

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
   
: Case No.
   
Title 11, Zoning Regulations : 08-06A
   
Comprehensive Text :
   
Revisions :
   
:
   
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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

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.

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

(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

1 Number 0806A. This request by the Office of  
2 Planning for comprehensive revisions and  
3 amendments to the zoning regulations, which is  
4 Title 11 of DCMR.

5 The specific subject of tonight's  
6 hearing are proposed new subtitles to E and F.  
7 Notice of today's hearing was published in the  
8 D.C. Register on September 20, 2013 and copies  
9 of that announcement are available to my left  
10 on the wall near the door.

11 The hearing will be conducted in  
12 accordance with provisions of 11 DCMR 3021 as  
13 follows: preliminary matters, presentation by  
14 the Office of Planning, reports of other  
15 government agencies, if any, testimony from  
16 the public and, then, questions by the  
17 Commission to the Office of Planning.

18 The following time constraints  
19 will be maintained in this hearing. The  
20 Office of Planning will have up to 60 minutes,  
21 organizations 5 minutes, and individuals 3  
22 minutes. The Commission intends to adhere to

1 the time limits as strictly as possible in  
2 order to hear the case in a reasonable period  
3 of time. The Commission reserves the right to  
4 change the time limits for presentations, if  
5 necessary, and notes that no time shall be  
6 ceded.

7 As noted in the Notice of Public  
8 Hearing, I will be calling witnesses in the  
9 order in which the Office of Zoning received  
10 their Notice of Intent to Testify. After  
11 those witnesses have been called, I will ask  
12 others who have registered to testify this  
13 evening and then ask others in the audience if  
14 they wish to testify.

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

22 When presenting information to the

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

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

22           The staff will be available

1 throughout the hearing to discuss procedural  
2 questions. As noted, testimony this evening  
3 will be limited to proposed new Subtitles E  
4 and F. If you have testimony on other  
5 subtitles and cannot come back on the  
6 scheduled hearing nights for those subtitles,  
7 you may hand in your testimony or submit it  
8 before the hearing date. We will read it.

9 I would also ask that you not  
10 repeat testimony that has already been given.  
11 Rather than repeating the same comments, I  
12 would suggest that you state that you agree  
13 with the testimony that has already been given  
14 and add additional comments that we have not  
15 yet heard. Please turn off all beepers and  
16 cell phones at this time as to not disrupt  
17 these proceedings. At this time, the  
18 Commission will consider any preliminary  
19 matters. Does the staff have any preliminary  
20 matters?

21 MS. SCHELLIN: No, sir.

22 CHAIRMAN HOOD: Okay. Well, we

1 would go right into the Office of Planning,  
2 Ms. Steingasser?

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

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

18 Subtitle E, which talks about the  
19 residential flats, really sprang from our  
20 analysis of this comprehensive plan language  
21 about looking and creating a new R-4-A Zone  
22 for one or two family row houses and another



1 zone for multi-family row house flats. We  
2 also received guidance from the Commission  
3 through this case as well as others about the  
4 R-5-B and looking at how to maybe make another  
5 R-5-B Zone.

6 So, we started by looking at the  
7 R-4 Zone, which right now is the only flat  
8 zone in the District that's two units  
9 permitted. The zone has a minimum lot size of  
10 1,800 square feet. That was established in  
11 1958. However, the R-4 Zone represents some  
12 of our oldest developed neighborhoods in the  
13 city and, as a result, has the highest level  
14 of non-conformity to that minimum lot size.  
15 Excuse me.

16 We're not proposing to change the  
17 minimum lot size. We are proposing that it be  
18 considered only in terms of creating new lots  
19 and that existing lots be allowed to build as  
20 if conforming, if they can meet setbacks, side  
21 yards, lot occupancy. So, this represents the  
22 R-4 Zones in the city. They ring the downtown

1 and that's mostly Capitol Hill and up through  
2 the central part of the city.

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

15 All the stated purposes and  
16 intent, restrictions, geographic limitations,  
17 heights, development standards and uses from  
18 the Dupont Circle overlay are incorporated  
19 into the RF-2 Zone. A user would then need  
20 only go to one place to find the development  
21 permissions. Same with RF-3. That would be  
22 the R-4 in the Capitol Interest area. That

1 has a height limitation. All of that, again,  
2 has been reflected in the new zone.

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

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

19 It's a well-established, it's  
20 either Historic, with a capital H as in the  
21 Historic District, or it's just historic in  
22 its development pattern. And it appears to be

1 very much a row house zone, until one of the  
2 neighbors starts to subdivide into an  
3 unlimited amount of apartments.

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

18           Again, looking at the guidance of  
19 the Commission, we've gone over this for the  
20 last couple evenings, talking about the  
21 residential densities. In this case, we're  
22 talking about units per building and those

1 reflected in Subtitle E. We've also talked  
2 about the nonresidential use of historic  
3 institutional uses. Again, that's carried  
4 forward, just as we discussed yesterday in  
5 the low to moderate density. It's also  
6 carried forward here.

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

19 Side yards, rear yards, front  
20 yards, we've talked about that for the last  
21 couple evenings. We're proposing the same  
22 standard and methodology in this Subtitle.

1 Heights, pervious surface, that's also brought  
2 forward into these zones.

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

14 The existing uses would be allowed  
15 as a matter of right. I grocery could  
16 establish as a matter of right subject to  
17 certain conditions and limitations.

18 Everything else would be permitted by special  
19 exception, again with spacing and operational  
20 conditions. We are not proposing that these  
21 be permitted in the R-1, R-2, or the R-5  
22 zones. We'll talk about the apartment R-5

1 zones in just a moment.

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

13 We're proposing that they be  
14 allowed to be used for both nonresidential and  
15 residential uses. One unit would be permitted  
16 as a matter of right, in the R-4, now the RF  
17 zones. Again, the same alley minimum width of  
18 24 feet. The Commission asked us last night  
19 to revisit that and talk again with the fire  
20 department and we're going to be doing that.

21 We're proposing a minimum lot area  
22 of 450 square feet, just as a way to start.

1 But special exception provisions are, I'm  
2 sorry, special exception relief is available  
3 to all of these provisions through the BZA and  
4 that would have the public hearing and, at  
5 that point, any developer could kind of look  
6 at the site and make their case.

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

16 In the residential flat zones, the  
17 R-4 zones, we've made four major changes to  
18 the use permissions. Fraternity and sorority  
19 dormitories are now permitted uses in the R-4  
20 zones. We have recommended that they be  
21 basically considered the same as any other  
22 group home, with a limitation of six, that



1 they not be called out as a special use that  
2 would otherwise not be permitted in the RF  
3 zone.

4 This is not an apartment zone.  
5 Fraternity and sororities houses, dormitories  
6 would be permitted as a type of multi-family  
7 residential in the apartment zones, but it's  
8 not a consistent use with the row house flat  
9 neighborhoods.

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

20 A private club, we've seen some  
21 problems with those. They're clubs that the  
22 membership can actually live in the property.

1 There may be food service. There may be some  
2 types of recreation, but it's private. It's  
3 not public. It's not related to an  
4 educational institution or any religious  
5 facility. And so, we figured that's also  
6 inappropriate. There have been some concerns  
7 about how those interact with a residential  
8 neighborhood as well. So, those are our four  
9 use changes to this zone.

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

20 CHAIRMAN HOOD: Thank you very  
21 much, Ms. Steingasser. Before we ask our  
22 questions, again, we're going to hear from the

1 public. I'm going to ask that you, the first  
2 beep that you hear will be a warning. After  
3 the first beep, the second beep you need to  
4 stop, okay? The first beep is the warning.  
5 Work with your testimony, so you can finish  
6 before the second beep or right at the second  
7 beep. We would greatly appreciate it.

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

16 Let me see. I've got two more  
17 seats, Sonia Conly, Maya Contreras. Okay.  
18 We're going to start with Mr. Alpert, to my  
19 left your right and we can come on down.  
20 Thank you. You may begin.

21 MR. ALPERT: Thank you very much,  
22 Chairman Hood and members of the Commission.

1 My name is David Alpert. I'm a resident of  
2 what will now be an A-9-B Zone. I want to  
3 express my support for the corner store  
4 proposals and also raise a few suggested  
5 changes to the Subtitle D and E.

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

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

1 commercial corridor.

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

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

22 I'm also a little bit concerned

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

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

15 Fourth, as I said in my testify,  
16 theaters, I happen to live on a block with a  
17 wonderful theater which is located in a  
18 residential zone. In my neighborhood, there's  
19 also another theater being operated out of a  
20 church basement also in a residential zone.  
21 That one had to get a variance to continue to  
22 operate and, in its report, OPs said that it

1 didn't think that there was a unique, I don't  
2 remember the exact wording. You know it.

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

13           Finally, very briefly, I wanted to  
14 actually respond to a few of the points that  
15 Council member Graham raised yesterday,  
16 because he was actually talking about mostly  
17 apartment zones when he did so. So, its  
18 relevant to this section. He asked you to  
19 take a look at pop ups and I think that there  
20 are indeed a number of very unsightly pop ups  
21 and I share the concern that sometimes they  
22 are really very ugly looking. But I think

1 that that is much more the right place for  
2 some sort of design review process as opposed  
3 to any kind of actual limitation.

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

14 And letting buildings grow is an  
15 important way to do that. So, if you have any  
16 concern about this construction, I think we  
17 should find a way to make sure that it is  
18 attractive, tasteful and not extremely  
19 jarring, as opposed to simply say, no, there  
20 should be no growth. Because we do need that  
21 in order to keep housing affordable. Thank  
22 you.



1                   CHAIRMAN HOOD: Thank you. Mr.  
2                   Peterson, next.

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

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

18                  As to accessory buildings and  
19                  alley lots, CHRS has been interested in  
20                  developing these for 30 years. I think it was  
21                  in the late 80s that Jacques DePuy and I tried  
22                  to get an amendment through and to allow their

1 development and usage and failed at that time  
2 with that Zoning Commission to achieve that.

3 As you know, 29 percent or almost  
4 30 percent of the alley lots are located in  
5 Ward 6. So, we have a great deal of concern  
6 about them. As to the alley lots, we think  
7 that the 24-foot alley for access is not  
8 realistic and would actually make most of our  
9 alley lots unusable. It's often typical that,  
10 on Capitol Hill in the big squares, as opposed  
11 to the smaller squares, that there will be  
12 access alleys of 10 to 15 feet in width.

13 And, then, in the center of the  
14 square there's almost a open square of 30 by  
15 100 feet or 30 by 50 feet in size, where the  
16 structures would be built. And we would  
17 suggest that this requirement would not allow  
18 that to happen.

19 The other thing is, the section  
20 suggests that buildings must be 12 feet from  
21 the center line of all alleys that it abuts.  
22 And I know some structures that abut three

1 alleys, believe it or not, in the back. And  
2 that would make, I did a calculation and ones  
3 I'm aware of would make those undevelopable if  
4 they had to meet that restriction.

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

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

22 Most of these corner stores have

1       been converted into residential units and we  
2       should leave well enough alone. I think,  
3       instead, we should look to the commercial  
4       areas that are still unused. We have a  
5       commercial area at 15th and East Capitol  
6       Street that goes down to C Street Southeast  
7       that isn't used.

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

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

1 CHAIRMAN HOOD: Okay. Thank you.

2 Next.

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

12 At it's regularly-scheduled  
13 monthly meeting on October 8th, ANC 6B adopted  
14 recommendations on several subtitles,  
15 including this particular one. ANC 6B's full  
16 statement, with all of its recommendations,  
17 was provided to the Zoning Commission on  
18 October 21st. In my testimony today, I want  
19 to describe our recommendations on five topics  
20 addressed in Subtitle E, all of which were  
21 adopted by unanimous vote at our October  
22 meeting.

1           First of all, on alley lots, we  
2           support the proposal to allow residential use  
3           for both renovation and new construction of  
4           alley lots and on narrow alleys by special  
5           exception. Our Commission supports the  
6           proposal to allow two dwelling units to be  
7           located either within the principal structure  
8           or one each in the principal structure and an  
9           accessory structures, such as a carriage  
10          house.

11           On corner stores, ANC 6B supports  
12          the proposal to change the test for the  
13          conditional use of commercial space in  
14          residential areas from a variance in all  
15          situations to a more nuanced approach. We  
16          support the proposal that such conditional  
17          uses of commercial space in residential areas  
18          be matter of right for groceries stores at  
19          intersections and for grocery stores in mid-  
20          block buildings that were built before 1958,  
21          for nonresidential use and only where it's  
22          been used for this purpose within the previous

1 three years. All other permitted commercial  
2 uses would also be restricted to either  
3 intersections or mid-block buildings that were  
4 built before 1958 for nonresidential use and  
5 would need a special exception.

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

16 Subtitle E lists the prohibitions  
17 on corner stores, including the limitation  
18 that a corner store may not be "on a lot or  
19 within a building also containing an accessory  
20 apartment or another corner store." This can  
21 be read to prohibit there being a residential  
22 unit on the floor above a corner store.

1                   We do not agree that residential  
2 units above a corner store should be  
3 prohibited. An accessory apartment is defined  
4 in Subtitle B as a dwelling unit that is  
5 secondary to the principal dwelling unit, in  
6 terms of gross floor area, intensity of use,  
7 and physical character. ANC 6B supports  
8 encouraging the upper floors of corner store  
9 buildings to be put to residential use.  
10 Indeed, having the owner of the store living  
11 above the establishment would seem an  
12 especially attractive approach.

13                   Similarly, Subtitle E prohibits  
14 locating a corner store "within any building  
15 or on any lot containing more than one  
16 dwelling unit." This would bar a corner store  
17 from a multi-use building with multi-family  
18 residential units. We do not agree that a  
19 corner store in, for example, a small  
20 apartment building on a residentially zoned  
21 lot should be prohibited and, thus, we oppose  
22 this limitation.



1                   As to lot occupancy for semi-  
2 detached buildings, the proposal before you  
3 does not change the current limit of 40  
4 percent lot occupancy for a semi-detached  
5 dwellings in R-F zones. Our Commission's  
6 docket often includes requests for zoning  
7 relief to allow semi-detached dwelling to go  
8 up to 60 percent of lot occupancy, in  
9 conjunction with the building of rear  
10 additions.

11                   In most cases, ANC 6B fairly  
12 routinely supports such requests on the theory  
13 that there's usually not a persuasive reason  
14 for treating a semi-detached dwelling  
15 differently from an attached building on the  
16 matter of lot occupancy. Thus, we urge the  
17 Commission to change the lot occupancy  
18 requirements for semi-detached buildings in  
19 RF zones to 60 percent and I'm pleased to see  
20 that the Office of Planning's October 28th  
21 report to the Commission here supports this  
22 change as well.

1                   Finally, on side setbacks, the  
2                   current code requires that a rear addition to  
3                   existing semi-detached residential structure  
4                   must be set back eight feet from the property  
5                   line or go all the way to the lot line. This  
6                   requirement often results in applicants  
7                   proposing to expand rear additions to the side  
8                   lot line closing off views through the side  
9                   setbacks.

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

21                   CHAIRMAN HOOD: Thank you. Next.  
22                   You want to turn your, make sure it's lit up,

1 the light.

2 MS. BRODNITZ: Commissioners,  
3 thank you. I live in Georgetown with my  
4 husband and 14-year-old son. We moved. I'm  
5 an architect specializing in historic  
6 preservation.

7 CHAIRMAN HOOD: Can you identify  
8 yourself?

9 MS. BRODNITZ: Louise Brodnitz.  
10 And we moved to the city on purpose to be in  
11 a place where people walk more than they  
12 drive. That's part of why I support generous  
13 allowances for corner stores in dense  
14 residential neighborhoods. Neighborhoods are  
15 places where people are walking, saying hi,  
16 stopping or talking en route to their  
17 destination.

18 Growing up in the suburbs, my best  
19 friend and I wanted to be able to walk to a  
20 place that sold yarn, or an ice cream place,  
21 or a toy store, but we couldn't. Even though,  
22 in those days, we were free to walk wherever

1 we wanted, those places were only available  
2 along highways and through parking lots.

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

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

20 Yet, corner stores are under  
21 constant threat of losing their traditional  
22 retail use. Limiting corner stores puts

1 constant pressure to abandon their historic  
2 use, causing harm to the integrity of the  
3 Historic District. Many of these corner  
4 stores have already lost the use for which  
5 they were designed, because they lost their  
6 grandfathered protection after just a few bad  
7 years.

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

18 CHAIRMAN HOOD: Okay. Thank you.  
19 Next.

20 MS. CONTRERAS: Good evening. My  
21 name is Maya Contreras. I live on the border  
22 between Ward 2 and Ward 6, near the convention

1 center and I'm here to speak in favor of  
2 corner stores. We do have a number of those  
3 in the neighborhood as well, currently, and  
4 some are excellent. Some are a little  
5 marginal, but they all prove useful. I've  
6 enjoyed living in the neighborhood. I've been  
7 there about five years and I have visited a  
8 number of the stores, some regularly. Some  
9 are just ones I walk by.

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

17 During Snowmageddon, those were  
18 some of the only places that were open. In  
19 some instances, we do have owners that live  
20 above the stores and they made a special  
21 effort to be open for their customers. So, I  
22 found them to be very useful. I would

1 encourage you to continue to support these.

2 Thank you.

3 CHAIRMAN HOOD: Okay. Okay.

4 Thank you. Next.

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

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

22 The stated intention is to enforce

1 the character of low and medium scale housing,  
2 to preserve and protect open gardens, back  
3 yards, and to protect light, air and privacy.  
4 However, these things are seriously endangered  
5 by the substantial changes proposed in this  
6 rezoning. Thoroughly undermined is the claim  
7 to preserve housing. In actuality, this  
8 proposal replaced thousands and thousands of  
9 square feet of housing with non-housing. Many  
10 a dwelling would be transformed into an  
11 institutional or social use.

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



1 this many would entirely displace its original  
2 residence.

3 CBIFs in apartment zones should be  
4 limited to eight people, not be warehouses for  
5 20 people. Intermediate nursing homes should  
6 be limited to no more than eight. If you  
7 agree with the Planning Office that we do need  
8 to increase house, why on earth do these  
9 proposals eliminate housing? For instance, in  
10 the old R-4, the new R-F-D-C zone, there's a  
11 provision that permits the emptying of  
12 apartment buildings of some of all of their  
13 residents.

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

21 When the 1958 New Special Purpose  
22 Zone was devised for Massachusetts Avenue and

1 blocks nearby permitting non-profits and  
2 professional uses by special exception, we  
3 lost all of our housing in the row houses, all  
4 of it in the row houses, hundreds of housing  
5 units within a period of 21 years.

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

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

22 In the apartment zone, roof

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

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

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

18 CHAIRMAN HOOD: Okay. Thank you.  
19 Next.

20 MR. HARGROVE: Thank you, Chairman  
21 Hood and members of the Commission. I'm Larry  
22 Hargrove. My wife and I are longtime

1 residents of Adams Morgan. We have, I think,  
2 five points I'd like to make. First we  
3 welcome OPs having dropped the proposal to  
4 permit the intrusion of a wide range of  
5 commercial, office, and other nonresidential  
6 uses in Subtitle F neighborhoods such as Adams  
7 Morgan.

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

17           This case was made as far back as  
18 2010 in a hearing before this Commission, not  
19 as a critique of the commendable  
20 sustainability objectives that motivated the  
21 corner store proposals, but to show that those  
22 objectives were already been met in our

1 neighborhoods, obviating any reason to do  
2 injury to other important neighborhood values.

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

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

18           This was before home rule, of  
19 course, under the prevailing view, at that  
20 time, that these neighborhoods as built, being  
21 blighted and drug infested were expendable,  
22 could usefully be demolished to the extent

1 necessary for the Inner Loop Freeway and the  
2 Adams Morgan Urban Renewal Plan.

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

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

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

22 There are corrections that need to

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

6 CHAIRMAN HOOD: Thank you. Next.

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

17 We moved to Capitol Hill in 1975  
18 and have lived on The Hill and walked to  
19 corner and neighborhood grocery stores ever  
20 since. Corner grocery stores reduce the need  
21 to travel by car or transits to large markets,  
22 increase walking in the neighborhood by

1 residents of all ages, and make it possible  
2 for persons that do not drive to shop without  
3 assistance.

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

14 As a child, I grew up in  
15 California. Yes, the land of the car, near a  
16 corner grocery store. Long before I could  
17 drive, I walked or biked to the Channing  
18 Avenue Market for bread, milk, and the like.  
19 Safe walking streets are streets that draw  
20 walkers during the day and the evening. A  
21 properly managed corner store brings neighbors  
22 out and helps to create a sense of community



1 as well as reducing auto trips and the  
2 consequent environmental impact.

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

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

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

6                   CHAIRMAN HOOD: We really  
7                   appreciate each and every one of you all's  
8                   testimony. Let's see if we have any  
9                   questions. Commissioners, any questions?  
10                  Commissioner May?

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

19                  MS. SELLIN: Okay.

20                  COMMISSIONER MAY: But I wanted to  
21                  let you know that I'm going to ask them about  
22                  that, because I would like to hear what they

1 have to say about that one in particular.

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

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

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

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

1 11, which is running all the time.

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

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

16 The problem is, as long ago as  
17 what five years ago, we still had a market at  
18 15th and C Southeast that was selling drug  
19 paraphernalia. We got their alcoholic  
20 beverage license yanked and they were able to  
21 stay in business because they were selling  
22 enough drug paraphernalia to stay in business.

1 And the store was bought out and it was built  
2 as a residential building with a, it now has  
3 a coffee shop and bakery in the first floor.  
4 So, I mean these are ongoing problems. It  
5 isn't like they've just gone away.

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

18 There are also, we forget the dry  
19 cleaners that are on the corners and I think,  
20 you know, we have locations that are zoned C-2  
21 that are struggling to make a going and, if  
22 there were more C-2 things going on there, I

1 think we would have viable little commercial  
2 neighborhoods where that --

3 COMMISSIONER MAY: Right. Okay.  
4 So, I mean I guess further conditioning on the  
5 placement of corner stores isn't going to  
6 necessarily address the concerns that you  
7 have.

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

16 COMMISSIONER MAY: Okay.

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

20 COMMISSIONER MAY: Sure.

21 MR. PETERSON: So, if we want them  
22 to be viable, I think you have to have a

1 certain amount of sales of alcohol.

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

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

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

20 MR. PETERSON: I have to say,  
21 until this was brought up in a working group  
22 on the task force, I have never heard anybody

1 complain that there weren't enough corner  
2 stores. So, I just think this is a, you know,  
3 I'd never heard that as an argument that we  
4 needed more corner stores.

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

11 COMMISSIONER MAY: Yes.

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

15 COMMISSIONER MAY: Okay.

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

19 COMMISSIONER MAY: Yes. I  
20 understand. I mean I know there are parts of  
21 the city where the corner stores are not  
22 necessarily a benefit to the community, but I



1 also have seen what's happened and what's  
2 changed over the years with corner stores on  
3 Capitol Hill, for example. There are fewer of  
4 them. You know, I think there are four or  
5 five less in just a three-block area from my  
6 house right now than there were when I first  
7 lived in that area, you know, 25 years ago.  
8 So, I can see how it's changed, but also, you  
9 know, what they sell and stuff has changed as  
10 well.

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

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

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

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

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

22                   COMMISSIONER TURNBULL: Yes. I

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

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

19 It depends upon where it is and  
20 how it falls and what zones it splits on. So,  
21 it gets to be kind of a tossup at certain  
22 points. But you bring up some good points on

1 that and we'll be sure to get into that with  
2 the Office of Planning. Thank you.

3 CHAIRMAN HOOD: Commissioner  
4 Miller?

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

18 Mr. Hargrove and Ms. Sellin,  
19 you're usually on the same page. Mr.  
20 Hargrove, I thought I heard you say that you  
21 thought the RF-4 and RF-5 would be useful to  
22 help protect these neighborhoods that were

1 over zoned in Adams Morgan I guess or near  
2 Adams Morgan.

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

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

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

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

21 COMMISSIONER MILLER: It's not  
22 like we're changing it right now.

1 MS. SELLIN: No, you have to  
2 create the zone. You really do to embody the  
3 apartments, three and four. We don't really  
4 have any zone like that, so it would be very  
5 useful and I think Ms. Steingasser has  
6 probably looked at that pretty thoroughly.

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

19 And those in the various  
20 development standards have been built into the  
21 new RF-3, 4, and 5 zones. They'll go a long  
22 way toward correcting this problem.

1                   COMMISSIONER MILLER:   And I  
2   misunderstood.   You are supportive of --

3                   MS. SELLIN:    Oh, yes, very much.

4                   COMMISSIONER MILLER:   Okay.   Thank  
5   you.

6                   MS. SELLIN:    Yes, very much.

7                   COMMISSIONER MILLER:   Okay.

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

18                                If it's appropriate that those  
19   have been excluded from the A zones as the  
20   question Mr. Alpert addressed, it certainly  
21   would be appropriate that they be excluded  
22   from the RF-4 and 5 zones, which are intended

1 principally to be mapped in the future on the  
2 areas that are now occupied by R-5-B and  
3 higher. That seems to me an important point.

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

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

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

22 MR. KLEMENS: Okay. Hi. My name

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

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

21 So, all parcels in the area are  
22 either R-5-B or within 500 feet of the



1 restaurants on U Street, Georgia Ave, and 14th  
2 Street. The U Street area is part of an arts  
3 overlay, which restricts the percentage of any  
4 given block devoted to bars and restaurants.  
5 But the rent for a storefront on U Street, you  
6 know, on the High street still make it  
7 difficult for an affordable grocer to set up  
8 there.

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

14           Corner stores are allowed in  
15 moderate density, R-3 and R-4 zones, but not  
16 in the higher density zones. But there's also  
17 much overlap between these higher density  
18 zones and areas close to commercial zones,  
19 which might allow for more fine-grained  
20 control of where corner stores are zoned. For  
21 example, one could set rules allowing corner  
22 stores, using the older number, anywhere in

1 R-3, R-4, and R-5-B zones. But not allowing  
2 them in R-5-A zones or allowing them in R-5-A  
3 zones only more than 500 feet from commercial.

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

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

20 So, I therefore recommend that  
21 corner stores be allowed in R-3, R-4, and  
22 R-5-B areas regardless of their proximity to

1 commercial corridors. Thank you.

2 CHAIRMAN HOOD: Okay. Great.

3 Thank you. Next.

4 MS. GUTSCHOW: Good evening. My  
5 name is Sara Gutschow and I live in Columbia  
6 Heights neighborhood in the intersection of  
7 14th Street and Fairmont Street Northwest. I  
8 am testifying tonight to express my strong  
9 support of the proposed update of the D.C.  
10 Zoning Code regarding corner stores in  
11 residential zones, Subtitle E.

12 I first moved to the District of  
13 Columbia in 2001 as a college freshman and  
14 have remained a resident of the city almost  
15 continuously since then. During my time as a  
16 D.C. resident, I have lived in the Foxhall,  
17 Foggy Bottom, Adams Morgan, Petworth, and  
18 Columbia Heights neighborhoods. The reason I  
19 have chosen to stay in and always return to  
20 the District is that I enjoy living in a  
21 vibrant and urban, yet very livable, walkable,  
22 and beautiful city.

1                   I urge the Zoning Commission to  
2                   revise D.C.'s Zoning Regulations by creating  
3                   reasonable allowances for corner stores.  
4                   Simplifying the zoning regulations for corner  
5                   stores will make residential neighborhoods  
6                   like mine more accessible for all residents  
7                   and help improve the affordability of  
8                   residential neighborhoods throughout the city.

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

18                  In order to visit these places by  
19                  foot, residents of my neighborhood must often  
20                  walk several blocks up and down hills. This  
21                  is inconvenient for some and impossible for  
22                  others, such as older and disabled residents

1 and those with young children. Allowing for  
2 more corner stores in residential  
3 neighborhoods would make them more accessible  
4 and walkable for those who need to purchase  
5 basic necessities for their homes.

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

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

21 Furthermore, although I do not  
22 often buy groceries at the existing corner

1 stores in my neighborhood, their presence  
2 makes me feel safer. I have often felt very  
3 apprehensive when walking home alone at night  
4 through exclusively a residential areas,  
5 because they tend to be darker with fewer  
6 residents on the street.

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

15 Having more corner stores in  
16 residential neighborhoods would mean that the  
17 added convenience and security would make me  
18 consider more areas in the District the next  
19 time I am hunting for an apartment. If more  
20 residents like me who do not own cars and  
21 prize walkability, were able to spread out to  
22 more neighborhoods, it would result in less

1 demand for currently very expensive  
2 neighborhoods like Columbia Heights. This  
3 would help make them more affordable for  
4 everyone.

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

8 CHAIRMAN HOOD: Thank you. Next.

9 MS. ARMSTRONG: Good evening,  
10 Chairman Hood and other members of the  
11 Commission. My name is Fay Armstrong. I'm  
12 president of Historic Mount Pleasant. I've  
13 come this evening with one primary objective,  
14 to end matter-of-right conversions of row  
15 houses in our Historic District to  
16 condominiums of three or more units.  
17 Continuation of this authority, found in  
18 Chapter 6 of Subtitle E, will ensure the  
19 accelerated loss of remaining single-family  
20 homes in Mount Pleasant as well as the  
21 construction of inappropriately large  
22 additions to them.

1           As my statement will make clear,  
2           and I'm not going to read the whole thing to  
3           you, Mount Pleasant has suffered greatly under  
4           the R-4 designation. Historic Mount Pleasant  
5           requests, first, removal of Subtitle E,  
6           Chapter 6, maintenance of current lot  
7           occupancy maximums for different kinds of  
8           housing and, three, setting those maximums by  
9           building type and not the number of units.

10           In other words, flats we feel  
11           should not be entitled to more lot coverage  
12           than the building itself, based on its  
13           exterior style, whether detached, semi-  
14           detached, or row. And we oppose continuation  
15           of the Conversion Authority, the current 20  
16           percent lot occupancy conversion bonus, and  
17           the proposal to raise maximum lot occupancy to  
18           60 percent to detached and semidetached single  
19           family residences with or without accessory  
20           dwellings.

21           Mount Pleasant was built with many  
22           basement apartments. We had a lot of front



1 entrances. So we are kind of, I think, the  
2 original accessory dwelling or one of the  
3 original accessory dwelling zones in the city.  
4 You know, we're completely in support of  
5 accessory dwelling units.

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

15 We've lost many, many very  
16 important historic structures which have been  
17 replaced with ugly square and very  
18 inappropriate structures and I have some  
19 pictures for all of you of probably what is  
20 recognized today as the worst example, which  
21 is the Brutalist row houses at 18th and Park  
22 Road. That structure was really the turning

1 point for getting the neighborhood behind  
2 historic district designation in the mid-80s.  
3 And, since we became a historic district,  
4 we've been spared from demolitions, but we've  
5 had continuing problems with legal and illegal  
6 construction and conversions.

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

20 Today, you can just practically  
21 count on it. If a house goes on the market,  
22 a particularly large house, particularly on

1 Park Road or there are a few streets/  
2 thoroughfares that are the focal points for  
3 these larger lots, it'll be bid up by a  
4 developer and it will be carved up into as  
5 many units as the 900 square foot rule will  
6 allow. Then those units are sold off and the  
7 house will never come back together again as  
8 a single family house.

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

18 So, we are very concerned about  
19 the continuation of these conversions. It is  
20 the single greatest threat to our historic  
21 fabric at this time and we're asking that the  
22 Conversion Authority not be transferred into

1 the new zoning code and, also, pay attention  
2 to what effect of this conversion bonus, the  
3 20 percent, is doing and not to accept the  
4 Office of Planning's suggestion to raise lot  
5 occupancy to 60 percent for all types of  
6 houses. Thank you, sir.

7 CHAIRMAN HOOD: Thank you. Next.

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

16 I do not own a car, so I walk,  
17 bike, or take transit to go shopping or run my  
18 errands. As time is a precious commodity for  
19 a working professional like myself, proximity  
20 and convenience are very important. Making a  
21 quick stop to pick up a loaf of bread or a  
22 granola bar or fruit from my corner store

1 makes getting everything done so much easier.

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

15 I also wanted to add that I think  
16 corner stores can play an important role in  
17 low income neighborhoods and places with food  
18 deserts, since they can provide fresh healthy  
19 foods. And I realize that they have a long  
20 way to go in places like Wards 7 and 8, but  
21 there are innovations in places like Baltimore  
22 and Philadelphia where we've really seen

1 corner stores be revitalized and actually  
2 provide healthier options for people who need  
3 it the most.

4 Thank you for your time and, also,  
5 since I can't make it on the 19th, I do  
6 support the D.C. Office of Planning's parking  
7 proposal, if I'm allowed to say so.

8 CHAIRMAN HOOD: Okay. Thank you  
9 very much. Next.

10 MS. MCLEAN: Hi. My name's Donna  
11 McLean. I'm here speaking on behalf of myself  
12 and my husband, Marcus Peacock, who's in the  
13 audience this evening. We've lived on Capitol  
14 Hill for 20 years and love the fact that D.C.  
15 has protected the historic nature of our  
16 neighborhood, while maintaining the city's  
17 laws and zoning rules, which support families.

18 We live on a block that has ten  
19 alley lots that are currently being used as  
20 garages and/or studios. They're each  
21 individually zoned. They're all more than 450  
22 square feet and this suggested change could

1 dramatically change our block. We have a  
2 clean and safe alley. We are concerned that  
3 the proposed changes to the zoning rules would  
4 abruptly and negatively alter our alley and  
5 reduce the value of our home and homes in our  
6 block and the homes on A Street NE.

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

19 In addition, in situations where  
20 more than 10 percent of an alley would be  
21 changed in a 12 month period, that additional  
22 zoning requirements, reviews, and restrictions

1 should be in place, so that dramatic and  
2 significant changes are not allowed with one  
3 swoop.

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

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

18           The thought of having ten new  
19 residents with no additional parking, it would  
20 just be a dramatic change. So, Capitol Hill  
21 has certainly changed over the years and  
22 mostly for the better, but these significant



1 changes that would be allowed in these zoning  
2 alterations would simply be something we would  
3 not want to live. And my husband and I's plan  
4 are to live there until we're carried out.

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

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

19 CHAIRMAN HOOD: Okay. Thank you.  
20 Next.

21 MR. KADLECEK: Good evening,  
22 members of the Commission. My name is Cary

1 Kadlecek from the law firm of Goulston &  
2 Storrs. I'm here on behalf of Goulston &  
3 Storrs, the Consortium of Universities and  
4 Independent Education. I have brief testimony  
5 and a recommendation on one specific issue.  
6 We do not expect that our recommended change  
7 is controversial, so we simply want to state  
8 it for the record.

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

15           While this may be appropriate for  
16 single family houses and row houses, this  
17 height limit will constrain roof structures  
18 that need more height for larger institutional  
19 buildings permitted by right and by special  
20 exception in these zones such as public  
21 schools, private schools, colleges and  
22 universities, museums, and hospitals. Such

1 buildings often include extensive rooftop  
2 mechanical equipment, HVAC equipment, and  
3 elevator overrides that require the full roof  
4 structure height of 18 feet, 6 inches afforded  
5 under the current regulations.

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

17 CHAIRMAN HOOD: Okay. Thank you.  
18 Next.

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

1 Pleasant and we are members of the Historic  
2 Mount Pleasant and we are also active with  
3 D.C. Solar United Neighborhoods and the Mount  
4 Pleasant Solar Co-op.

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

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

1 four units.

2 It's rarely occupied by more than  
3 two tenants, but the units sell for as much as  
4 \$300,000 or \$400,000. So, in addition to the  
5 fact that, when you slice up housing units  
6 like Mount Pleasant you create fewer single  
7 family homes for people to buy and raise the  
8 price, you also create these more expensive  
9 smaller, very small places for singles to live  
10 in that artificially increases the cost of  
11 housing generally.

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

21 We're concerned that, in this  
22 zoning and the proposed zoning changes, it's

1 not going to allow single family homes just to  
2 be divided into two homes or three homes, but  
3 into five or four homes, which is going to  
4 continue to erode the housing stock. We're  
5 very, very opposed to that, the matter of  
6 right conversions and all of the things that  
7 are bringing our single family neighborhoods  
8 under attack.

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

21           In short, all of these things are  
22 making it harder for us --

1                   CHAIRMAN HOOD: Okay. Thank you.  
2 Thank you very much. Let me just say this.  
3 You used your time talking about parking.  
4 Tonight we're not talking about parking, but  
5 I appreciate it. Thank you.

6                   MR. ROBINSON: There are issues --

7                   CHAIRMAN HOOD: Your time is up.  
8 Thank you. Okay? Hopefully, you can make it  
9 back and talk to us about parking on Tuesday.  
10 All right? And I know you weren't here for  
11 the opening statement, but that's what I said  
12 in the opening statement. Okay? All right.  
13 Any questions, Commissioners, for this panel?  
14 Commissioner May?

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

17                  MS. MCLEAN: Yes, sir.

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

21                  MS. MCLEAN: But I mean, in your  
22 adjustments, not to reduce it, which is what

1 was testified to by lots of others.

2 COMMISSIONER MAY: I understand.  
3 So, I'm just curious about what are the  
4 dimensions of your alley currently? Do you  
5 know?

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

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

14 MS. MCLEAN: Okay. So --

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

18 MS. MCLEAN: Right. Right.

19 COMMISSIONER MAY: Okay.

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

21 COMMISSIONER MAY: At all  
22 entrances?



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

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

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

12 COMMISSIONER MAY: I understand.

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

15 COMMISSIONER MAY: Right.

16 MS. MCLEAN: But my problem is I  
17 think a lot of people on Capitol Hill were  
18 told, you know, there's many situations where  
19 the current draft wouldn't apply to you and,  
20 if you were exempted, in other words if your  
21 alley was lower, you'd still have to go and  
22 get a variance.

1                   But you don't have to get a  
2                   variance under the draft. You have to get a  
3                   special exception, which we were led to  
4                   believe by the ANC folks that that's  
5                   essentially the equivalent as a variance. So,  
6                   in other words there's no difference.

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

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

17                  MS. MCLEAN: So, under the draft  
18                  as I understand it, even if it was less than  
19                  24 feet, it could get a special exemption or  
20                  special --

21                  COMMISSIONER MAY: Yes.

22                  MS. MCLEAN: -- exception.

1                   COMMISSIONER MAY: But there would  
2 be a public process and debate and all that.

3                   And the public --

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

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

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

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

19                   MS. STEINGASSER: We discussed it  
20 last night.

21                   COMMISSIONER MAY: Yes.

22                   MS. STEINGASSER: So, we haven't

1 done it in writing yet.

2 COMMISSIONER MAY: Got it.

3 MS. STEINGASSER: It's just been

4 --

5 COMMISSIONER MAY: Yes, but it was

6 proposed. So, when you're --

7 MS. STEINGASSER: It was mentioned

8 last night.

9 COMMISSIONER MAY: Okay.

10 MS. STEINGASSER: Just wanted to

11 get it on the record that institutional

12 buildings could actually be harmed.

13 COMMISSIONER MAY: Yes. Okay.

14 All right. I thought that had been covered,

15 but you know it's a night for everything is a

16 blur. So, that's it for me. Thank you.

17 COMMISSIONER MILLER: Vice, do you

18 have any questions?

19 VICE CHAIR COHEN: No, I think

20 Commissioner May dealt with the one question

21 I would have had. But I would like to see Mr.

22 Kadlecek's testimony. Do you have it in

1 writing?

2 MR. KADLECEK: I have copies.

3 Yes.

4 VICE CHAIR COHEN: Thank you.

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

7 VICE CHAIR COHEN: Okay. Thanks.

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

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

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

16 MS. ARMSTRONG: Absolutely, the  
17 one that I put in the packet, 1738 Park Road  
18 is going on right now. I mean Historic Mount  
19 Pleasant is co-terminus with the neighborhood  
20 Mount Pleasant with the exception of the big  
21 apartment building at the very top of 16th  
22 Street and some of those things up there. So

1 that, within the Historic District, it's only  
2 the buildings that have been, really that were  
3 built in the 30s or 40s where historic  
4 structures were raised, there are very few  
5 buildings within the Historic District that  
6 are not contributing structures. So, yes, the  
7 conversions are going on on historic houses.

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

10 MS. ARMSTRONG: HBRP, well, you go  
11 before HPRB and I do that whenever we have a  
12 case from the neighborhood and, if it's a  
13 matter of right conversion, it's very hard to  
14 get much push back from HPRB on the size. I  
15 mean the one that I put in the packet, again,  
16 1738 Park Road, where they've, you know, torn  
17 down the whole brick rear facade.

18 They've put on, and you've got the  
19 picture there of this. And then they're going  
20 to keep going back. They tore down the  
21 garage, so that they could put all the  
22 additional footprint on the house. It's going

1 to up. There are going to be, you know,  
2 galleries all around and roof deck on top and  
3 that was all fine, because it couldn't be  
4 seen.

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

19 So, you know, it's very difficult  
20 and they're excavating the side of the house  
21 to put in an entrance there, which really  
22 isn't necessary from a use standpoint, since

1 you can go right around that side of the house  
2 and go in the existing basement entrance to an  
3 apartment. That's how the legal apartment on  
4 my house is. So, it's very difficult.

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

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

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

22 COMMISSIONER TURNBULL: Well,



1 we'll bring it up when we have the questions  
2 with OP. Thank you.

3 CHAIRMAN HOOD: Any other  
4 questions? Mr. Miller?

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

13 CHAIRMAN HOOD: Mrs. Gutschow? Is  
14 it Gutschow?

15 MS. GUTSCHOW: Yes.

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

20 MS. GUTSCHOW: Yes.

21 CHAIRMAN HOOD: Let me just ask  
22 you this. What do you think of the

1 neighborhoods who don't have that  
2 accessibility to corner stores, how do you  
3 think they feel as far as the corner store  
4 issue? I'm just curious. Don't you think it  
5 varies in opinions, as we've heard here?

6 MS. GUTSCHOW: Yes.

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

10 MS. GUTSCHOW: Yes.

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

21 MS. GUTSCHOW: Yes.

22 CHAIRMAN HOOD: But you're not the

1       only one that lives in the city. We're not  
2       the only ones that live in certain areas of  
3       the city. How do I, as a Commissioner,  
4       balance that? Help me.

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

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

16                  MS. GUTSCHOW: Yes, I'm on  
17      Fairmont Street. So the closest actual  
18      grocery store is Yes Organic Market, which is  
19      not only very expensive, but it's far away  
20      from where I live. And I live in a commercial  
21      area. So, if I lived even three blocks to the  
22      east of where I live now, that would extend my

1 walk home even further. So, basically, the  
2 choice is either walking or taking the bus,  
3 which actually adds up price-wise.

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

11 So, for instance, when I was  
12 living at 16th and Euclid and I was walking  
13 home at night from Adams Morgan, if I was  
14 anywhere there and I was passing by Euclid and  
15 17th where there was a not great area, there  
16 was a corner store right there and that always  
17 made me feel safer. Even though I never  
18 actually bought anything there, but it brought  
19 attention to the area. There was people  
20 working there who I felt could help me, in  
21 case anything happened.

22 And I was walking home alone at

1 night sometimes pretty late at night and there  
2 was usually a policeman parked there. So, for  
3 me, it's primarily a safety issue for opening  
4 up residential areas.

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

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

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

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

22 CHAIRMAN HOOD: Okay. Mr.

1       Robinson, I think you brought up a good point.  
2       Do you want to comment on that?

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

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

20                   The city continues to invest on  
21      this side of the river where the development  
22      community wants to get more money and it

1 ignores other parts of the city. It's a  
2 consistent problem and that's one of the  
3 reasons why certain parts of the city are  
4 stressed because there's more pressure on  
5 development there and other parts of the  
6 community have no resources. There were no  
7 city services in most parts of east of the  
8 river until after the 50s.

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

16 So, you know, I guess for me I'm  
17 trying to figure out how to balance the thing.  
18 The same thing with the single family homes.  
19 We talked about some other things the other  
20 night, about ADUs and I don't want to break my  
21 own rule, but I can tell you it's about  
22 balancing.

1                   And I think about the people who  
2                   have been here, what they have invested. You  
3                   know, it's nice because I hear people have  
4                   said, even though I can't get them down to the  
5                   hearing, but with these changing the character  
6                   of the neighborhood, they're saying we're  
7                   piling people on top of people.

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

14                  Because I'm hearing different  
15                  sides and I want to make sure, at least from  
16                  my standpoint, I'm sure the rest of us agree  
17                  we want to make the best decision possible.  
18                  Something that's going to stand the test of  
19                  time, not that's going to make it worse, but  
20                  it's going to stand the test of time. After  
21                  all of us have moved to California or wherever  
22                  else we're going, but something that's going



1 to stand the test of time for the residents of  
2 the city. Who's going to help me? This young  
3 lady here. Yes.

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

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

21 CHAIRMAN HOOD: There is some area  
22 for some customizing, but that's a lot of

1 work. I'm learning here. From what I'm  
2 learning from Office of Planning, there's a  
3 lot of work for different neighborhoods and  
4 Georgetown has done it. Another neighborhood  
5 wants to do it, but it's a lot of work. So,  
6 okay. All right. Any other questions up  
7 here? All right. I want to thank this panel.  
8 I greatly appreciate all your testimony.  
9 Okay.

10 COMMISSIONER TURNBULL: Mr. Chair?

11 CHAIRMAN HOOD: Yes.

12 COMMISSIONER TURNBULL: I'm not  
13 going to California.

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

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

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

21 COMMISSIONER MAY: I'm going to  
22 California.

1                   CHAIRMAN HOOD:   Going to  
2                   California.   All right.   We've heard from all  
3                   of our public witnesses.   We'll ask our  
4                   questions.   Do we need to do ten minute  
5                   rounds, Commissioners?   Okay.   Six  
6                   Commissioners told me yes.   So, we'll go ahead  
7                   and let's do ten minute rounds.   Commissioner  
8                   May?

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

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

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

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

20                 VICE CHAIR COHEN:   I'll go.

21                 CHAIRMAN HOOD:   But hold on, if  
22                 nobody else wants to go, we going to adjourn

1 and we can go home. Okay. Vice Chair, you  
2 go.

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

11 MS. STEINGASSER: Building depth  
12 for row building concepts, this was a proposal  
13 brought to the Commission from the Office of  
14 Planning when this started. I think this  
15 probably would have been about 2009, maybe  
16 2010. And it basically asked for the  
17 assignment of a matter of right depth that  
18 every row house could extend to regardless of  
19 lot size.

20 The more we worked through the  
21 amount of nonconformity in the R-4 zones and  
22 in the R-3 zones, we felt it created

1 unpredictability. So, an adjacent property  
2 owner wouldn't really know how much light and  
3 air they would have, because the nonconforming  
4 lot owner could come in with a guaranteed lot  
5 depth, building depth that was not related to  
6 the lot. So, we did not come forward with  
7 that recommendation. Instead, we proposed  
8 that any lot could be constructed on as long  
9 as it could meet its yard requirements.

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

16 MS. STEINGASSER: There was some  
17 fear from certain sections of the community  
18 that we dealt with that people would rush in  
19 this week, if they got a good read from the  
20 Zoning Commission that you were open to  
21 accessory units inside an accessory building  
22 and they would build that building right now.

1 So, it would be ready to go and it wouldn't be  
2 subject to any restrictions. So, this was to  
3 try to set a transition period.

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

6 MS. STEINGASSER: We just went  
7 with five.

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

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

20 The intent is to recognize the  
21 Dupont Circle area is a unique resource in the  
22 District, provides strong protection. These

1 are all from the overlay. They've been  
2 transferred in here, so that they all work  
3 together in one place and you don't have to go  
4 back and forth. And you'll see that same  
5 formatting approach in the commercial areas as  
6 well.

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

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

20 VICE CHAIR COHEN: Okay.

21 MS. STEINGASSER: Everything else  
22 would be by special exception.

1                   VICE CHAIR COHEN:   Okay.   Thanks.  
2                   And we're not discouraging housing above a  
3                   corner store?

4                   MS. STEINGASSER:   No.  
5                   Commissioner Garrison pointed that out.   It's  
6                   just poor wording.

7                   VICE CHAIR COHEN:   Okay.

8                   MS. STEINGASSER:   We need to  
9                   correct that.

10                  VICE CHAIR COHEN:   Okay.   Good.  
11                  And the idea of, again, museums and theaters  
12                  and you know art studios, I believe enhance a  
13                  neighborhood as opposed to we should, you  
14                  know, limit them.   Can you just, again,  
15                  comment on --

16                  MS. STEINGASSER:   We've proposed  
17                  in the RF, in the flat zones, the equivalent  
18                  of the R-4 zones that they would not be a  
19                  permitted use.   They would still be a  
20                  permitted use in the apartment zones, but not  
21                  in the R-4 zones.   I mean in areas around  
22                  Dupont Circle where you have an arts community



1 that works really well, when they show up in  
2 the middle of a block in a row house,  
3 unregulated, it could be very destructive.

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

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

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

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

19 MS. STEINGASSER: Oh, absolutely.  
20 Yes. They'll have their nonconforming status  
21 and, in areas like the apartment zones that  
22 have much more of an adjacency to commercial

1 and mixed use area, they're also permitted  
2 there.

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

12 MS. STEINGASSER: Okay.

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

15 CHAIRMAN HOOD: Okay.  
16 Commissioner May doesn't have any questions.  
17 Commissioner Turnbull?

18 COMMISSIONER TURNBULL: Thank you,  
19 Mr. Chair. I guess my questions to you all  
20 tonight really are to have you to comment on  
21 the testimony of one, oh wow, two, there was  
22 two. I guess Ms. Sellin brought up some

1 issues talking about conversions going to  
2 nonresidential use. She touched on a few  
3 points and I wonder if you could --

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

7 COMMISSIONER TURNBULL: Okay.

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

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

17 MS. STEINGASSER: The non-profit  
18 provision also is in the current regulations -  
19 -

20 COMMISSIONER TURNBULL: Right.

21 MS. STEINGASSER: -- and has been  
22 there for at least 13 years that I know of.

1 COMMISSIONER TURNBULL: Okay.

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

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

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

19 COMMISSIONER TURNBULL: Right.

20 MS. STEINGASSER: So, if it's a  
21 matter of right use, they will look only at  
22 the design aesthetic and the quality. But

1 they do not have the authority to weigh into  
2 a use or --

3 COMMISSIONER TURNBULL: A use  
4 variance.

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

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

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

19 COMMISSIONER TURNBULL: Right.

20 MS. STEINGASSER: And they have a  
21 lot of also well vegetated areas with a lot of  
22 trees that backup to, in some cases, the

1 National Park Service land. And that, I  
2 think, adds to the visual decimation of the  
3 character of that neighborhood. So, yes, it  
4 would be something --

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

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

10 COMMISSIONER TURNBULL: Right.

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

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

19 MS. STEINGASSER: We'd probably  
20 have to realistically work with them and look  
21 at a type of customization, rather than do a  
22 blanket --

1 COMMISSIONER TURNBULL: Okay.

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

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

9 MS. STEINGASSER: Together to get  
10 that done.

11 COMMISSIONER TURNBULL: Okay.  
12 Thank you. Mr. Chair?

13 CHAIRMAN HOOD: Thank you.  
14 Commissioner Miller?

15 COMMISSIONER MILLER: Thank you,  
16 Mr. Chairman. A couple of my questions were  
17 asked. Just following up on the Vice Chair's,  
18 so why wouldn't the special exception process  
19 protect the odd theatrical use in a  
20 neighborhood as versus requiring the DCA to  
21 jump through a hoop to try to grant a use  
22 variance where the neighborhood all wants it?

1 MS. STEINGASSER: We could  
2 certainly look at that. The theater use, I  
3 mean I'll be honest, Mr. Alpert raised that  
4 when I first met him about four or five years  
5 ago and I've forgotten. I mean I'm not even  
6 going to try to come up with a, it's just  
7 something that's been forgotten in the  
8 mountain of details, but we could absolutely  
9 look at that, because he brought up a very  
10 good point that there's schools and there's  
11 churches and it's a way for small theatrical  
12 groups to use that space at no cost. So,  
13 we'll absolutely look at that and I apologize  
14 for that.

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

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

21 COMMISSIONER MILLER: -- then it  
22 would be dealt with. So, I appreciate your



1 willingness to look at that again. On the Mr.  
2 Klemens question about the corner stores,  
3 there's more flexibility in the lower density  
4 residential zone than in the R-5, I think he  
5 referred to R-5-B, what is that about?

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

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

21 COMMISSIONER MILLER: Okay. I  
22 appreciate that explanation. What about the

1 issue of allowing somebody to live above a  
2 corner store?

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

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

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

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

13 MS. STEINGASSER: Anywhere, right.

14 COMMISSIONER MILLER: Anywhere.  
15 Okay.

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

22 COMMISSIONER MILLER: Okay. And

1 the ANC 6B testified against the prohibition  
2 on -- oh, that's what I just raised. Never  
3 mind.

4 MS. STEINGASSER: Yes.

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

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

12 COMMISSIONER MILLER: At 40  
13 percent?

14 MS. STEINGASSER: At 60 percent.

15 COMMISSIONER MILLER: At 60  
16 percent.

17 MS. STEINGASSER: That's what a  
18 row house is allowed and, so, in areas that  
19 have a lot of mixed types of housing stock or  
20 building stock, lots that might have a single  
21 house on it with side yards, they're  
22 artificially filling in those side yards, so

1 they can get more lot occupancy. And it's  
2 actually having the reverse incentive of  
3 filling in what would otherwise be open  
4 spaces. And so, we've proposed to have a  
5 unified lot occupancy of 60 percent, which  
6 would allow those open spaces to remain and  
7 then be built to the rear as opposed to having  
8 to fill out to the sides.

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

13 MS. STEINGASSER: It was not  
14 intended.

15 COMMISSIONER MILLER: -- to be  
16 limited to ten? It could go to the 18-point -  
17 -

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

21 COMMISSIONER MILLER: Okay. Thank  
22 you very much.

1 CHAIRMAN HOOD: Okay. Mr. May?

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

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

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

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

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

21 MS. STEINGASSER: I think that's  
22 why it's happened. They see a really well-

1 established, excuse me, row house --

2 COMMISSIONER MAY: Got it.

3 MS. STEINGASSER: -- neighborhood  
4 and then they buy --

5 COMMISSIONER MAY: And then they  
6 --

7 MS. STEINGASSER: -- and then they  
8 find out --

9 COMMISSIONER MAY: -- find out  
10 it's apartments.

11 MS. STEINGASSER: -- that it's  
12 apartments. Right.

13 COMMISSIONER MAY: Okay. Now I  
14 understand what you were trying to say.

15 MS. STEINGASSER: Yes.

16 COMMISSIONER MAY: So, back to Ms.  
17 Sellin's comments about the loss of housing  
18 through the various means, are you proposing  
19 anything in the regulations now that's going  
20 to actually increase the likelihood that we'd  
21 lost residential housing stock to these other  
22 uses?

1 MS. STEINGASSER: We certainly  
2 aren't intending to.

3 COMMISSIONER MAY: Right.

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

6 COMMISSIONER MAY: Right.

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

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

12 MS. STEINGASSER: Right.

13 COMMISSIONER MAY: Okay. I think  
14 some of the question you already answered in  
15 the other questions. So, I think that pretty  
16 much -- well, I mean I guess the way she  
17 described it it just made it sound like this  
18 massive loss that's either occurring now or  
19 will be occurring. I mean do you have that  
20 sense that it's actually changing that quickly  
21 and I mean how hard a focus do we need to put  
22 on this at this time?

1 MS. STEINGASSER: We don't, but  
2 it's an easy enough thing to research to look  
3 at those uses, to look at the geographic  
4 boundary and see if there has been that  
5 pressure. But some of it may be just the way  
6 it's worded.

7 COMMISSIONER MAY: Yes.

8 MS. STEINGASSER: It's like we  
9 witnessed with private schools. You know we  
10 thought we wrote it one way and they read it -  
11 -

12 COMMISSIONER MAY: Yes.

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

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

20 CHAIRMAN HOOD: Okay. Thank you.  
21 Ms. Steingasser, as I'm trying to learn these  
22 new proposed regulations, did we make sure



1 that we were not in violation of Fair Housing  
2 Act when we dealt with the CBRF? So, did we  
3 just take that language from the old regs to  
4 the new regs?

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

12 If somebody, as an individual  
13 homeowner, were to come in with a reasonable  
14 accommodation request, that's done through the  
15 building permit process and DCRA would handle  
16 that. And we've had a couple of those where  
17 an individual needed an elevator on a historic  
18 row house and it was done through reasonable  
19 accommodation. They did not have to get a  
20 side yard variance and they just were allowed  
21 to put it on as part of reasonable  
22 accommodation.

1                   CHAIRMAN HOOD:   Okay.   So, we're  
2                   not in violation of --

3                   MS. STEINGASSER:   No, sir.

4                   CHAIRMAN HOOD:   -- federal law?  
5                   Okay.

6                   MS. STEINGASSER:   No, sir.

7                   CHAIRMAN HOOD:   All right.   In  
8                   1106.3, it talks about the, I always wonder  
9                   when we say so many feet away.   Is that a  
10                  special exception application we're trying to  
11                  do here or is that a matter of right?   I'm  
12                  pretty much looking at the whole section of  
13                  1106, the corner store conditions.

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

20                  CHAIRMAN HOOD:   So, if they meet  
21                  the conditions down here, while we say that a  
22                  corner store can't be within 500 feet, but if

1 they meet the conditions and they're able to  
2 show the case, they could basically get within  
3 that 500, closer to that other corner store?

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

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

13 MS. STEINGASSER: Yes, sir.

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

17 MS. STEINGASSER: Okay. So, if  
18 there's only one new use, a grocery, and that  
19 would have to meet all of this requirement,  
20 they could go in by right. If they didn't  
21 meet any of this requirement or they were not  
22 a grocery, then it would be by special

1       exception.  So, even a grocery that we're  
2       trying to incentivize, if it were 300 feet  
3       form a commercial zone, it would have to go to  
4       the BZA and get a special exception.

5                   CHAIRMAN HOOD:  Okay.

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

17                   CHAIRMAN HOOD:  So --

18                   MR. LAWSON:  And those are numbers  
19      1106.6 through 1106.11.

20                   CHAIRMAN HOOD:  Okay.  And I guess  
21      we talked about this again last night, Ms.  
22      Steingasser, and I know you've had plenty of

1 time to make the change if you're going to  
2 make it, even though we just talked about it  
3 last night. And I'm just being sarcastic.  
4 But are we still looking at R-A as opposed to  
5 just A for a residential apartment?

6 MS. STEINGASSER: Yes, we are.

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

15 Even though it's not necessarily  
16 representative of the whole city who's coming  
17 down to testify, but for the most part when  
18 you did these proposals, is it safe for me to  
19 say that you took into consideration of, okay,  
20 one area has a lot of corner stores in one  
21 section of the city and, then, maybe Ward 5  
22 corner store may be so far away. Did you all

1 put it all into your evaluation of coming up  
2 with what we have here today, I mean what's  
3 proposed?

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

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

19 And that's why our original  
20 proposal was a much more aggressive matter of  
21 right scenario and we backed away from that  
22 both in terms of concentration, location of

1 uses, and how they are permitted.

2 CHAIRMAN HOOD: Okay. All right.  
3 Any other questions? Thank you. Any other  
4 questions Commissioners? Okay. Well, that's  
5 it. Ms. Schellin, do we need to do anything  
6 else?

7 MS. SCHELLIN: No, sir.

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

13 MS. SCHELLIN: No, sir.

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

21 (Whereupon, the hearing was  
22 concluded at 8:06 p.m.)

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This is to certify that the foregoing transcript


In the matter of: Public Hearing

Before: DCZC

Date: 11-07-13

Place: Washington, DC

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