

When you take a single family home
and you slice it up, you erode the single
family housing stock. Okay? The second thing
that you do when you create these units, and
we have one right behind us on Brown Street.
It's a single family home that was created in
four units.

It's rarely occupied by more than two tenants, but the units sell for as much as $300,000 or $400,000. So, in addition to the fact that, when you slice up housing units like Mount Pleasant you create fewer single family homes for people to buy and raise the price, you also create these more expensive smaller, very small places for singles to live in that artificially increases the cost of housing generally.

Now, there are neighborhoods and wards and sections of the city all over Washington, D.C. where you could build row houses, attached homes, detached homes, but we don't have the infrastructure to build them and it's largely because the developers would like to sell family homes in the established parts of the city. So, what's happening is that our neighborhoods are under attack.

We're concerned that, in this zoning and the proposed zoning changes, it's
not going to allow single family homes just to be divided into two homes or three homes, but into five or four homes, which is going to continue to erode the housing stock. We're very, very opposed to that, the matter of right conversions and all of the things that are bringing our single family neighborhoods under attack.

Additionally, I'd like to speak briefly about parking and the height issues. We have absolutely no management or control over parking in the city. We're doing nothing to stop the increase of commuter traffic from outside D.C., from commercial traffic into the city. We're not managing that traffic when we build Wal-Marts and DC USAs. We do not manage the impact of that traffic on our neighborhoods so the neighborhoods are under significant assault as well from that sort of pollution and dirt and congestion.

In short, all of these things are making it harder for us --
CHAIRMAN HOOD: Okay. Thank you.

Thank you very much. Let me just say this. You used your time talking about parking.

Tonight we're not talking about parking, but I appreciate it. Thank you.

MR. ROBINSON: There are issues --

CHAIRMAN HOOD: Your time is up.

Thank you. Okay? Hopefully, you can make it back and talk to us about parking on Tuesday.

All right? And I know you weren't here for the opening statement, but that's what I said in the opening statement. Okay? All right.

Any questions, Commissioners, for this panel? Commissioner May?

COMMISSIONER MAY: Ms. McLean, you have a number of alley lots behind you.

MS. MCLEAN: Yes, sir.

COMMISSIONER MAY: And you're urging us to keep the 24-foot rule. It's actually maybe a 30-foot rule now, but --

MS. MCLEAN: But I mean, in your adjustments, not to reduce it, which is what
was testified to by lots of others.

COMMISSIONER MAY: I understand.

So, I'm just curious about what are the dimensions of your alley currently? Do you know?

MS. MCLEAN: Well, if you really measure from house to house as an entrance, if that's an acceptable of your alley, because I don't really know how it officially, if you go to the center and there's lots of --

COMMISSIONER MAY: I mean it should be, you know, face to face, if you have buildings on the alley. But --

MS. MCLEAN: Okay. So --

COMMISSIONER MAY: You never know if they were actually built right on the line either, but --

MS. MCLEAN: Right. Right.

COMMISSIONER MAY: Okay.

MS. MCLEAN: So, it's 15 feet.

COMMISSIONER MAY: At all entrances?
MS. MCLEAN: No. I didn't go around to all. We have two street entrances. So, I you know kind of eyeballed it. It looked like it was about the same on the other end.

COMMISSIONER MAY: Right. So, it makes it sound like, you know, even at 20 feet they wouldn't qualify.

MS. MCLEAN: Correct, but I mean I'm no expert on how this is going to be measured.

COMMISSIONER MAY: I understand.

MS. MCLEAN: But I assume that's the case.

COMMISSIONER MAY: Right.

MS. MCLEAN: But my problem is I think a lot of people on Capitol Hill were told, you know, there's many situations where the current draft wouldn't apply to you and, if you were exempted, in other words if your alley was lower, you'd still have to go and get a variance.
But you don't have to get a variance under the draft. You have to get a special exception, which we were led to believe by the ANC folks that that's essentially the equivalent as a variance. So, in other words there's no difference.

Yet, people who testified here were celebrating the fact that the special exemption would be easier to get through. So, it can't be both.

COMMISSIONER MAY: Well, yes. I mean it's easier in some ways. It's harder in some subtle ways, but special exception, yes. There's a presumption that that's an appropriate use and appropriate physical change.

MS. MCLEAN: So, under the draft as I understand it, even if it was less than 24 feet, it could get a special exemption or special --

COMMISSIONER MAY: Yes.

MS. MCLEAN: -- exception.
COMMISSIONER MAY: But there would be a public process and debate and all that. And the public --

MS. MCLEAN: So, it's an easier process?

COMMISSIONER MAY: -- testimony on that really does affect the outcome. So --

MS. MCLEAN: Okay. Good. Thank you. That reassures me.

COMMISSIONER MAY: Okay. I'm just curious. I'm trying to keep up. There's a lot to absorb in the new zoning regulations. I'm just going to ask a quick question of the Office of Planning. Was Mr. Kadlecek's testimony about the 10-foot limitation, has that already been addressed with a tweaking to have the ten foot rule apply only to residential buildings?

MS. STEINGASSER: We discussed it last night.

COMMISSIONER MAY: Yes.

MS. STEINGASSER: So, we haven't
done it in writing yet.

COMMISSIONER MAY: Got it.

MS. STEINGASSER: It's just been --

COMMISSIONER MAY: Yes, but it was proposed. So, when you're --

MS. STEINGASSER: It was mentioned last night.

COMMISSIONER MAY: Okay.

MS. STEINGASSER: Just wanted to get it on the record that institutional buildings could actually be harmed.

COMMISSIONER MAY: Yes. Okay.

All right. I thought that had been covered, but you know it's a night for everything is a blur. So, that's it for me. Thank you.

COMMISSIONER MILLER: Vice, do you have any questions?

VICE CHAIR COHEN: No, I think Commissioner May dealt with the one question I would have had. But I would like to see Mr. Kadlecuk's testimony. Do you have it in
writing?

MR. KADLECEK: I have copies.

Yes.

VICE CHAIR COHEN: Thank you.

MR. KADLECEK: And also, we're planning to submit a letter as well.

VICE CHAIR COHEN: Okay. Thanks.

MR. KADLECEK: I know that it's more helpful when everything's on the record.

CHAIRMAN HOOD: Okay. All right. Thank you. Next, Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chairman. Ms. Armstrong, I'm sorry, are you seeing conversions even in the historic area? I mean on historic buildings?

MS. ARMSTRONG: Absolutely, the one that I put in the packet, 1738 Park Road is going on right now. I mean Historic Mount Pleasant is co-terminus with the neighborhood Mount Pleasant with the exception of the big apartment building at the very top of 16th Street and some of those things up there. So
that, within the Historic District, it's only
the buildings that have been, really that were
built in the 30s or 40s where historic
structures were raised, there are very few
buildings within the Historic District that
are not contributing structures. So, yes, the
conversions are going on on historic houses.

COMMISSIONER TURNBULL: Okay. But
as far as the architectural, is HPRB --

MS. ARMSTRONG: HPRB, well, you go
before HPRB and I do that whenever we have a
case from the neighborhood and, if it's a
matter of right conversion, it's very hard to
get much push back from HPRB on the size. I
mean the one that I put in the packet, again,
1738 Park Road, where they've, you know, torn
down the whole brick rear facade.

They've put on, and you've got the
picture there of this. And then they're going
to keep going back. They tore down the
garage, so that they could put all the
additional footprint on the house. It's going
to up. There are going to be, you know, galleries all around and roof deck on top and that was all fine, because it couldn't be seen.

The standard is it can be seen from a person's regular standing height on the sidewalk across the street from the house, not from the rear. Now, there's an open side yard right behind that, right the other side of the alley from that house and the tree has been destroyed. That's all visible, completely visible from Lamont Street. But the only thing I could get from HPRB was a little bit of push back on their request to pave over the entire back yard. They said, no, leave a little green space and just have the back yard, you know, back to where the lines up with the other garages.

So, you know, it's very difficult and they're excavating the side of the house to put in an entrance there, which really isn't necessary from a use standpoint, since
you can go right around that side of the house and go in the existing basement entrance to an apartment. That's how the legal apartment on my house is. So, it's very difficult.

I mean at the margins we get a little bit of assistance from HPRB, but they feel constrained and unable to push very much when it is a matter of right conversion. So, I'm looking for, you know, I'd like to see the whole thing just pulled. If that's not possible, make it a special exception for put some real conditions relating to Mount Pleasant that we can draft and, you know, better design guidelines, also, which is not the problem here, but something that we could work with OP on, perhaps, with HPO.

COMMISSIONER TURNBULL: Yes, that may be a good option. Yes.

MS. ARMSTRONG: Yes. But it's a seriously continuing problem. Thank you, Mr. Chairman.

COMMISSIONER TURNBULL: Well,
we'll bring it up when we have the questions
with OP. Thank you.

CHAIRMAN HOOD: Any other
questions? Mr. Miller?

COMMISSIONER MILLER: Thank you,
Mr. Chairman. Thank each of you for your
testimony. Yes, we will raise some of the
questions that you raised about the corner
stores in higher density residential versus
not and, on the conversion issue that a couple
of you raised, we'll ask them about that as
well. But thank each of you.

CHAIRMAN HOOD: Mrs. Gutschow? Is
it Gutschow?

MS. GUTSCHOW: Yes.

CHAIRMAN HOOD: Okay. You live
already pretty much, I don't know if you live
where said you lived. But you live pretty
much near a commercial corridor, am I correct?

MS. GUTSCHOW: Yes.

CHAIRMAN HOOD: Let me just ask
you this. What do you think of the
neighborhoods who don't have that accessibility to corner stores, how do you think they feel as far as the corner store issue? I'm just curious. Don't you think it varies in opinions, as we've heard here?

MS. GUTSCHOW: Yes.

CHAIRMAN HOOD: Now, like you say, you can walk right to the store and get what you need.

MS. GUTSCHOW: Yes.

CHAIRMAN HOOD: What about those like in Ward 7 that might have to walk ten blocks to get to a corner store or get to a store, period? Because you're already in the pipeline. That's what I'm trying to figure out. How can we balance this same issue with the single family homes. I'm trying to figure out how can we balance this, because basically the way I see it, everybody's coming from where they live.

MS. GUTSCHOW: Yes.

CHAIRMAN HOOD: But you're not the
only one that lives in the city. We're not
the only ones that live in certain areas of
the city. How do I, as a Commissioner,
balance that? Help me.

MS. GUTSCHOW: Well, actually,
where I live right now there really aren't any
stores that are in proximity to my apartment.
I kind of live in a dead zone. So, even on
long 14th, on a commercial corridor, I don't
really have access to any stores. I mean, for
instance, last night I bought groceries. I
had to walk seven blocks uphill carrying
groceries.

CHAIRMAN HOOD: But you told me
you were off of Fairmont Street, right?

MS. GUTSCHOW: Yes, I'm on
Fairmont Street. So the closest actual
grocery store is Yes Organic Market, which is
not only very expensive, but it's far away
from where I live. And I live in a commercial
area. So, if I lived even three blocks to the
east of where I live now, that would extend my
walk home even further. So, basically, the choice is either walking or taking the bus, which actually adds up price-wise.

So, that's why I live where I live on 14th Street and why I don't live in other neighborhoods, where if I could, and when I did live in Adams Morgan, I remember there were corner stores. And for me, I didn't even really patronize those stores, but there it was more of a safety issue.

So, for instance, when I was living at 16th and Euclid and I was walking home at night from Adams Morgan, if I was anywhere there and I was passing by Euclid and 17th where there was a not great area, there was a corner store right there and that always made me feel safer. Even though I never actually bought anything there, but it brought attention to the area. There was people working there who I felt could help me, in case anything happened.

And I was walking home alone at
night sometimes pretty late at night and there was usually a policeman parked there. So, for me, it's primarily a safety issue for opening up residential areas.

CHAIRMAN HOOD: So, let me ask you this. So, other people supported the store. For you, it was a safety issue? I'm just asking you.

MS. GUTSCHOW: It really would depend on the store. The current stores --

CHAIRMAN HOOD: So, you don't use the stores for local shopping?

MS. GUTSCHOW: -- that are the way they are right now, but I would definitely encourage not only increasing the number of corner stores, but also increasing the variety of products sold at corner stores. And, also, I didn't put this in my testimony, but increasing the use. I think there are many other uses for corner stores that might be compatible, besides grocery stores.

CHAIRMAN HOOD: Okay. Mr.
Robinson, I think you brought up a good point. Do you want to comment on that?

MR. ROBINSON: Yes, I started working for the city government in 1979 and I've worked throughout east of the river and this side of the river. The city has consistently failed to invest in the infrastructure east of the river: roads, sewers, streetlights. One of the reasons that you don't have more shopping centers over east of the river is because the infrastructure just isn't there. It's not designed properly.

The city has consistently failed to spend money to invest in the infrastructure in neighborhoods like Deanwood, which is a wonderful community, but they don't even have a pharmacy. They don't even have a bank in Deanwood. It's a great historic place. It could be a wonderful community.

The city continues to invest on this side of the river where the development community wants to get more money and it
ignores other parts of the city. It's a consistent problem and that's one of the reasons why certain parts of the city are stressed because there's more pressure on development there and other parts of the community have no resources. There were no city services in most parts of east of the river until after the 50s.

CHAIRMAN HOOD: Yes, well, you know I hear this argument about corner stores and I think Mr. Peterson is right. Growing up in this city, my parents and the folks who were civically involved then, they talked about too many corner stores because of some of the things that were going on.

So, you know, I guess for me I'm trying to figure out how to balance the thing. The same thing with the single family homes. We talked about some other things the other night, about ADUs and I don't want to break my own rule, but I can tell you it's about balancing.
And I think about the people who have been here, what they have invested. You know, it's nice because I hear people have said, even though I can't get them down to the hearing, but with these changing the character of the neighborhood, they're saying we're piling people on top of people.

But then I hear, on the other side that, it's affordable for some of those that are not able to afford it. So, it's a balancing act for this Commission and, if one of you all could, just one, whoever could help me, because I mean I need some help.

Because I'm hearing different sides and I want to make sure, at least from my standpoint, I'm sure the rest of us agree we want to make the best decision possible. Something that's going to stand the test of time, not that's going to make it worse, but it's going to stand the test of time. After all of us have moved to California or wherever else we're going, but something that's going
to stand the test of time for the residents of the city. Who's going to help me? This young lady here. Yes.

MS. MCLEAN: If I may, maybe this won't help, but I think one of the basic concepts is to reduce the number of zones and simplify it. But that's inconsistent with the fact that we're a city of lots of different neighborhoods, each with their own personality, needs, population base that all should be valued.

And by simplifying the zones and making it the same for everyone, you absolutely disregard the fact that we're a city of neighborhoods. So, I would suggest there would be, even though it makes it more complicated, possibly different zones and different rules for different neighborhoods, which is inconsistent with the core base of the rewriting, but is something you're facing.

CHAIRMAN HOOD: There is some area for some customizing, but that's a lot of
work. I'm learning here. From what I'm learning from Office of Planning, there's a lot of work for different neighborhoods and Georgetown has done it. Another neighborhood wants to do it, but it's a lot of work. So, okay. All right. Any other questions up here? All right. I want to thank this panel. I greatly appreciate all your testimony. Okay.

COMMISSIONER TURNBULL: Mr. Chair?

CHAIRMAN HOOD: Yes.

COMMISSIONER TURNBULL: I'm not going to California.

CHAIRMAN HOOD: Okay. You know, I might say anything. I might even say Minnesota tonight. I don't know.

COMMISSIONER MAY: I was thinking maybe it was a euphemism for something.

CHAIRMAN HOOD: Maybe that's it. I don't know.

COMMISSIONER MAY: I'm going to California.
CHAIRMAN HOOD: Going to California. All right. We've heard from all of our public witnesses. We'll ask our questions. Do we need to do ten minute rounds, Commissioners? Okay. Six Commissioners told me yes. So, we'll go ahead and let's do ten minute rounds. Commissioner May?

COMMISSIONER MAY: I would not, I would like to not go first tonight. Does somebody else want to go?

CHAIRMAN HOOD: I don't mind going first, but you know the Chair's supposed to kind of be, you know, acquiesce to his colleagues. So, no, I'm not going to do that.

COMMISSIONER MAY: If nobody else wants to go, I'm going to go. But --

CHAIRMAN HOOD: If nobody wants to go, you know --

VICE CHAIR COHEN: I'll go.

CHAIRMAN HOOD: But hold on, if nobody else wants to go, we going to adjourn
and we can go home. Okay. Vice Chair, you go.

VICE CHAIR COHEN: Thank you, Mr. Chairman. My first question has to do with the building depth for row buildings. In OP's review that they provided for us this morning, on Page 7, there really is no explanation with regard to this provision. So, can you be a little bit more expansive, because I don't think I really got it?

MS. STEINGASSER: Building depth for row building concepts, this was a proposal brought to the Commission from the Office of Planning when this started. I think this probably would have been about 2009, maybe 2010. And it basically asked for the assignment of a matter of right depth that every row house could extend to regardless of lot size.

The more we worked through the amount of nonconformity in the R-4 zones and in the R-3 zones, we felt it created
unpredictability. So, an adjacent property owner wouldn't really know how much light and air they would have, because the nonconforming lot owner could come in with a guaranteed lot depth, building depth that was not related to the lot. So, we did not come forward with that recommendation. Instead, we proposed that any lot could be constructed on as long as it could meet its yard requirements.

VICE CHAIR COHEN: My next question has to do with your review Page 11, Paragraph F, with regard to the period of five years that an accessory unit can be constructed as of right. Again, can you put that into context for me?

MS. STEINGASSER: There was some fear from certain sections of the community that we dealt with that people would rush in this week, if they got a good read from the Zoning Commission that you were open to accessory units inside an accessory building and they would build that building right now.
So, it would be ready to go and it wouldn't be subject to any restrictions. So, this was to try to set a transition period.

VICE CHAIR COHEN: Why five years, not three or two?

MS. STEINGASSER: We just went with five.

VICE CHAIR COHEN: Okay. Now, just for clarity and for on the record, the overlays are really being transferred into special zones, is that correct?

MS. STEINGASSER: That is correct and you'll see when you look at the R-4 zone, the now R-F zones, I'm just going to find one, it'll talk about that, for instances, the RF-2, which is the Dupont Circle, it'll talk about the fact that the RF-2 purpose is to provide for areas proximate to Dupont Circle predominantly developed with row houses.

The intent is to recognize the Dupont Circle area is a unique resource in the District, provides strong protection. These
are all from the overlay. They've been transferred in here, so that they all work together in one place and you don't have to go back and forth. And you'll see that same formatting approach in the commercial areas as well.

VICE CHAIR COHEN: Corner stores have been discussed with a predominance of a grocery store. I'm assuming that that is not the intent, but there are other uses and needs that are available to a community such as, and it's been very hard. We're losing shoe repair shops. So, there are other uses that we're looking for that are convenience stores. It doesn't necessarily have to be a grocery store?

MS. STEINGASSER: No, ma'am. The grocery store is the only one that's allowed by right as a new use.

VICE CHAIR COHEN: Okay.

MS. STEINGASSER: Everything else would be by special exception.
VICE CHAIR COHEN: Okay. Thanks.

And we're not discouraging housing above a corner store?

MS. STEINGASSER: No.

Commissioner Garrison pointed that out. It's just poor wording.

VICE CHAIR COHEN: Okay.

MS. STEINGASSER: We need to correct that.

VICE CHAIR COHEN: Okay. Good.

And the idea of, again, museums and theaters and you know art studios, I believe enhance a neighborhood as opposed to we should, you know, limit them. Can you just, again, comment on --

MS. STEINGASSER: We've proposed in the RF, in the flat zones, the equivalent of the R-4 zones that they would not be a permitted use. They would still be a permitted use in the apartment zones, but not in the R-4 zones. I mean in areas around Dupont Circle where you have an arts community
that works really well, when they show up in
the middle of a block in a row house,
unregulated, it could be very destructive.

My favorite museum ever was on
Capitol Hill, which was the Potato Museum and
it was in the basement of --

VICE CHAIR COHEN: I remember
that. I miss that.

MS. STEINGASSER: And it was a
museum. They opened it up once a week.
Actually, we found it allowed a type of tax
break, because it became a museum. They
actually lived there, but they were considered
tax exempt, because they were a cultural
thing. So, it's an odd use to have in the
middle of a residential neighborhood.

VICE CHAIR COHEN: You will allow
the ones that are there to remain?

MS. STEINGASSER: Oh, absolutely.
Yes. They'll have their nonconforming status
and, in areas like the apartment zones that
have much more of an adjacency to commercial
and mixed use area, they're also permitted there.

VICE CHAIR COHEN: I think that it gives me pause, because I think that there are opportunities that are hard to anticipate and, again, I think there are neighborhoods where there could be other types of Potato Museums that, you know, are kind of fun to have, as well as you know enhance I think a neighborhood. So, I'm just going to, you know --

MS. STEINGASSER: Okay.

VICE CHAIR COHEN: -- leave it at that though. Thank you very much.

CHAIRMAN HOOD: Okay.

Commissioner May doesn't have any questions.

Commissioner Turnbull?

COMMISSIONER TURNBULL: Thank you, Mr. Chair. I guess my questions to you all tonight really are to have you to comment on the testimony of one, oh wow, two, there was two. I guess Ms. Sellin brought up some
issues talking about conversions going to nonresidential use. She touched on a few points and I wonder if you could --

MS. STEINGASSER: The uses that you refer to are those which are allowed now. We just brought those forward --

COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: -- both in terms of special exception and by right and they're in the current regs on, I think they're Section 350. And it talks about the day care and those kind of neighborhood supporting. We've not seen a rash of those displacing residential.

COMMISSIONER TURNBULL: She also mentioned non-profits coming in.

MS. STEINGASSER: The non-profit provision also is in the current regulations --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- and has been there for at least 13 years that I know of.
COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: And that's to allow for the reuse of buildings of a certain size.

COMMISSIONER TURNBULL: The other comments that came up, Ms. Armstrong talked about Mount Pleasant and the changes that have been going on, the conversions there. Your view on that? What's --

MS. STEINGASSER: We have proposed that the conversion provision be brought forward. It's the one that's been on the books since 1958. It allows one dwelling unit per 900 square feet of land area and the Zoning Administrator ruled and it's been codified that you can do that through an addition. But she's very right in that the HPRB does not head into use.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: So, if it's a matter of right use, they will look only at the design aesthetic and the quality. But
they do not have the authority to weigh into
a use or --

COMMISSIONER TURNBULL: A use
variance.

MS. STEINGASSER: -- to do
something that would hinder it. It's not even
a use variance. These are matter of right
projects she's describing that have --

COMMISSIONER TURNBULL: Is there a
way to tighten up this somehow, or is this
something that it would be specific to Mount
Pleasant then?

MS. STEINGASSER: Right now it's
city wide and we see it across the city and we
see it in Capitol Hill and any of the areas
that have a lot of R-4. What's unique about
Mount Pleasant is they have a lot of large lot
R-4.

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: And they have a
lot of also well vegetated areas with a lot of
trees that backup to, in some cases, the
National Park Service land. And that, I think, adds to the visual decimation of the character of that neighborhood. So, yes, it would be something --

COMMISSIONER TURNBULL: Well, wouldn't some of the trees be protected? I mean isn't that protected by code?

MS. STEINGASSER: Some of the trees are protected by the Tree Act --

COMMISSIONER TURNBULL: Right.

MS. STEINGASSER: -- of a certain size, but a lot of the back of these larger lots are wooded, but they're unprotected size. You know they're multiple small trees that work together to create a visual screen.

COMMISSIONER TURNBULL: So, what direction could be taken for an area like this?

MS. STEINGASSER: We'd probably have to realistically work with them and look at a type of customization, rather than do a blanket --
COMMISSIONER TURNBULL: Okay.

MS. STEINGASSER: -- withdrawal of that. Because in other areas that R-4 works well and so it --

COMMISSIONER TURNBULL: Okay. So, at some point, they would need to come forward and work with you and develop a custom-made format.

MS. STEINGASSER: Together to get that done.

COMMISSIONER TURNBULL: Okay.

Thank you. Mr. Chair?

CHAIRMAN HOOD: Thank you.

Commissioner Miller?

COMMISSIONER MILLER: Thank you, Mr. Chairman. A couple of my questions were asked. Just following up on the Vice Chair's, so why wouldn't the special exception process protect the odd theatrical use in a neighborhood as versus requiring the DCA to jump through a hoop to try to grant a use variance where the neighborhood all wants it?
MS. STEINGASSER: We could certainly look at that. The theater use, I mean I'll be honest, Mr. Alpert raised that when I first met him about four or five years ago and I've forgotten. I mean I'm not even going to try to come up with a, it's just something that's been forgotten in the mountain of details, but we could absolutely look at that, because he brought up a very good point that there's schools and there's churches and it's a way for small theatrical groups to use that space at no cost. So, we'll absolutely look at that and I apologize for that.

COMMISSIONER MILLER: I think the special exception process, if the neighborhood's all for it and BZA's lines are drawn to adverse impacts, now, if there are --

MS. STEINGASSER: This it could be dealt with that way.

COMMISSIONER MILLER: -- then it would be dealt with. So, I appreciate your
willingness to look at that again. On the Mr.
Klemens question about the corner stores,
there's more flexibility in the lower density
residential zone than in the R-5, I think he
referred to R-5-B, what is that about?

MS. STEINGASSER: Well, the reason
we didn't propose corner stores in the
apartment zones is the apartment zones already
have a commercial adjunct provision and that's
been brought forward. So, they already have
commercial potential inside the apartment
buildings that's been there. That's an
existing provision.

So to have a corner store and the
commercial ground floors became, it just
seemed to be excessive amounts of commercial
activity. And most of the apartment zones are
adjacent to commercial in a lot of places.
So, it just seemed to be more commercial than
could be accommodated. It wasn't warranted.

COMMISSIONER MILLER: Okay. I
appreciate that explanation. What about the
issue of allowing somebody to live above a corner store?

MS. STEINGASSER: That's just poor wording. They should be allowed to live above the corner store.

COMMISSIONER MILLER: It wasn't the intent to prohibit that?

MS. STEINGASSER: It wasn't the intent. It's just a poorly worded section.

COMMISSIONER MILLER: Okay. Whether that's in a multi-family or whether it's in a --

MS. STEINGASSER: Anywhere, right.

COMMISSIONER MILLER: Anywhere.

Okay.

MS. STEINGASSER: Yes. And once we started getting into the R-4, where flats were allowed, then we had accessory buildings, accessory apartments, flats and we were trying to distinguish and I think we just got a little caught in our own weeds.

COMMISSIONER MILLER: Okay. And
the ANC 6B testified against the prohibition
on -- oh, that's what I just raised. Never
mind.

MS. STEINGASSER: Yes.

COMMISSIONER MILLER: That was the
6B issue. I got confused by the testimony.
Is the lot occupancy being changed or not?

MS. STEINGASSER: We are proposing
a unified lot occupancy, so that there's one
lot occupancy in the R-4 zones regardless of
building type.

COMMISSIONER MILLER: At 40
percent?

MS. STEINGASSER: At 60 percent.

COMMISSIONER MILLER: At 60
percent.

MS. STEINGASSER: That's what a
row house is allowed and, so, in areas that
have a lot of mixed types of housing stock or
building stock, lots that might have a single
house on it with side yards, they're
artificially filling in those side yards, so
they can get more lot occupancy. And it's actually having the reverse incentive of filling in what would otherwise be open spaces. And so, we've proposed to have a unified lot occupancy of 60 percent, which would allow those open spaces to remain and then be built to the rear as opposed to having to fill out to the sides.

COMMISSIONER MILLER: Okay. And, finally, Mr. May clarified with you that the roof structures on institutional uses was not intended --

MS. STEINGASSER: It was not intended.

COMMISSIONER MILLER: -- to be limited to ten? It could go to the 18-point -

MS. STEINGASSER: Eighteen five would be for the institutional/educational nonresidential use.

COMMISSIONER MILLER: Okay. Thank you very much.
CHAIRMAN HOOD: Okay. Mr. May?

COMMISSIONER MAY: Why thank you for giving me the opportunity to speak.

CHAIRMAN HOOD: Could you put two minutes on the clock?

COMMISSIONER MAY: Yes. Let's see if I can do that. So, I was confused at the initial presentation when you were describing the R-4 and R-5 zones, the new zones, and you were describing a circumstance where somebody thinks they're living in a townhouse or a row house neighborhood and then they find out, no, it's actually zoned apartments. Does that mean that people thought it was R-4 and it turned out to be R-5 in some form?

MS. STEINGASSER: I don't think most people thing about zoning, to be honest, when they buy the property.

COMMISSIONER MAY: I'm just going by what you described, so --

MS. STEINGASSER: I think that's why it's happened. They see a really well-
established, excuse me, row house --

COMMISSIONER MAY: Got it.

MS. STEINGASSER: -- neighborhood

and then they buy --

COMMISSIONER MAY: And then they

--

MS. STEINGASSER: -- and then they

find out --

COMMISSIONER MAY: -- find out

it's apartments.

MS. STEINGASSER: -- that it's

apartments. Right.

COMMISSIONER MAY: Okay. Now I

understand what you were trying to say.

MS. STEINGASSER: Yes.

COMMISSIONER MAY: So, back to Ms.

Sellin's comments about the loss of housing
through the various means, are you proposing
anything in the regulations now that's going
to actually increase the likelihood that we'd
lost residential housing stock to these other
uses?
MS. STEINGASSER: We certainly aren't intending to.

COMMISSIONER MAY: Right.

MS. STEINGASSER: We'll reread it again through that lens.

COMMISSIONER MAY: Right.

MS. STEINGASSER: It was certainly not our intention. It's quite the opposite. These zones are meant to help preserve this.

COMMISSIONER MAY: Right. You're trying to preserve it.

MS. STEINGASSER: Right.

COMMISSIONER MAY: Okay. I think some of the question you already answered in the other questions. So, I think that pretty much -- well, I mean I guess the way she described it it just made it sound like this massive loss that's either occurring now or will be occurring. I mean do you have that sense that it's actually changing that quickly and I mean how hard a focus do we need to put on this at this time?
MS. STEINGASSER: We don't, but it's an easy enough thing to research to look at those uses, to look at the geographic boundary and see if there has been that pressure. But some of it may be just the way it's worded.

COMMISSIONER MAY: Yes.

MS. STEINGASSER: It's like we witnessed with private schools. You know we thought we wrote it one way and they read it --

COMMISSIONER MAY: Yes.

MS. STEINGASSER: -- absolutely on the other side of the mirror. So, we'll make sure. We read it again and talk with Ms. Sellin and make sure that we haven't increased any nonresidential opportunities.

COMMISSIONER MAY: Okay. Thank you. So, I'm only about 20 seconds over.

CHAIRMAN HOOD: Okay. Thank you. Ms. Steingasser, as I'm trying to learn these new proposed regulations, did we make sure
that we were not in violation of Fair Housing Act when we dealt with the CBRF? So, did we just take that language from the old regs to the new regs?

MS. STEINGASSER: No, sir. We did not take it from the old to the new. We did propose some new language. Office of Attorney General did review it and they did review it with the different housing agencies that provide different types of housing. So, we're comfortable there.

If somebody, as an individual homeowner, were to come in with a reasonable accommodation request, that's done through the building permit process and DCRA would handle that. And we've had a couple of those where an individual needed an elevator on a historic row house and it was done through reasonable accommodation. They did not have to get a side yard variance and they just were allowed to put it on as part of reasonable accommodation.
CHAIRMAN HOOD: Okay. So, we're not in violation of --

MS. STEINGASSER: No, sir.

CHAIRMAN HOOD: -- federal law?

Okay.

MS. STEINGASSER: No, sir.

CHAIRMAN HOOD: All right. In 1106.3, it talks about the, I always wonder when we say so many feet away. Is that a special exception application we're trying to do here or is that a matter of right? I'm pretty much looking at the whole section of 1106, the corner store conditions.

MS. STEINGASSER: This would be applicable. Let me make sure I'm reading it correctly. These would be the conditions that would be applicable for a matter of right grocery and for a special exception for any other use.

CHAIRMAN HOOD: So, if they meet the conditions down here, while we say that a corner store can't be within 500 feet, but if
they meet the conditions and they're able to
show the case, they could basically get within
that 500, closer to that other corner store?

MS. STEINGASSER: No, sir. If
they needed to get a waiver from this
condition, they would have to go to the Board
of Zoning Adjustment.

CHAIRMAN HOOD: Right. But I'm
saying, if they met all that criteria and
apparently they, okay, so this is a strict
application. In order to deviate from this,
they would go in front of the Board?

MS. STEINGASSER: Yes, sir.

CHAIRMAN HOOD: Okay. So, they
would have to meet this. I'm trying to
understand.

MS. STEINGASSER: Okay. So, if
there's only one new use, a grocery, and that
would have to meet all of this requirement,
they could go in by right. If they didn't
meet any of this requirement or they were not
a grocery, then it would be by special
exception. So, even a grocery that we're trying to incentivize, if it were 300 feet form a commercial zone, it would have to go to the BZA and get a special exception.

CHAIRMAN HOOD: Okay.

MR. LAWSON: And I would just quickly add to that that there are some of the conditions associated with a corner grocery store that you could only get relief from them by variance. For example, we called out specific of the provisions, for example, the amount of floor area that could be devoted to alcohol sales. If you wanted to do 30 percent in your grocery store, that would actually require a variance before the BZA, not a special exception.

CHAIRMAN HOOD: So --

MR. LAWSON: And those are numbers 1106.6 through 1106.11.

CHAIRMAN HOOD: Okay. And I guess we talked about this again last night, Ms. Steingasser, and I know you've had plenty of
time to make the change if you're going to
make it, even though we just talked about it
last night. And I'm just being sarcastic.
But are we still looking at R-A as opposed to
just A for a residential apartment?

    MS. STEINGASSER: Yes, we are.
    CHAIRMAN HOOD: Okay. I know you
didn't have enough time. Maybe by Tuesday we
will change it. I'm just playing. Okay.
Again, I'm still trying to grapple around.
You heard some of the comments. Let me ask
this question. When the Office of Planning
went out, I know you went to all the wards, so
you went to certain areas.

Even though it's not necessarily
representative of the whole city who's coming
down to testify, but for the most part when
you did these proposals, is it safe for me to
say that you took into consideration of, okay,
one area has a lot of corner stores in one
section of the city and, then, maybe Ward 5
corner store may be so far away. Did you all
put it all into your evaluation of coming up
with what we have here today, I mean what's
proposed?

MS. STEINGASSER: We did and Mr.
Lawson especially did a great deal of mapping
of these corner stores, where are they, what
are the features they have, how do we want to
proceed. We heard a lot of what you're
hearing here. A lot of support for some areas
who have had really good experience and people
who've had good and then also some concern.

I think I explained last night we
also heard from areas that were worried about
not so much the use, but the physical impact
on the physical character. You know? The row
houses that were built on hills and Foxhall
where it was already built with a certain type
of distribution in mind.

And that's why our original
proposal was a much more aggressive matter of
right scenario and we backed away from that
both in terms of concentration, location of
uses, and how they are permitted.

CHAIRMAN HOOD: Okay. All right.

Any other questions? Thank you. Any other questions Commissioners? Okay. Well, that's it. Ms. Schellin, do we need to do anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: I only took two minutes? Okay. Good. I wanted to make sure. I didn't want Commissioner May to outdo me. He said I was more than two minutes. Okay. Do we have anything else?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: All right. You can still provide testimony on this case and we'll be back Tuesday night. We'll be talking about parking, bikes, bicycle parking and parking. Okay. With that, I thank everyone for their participation. This meeting is adjourned.

(Whereupon, the hearing was concluded at 8:06 p.m.)
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In the matter of: Public Hearing

Before: DCZC

Date: 11-07-13

Place: Washington, DC

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Court Reporter