

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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

Thursday,
November 14, 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 06:00 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

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OFFICE OF ZONING STAFF PRESENT:

SARA BENJAMIN BARDIN, Director
SHARON S. SCHELLIN, Secretary
ESTHER BUSHMAN, General Counsel
ZELALEM HILL

OFFICE OF PLANNING STAFF PRESENT:

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

The transcript constitutes the
minutes from the Public Hearing held on
November 14, 2013.

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

2 (6:04 p.m.)

3 CHAIRMAN HOOD: Okay, good
4 evening, everyone. We're going to go ahead
5 and get started. Good evening, ladies and
6 gentlemen.

7 This is a public hearing of the
8 Zoning Commission for the District of
9 Columbia for Thursday, November the 14th,
10 2013. My name is Anthony Hood. Joining me
11 are Vice Chair Cohen, Commissioner Miller,
12 Commissioner May and Commissioner Turnbull.

13
14 We are also joined by the Office
15 of Zoning staff, Director Bardin, Ms. Sharon
16 Schellin and Ms. Zee Hill. Oh, and Ms.
17 Esther Bushman. Office of Planning, Ms.
18 Steingasser, Mr. Lawson, Ms. Vitale and Mr.
19 Cochran

20 This proceeding is being recorded
21 by a court reporter and is also webcast live.

22 Accordingly, we must ask you to refrain from

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1 any disruptive noise or actions in the
2 hearing room including display of signs or
3 objects.

4 The subject of this evening's
5 hearing is Zoning Commission Case Number 08-
6 06A. This is a request by the Office of
7 Planning for comprehensive revisions and
8 amendments to the zoning regulations, Title
9 11 DCMR.

10 The specific subject of tonight's
11 hearing is proposed new Subtitles I, J and K.

12 Notice of today's hearing was published in
13 the D.C. Register on September 20th, 2013,
14 and copies of that announcement are available
15 to my left on the wall near the door.

16 This hearing will be conducted in
17 accordance with provisions of 11 DCMR 3021 as
18 follows. Preliminary matters, presentations
19 by the Office of Planning, report of other
20 government agencies, testimony from the
21 public and then questions by the Commission
22 of the Office of Planning.

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1 The following time constraints
2 will be maintained in this hearing. Office
3 of Planning up to 60 minutes, organizations
4 five minutes, individuals three minutes.

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

9 The Commission reserves the right
10 to change the time limits for presentations
11 if necessary and notes that no time shall be
12 ceded.

13 As noted in the Notice of Public
14 Hearing, I will be calling witnesses in the
15 order in which the Office of Zoning received
16 a Notice of Intent to Testify.

17 After those witnesses have been
18 called, I will ask others who have registered
19 to testify this evening and then ask others
20 in the audience if they wish to testify.

21 All persons appearing before the
22 Commission are to fill out two witness cards.

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1 These cards are located to my left on the
2 table near the door.

3 Upon coming forward to speak to
4 the Commission, please give both cards to the
5 reporter sitting to my right before taking a
6 seat at the table.

7 When presenting information to
8 the Commission, please turn on and speak into
9 the microphone, first stating your name and
10 home address. It would also be helpful if
11 you would first identify the subtitle or
12 subtitles to which your testimony relates.

13 When you are finished speaking,
14 please turn your microphone off so that your
15 microphone is no longer picking up sound or
16 background noise.

17 The decision of the Commission in
18 this case must be based exclusively on the
19 public record. To avoid any appearance to
20 the contrary, the Commission requests that
21 persons present not engage the members of the
22 Commission in conversation during any recess

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1 or at any time. The staff will be available
2 throughout the hearing to discuss procedural
3 questions.

4 As noted, testimony this evening
5 will be limited to the proposed new Subtitles
6 I, J and K. If you have testimony of other
7 subtitles and cannot come back on the
8 scheduled hearing nights for those subtitles,
9 you may hand in your written testimony or
10 submit it before the hearing date. We will
11 read it.

12 I would also ask that you not
13 repeat testimony that has already been given.

14 Rather than repeating the same comments, I
15 would suggest that you state that you agree
16 with testimony that has already been given
17 and add any additional comments that we have
18 not heard.

19 Please turn off all beepers and
20 cell phones at this time not to disrupt these
21 proceedings.

22 At this time the Commission will

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1 consider any preliminary matters. Does the
2 staff have any preliminary matters?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay, we will go
5 right into the Office of Planning. Mr.
6 Lawson.

7 MR. LAWSON: Thank you, Mr.
8 Chair. Tonight we're going to talk about
9 three different subtitles in the zoning
10 regulations.

11 We're going to start out with
12 Subtitle I, which is the downtown. Going to
13 start out just with a little bit of
14 discussion about the Comprehensive Plan.

15 Of course, the Plan provides a
16 lot of guidance for the downtown in general
17 as well as a lot of guidance for specific
18 areas within the downtown. Our OP report,
19 which you've received, outlines most of that
20 guidance in a lot more detail.

21 But as noted on this slide, which
22 just notes some of the major aspects of the

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1 Comp Plan guidance, some of the more
2 overarching guidance relates to taking a
3 broader view of the city center than is being
4 taken in the past.

5 Historically city plans for
6 downtown have covered the area east of 16th
7 Street, Northwest, north of the mall and
8 south of Mass Avenue.

9 But most residents, most people
10 in D.C., whether you're workers or visitors,
11 think of downtown in a much broader sense,
12 including areas as far north as Dupont
13 Circle, over to Foggy Bottom and as far east
14 as Capitol Hill and, of course, the
15 traditional downtown is starting to get
16 completely built out.

17 Other guidance in the Plan
18 relates to retaining and promoting the
19 downtown as a premier office location,
20 promoting new housing and housing diversity
21 within the downtown and promoting new retail
22 and the creation of a more active street

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1 life.

2 So the Commission has taken some
3 action to date on the downtown. We submitted
4 a report to you in October of 2009 and a
5 hearing was conducted in November of that
6 year.

7 The Commission discussed the
8 proposals at the time, asked for
9 clarification about a number of aspects but,
10 unlike some of the other subtitles, did not
11 hold a specific decision meeting on the
12 downtown.

13 However, we did receive a lot of
14 relevant guidance at the hearing, as well as
15 in some of the hearings for some of the other
16 topic areas.

17 Probably the major aspect that
18 was being proposed is an expansion of what's
19 considered the downtown, what will be
20 included within the downtown zoning.

21 The map that is on this slide
22 shows the existing boundaries of the downtown

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1 in orange and the proposed expanded
2 boundaries in gray underneath.

3 We discussed this with the Zoning
4 Commission as part of that discussion back in
5 2009 and, of course, the intent is to align
6 what's considered the downtown with the
7 downtown zoning to a greater degree.

8 So this map shows the
9 Comprehensive Plan Central Washington
10 planning area. You see it includes a much
11 bigger area than what is currently the
12 downtown zone.

13 The Central Washington area
14 element includes language which calls for us
15 to take a broader view of the city center
16 than has been taken in the past.

17 So this is a map of the downtown
18 area of D.C. You can see, again, in the
19 orange outline the existing boundaries and
20 the gray underneath is the boundaries that
21 we're proposing.

22 Also in this map, it's a little

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1 bit harder to read but you can see the areas
2 that are the TDR, the transfer development
3 rights receiving areas. These are the areas
4 where density from downtown can be moved to.

5 Those are currently all outside
6 the current DD Overlay area but we're
7 proposing that they all be included within
8 the boundaries of the DD.

9 Originally, when we discussed
10 this with you back in 2009, we discussed
11 including the Capitol Gateway Overlay within
12 the area of the downtown. That's the area of
13 Buzzard Point down around the baseball
14 stadium.

15 However, when we looked at the
16 regulations of the Capitol Gateway in a lot
17 more detail, we realized that the provisions
18 there, although some of them are somewhat
19 relevant to the downtown, they're really
20 quite unique and it was difficult to mesh the
21 two.

22 We'll get to the Capitol Gateway

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1 in a little bit, but instead of including it
2 within the downtown, it was decided to keep
3 the Capitol Gateway as its own separate zone
4 within the Special Purpose Chapter.

5 This shows the Comprehensive Plan
6 future land use map. You can see the
7 downtown is pretty much all bright red. This
8 now shows the outline of the current DD
9 Overlay over top of the Comp Plan.

10 You know, again, it includes
11 mostly area that's designated for high-
12 density commercial or high-density
13 commercial/high-density residential use mix.

14 It also includes a little bit of land that's
15 designated for institutional and federal use.

16 Getting a little bit hard to read
17 because there's an awful lot of coloration on
18 this map, but this map shows the proposed
19 area for the expanded downtown and that's the
20 hatched area.

21 It includes the Core area, the
22 area that's now within the Overlay, but what

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1 it's intended to do is to capture the rest or
2 much of the rest of the high-density
3 commercial and high-density mixed-use area
4 that surrounds what's currently the DD
5 Overlay.

6 The proposed expansion, however,
7 does not include high-density residential
8 area, the designation for a portion of the
9 West End.

10 Other areas, such as Dupont
11 Circle, which are just kind of to the north
12 of where we're proposing to be included, were
13 not included because existing overlays and
14 historic districts preclude the introduction
15 of new high-density, downtown-type uses
16 within those areas, so they are not proposed
17 to be included in the expanded DD.

18 So this, you know, again shows
19 the proposed zones. Essentially what we're
20 trying to do is maintain all of the existing
21 commercial and residential entitlements. No
22 properties are proposed for a significant

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1 zoning change.

2 Entitlements generated by bonus
3 density-generating uses, TDRs, CLDs, those
4 will be preserved under our proposed new
5 credit system and we'll get into that a
6 little bit more in just a second.

7 The other thing that we're trying
8 to do as we are throughout the zoning code is
9 to standardize some of the zoning. Right now
10 there are, I believe, 21 different zone and
11 zone combinations within the downtown. They
12 often are a little bit duplicative and
13 overlapping.

14 We're proposing to shrink that
15 down to 11 zones within the expanded
16 downtown, so that includes standardizing some
17 of the existing ground floor use and exterior
18 design provisions that are in portions of the
19 downtown. The proposals would regulate types
20 of street frontages rather than by square and
21 lot as is currently the case.

22 Eight of the special subareas are

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1 in the current DD and there are two new ones
2 proposed in the expansion area, lower
3 Connecticut Avenue, I don't have a pointer
4 but you can probably see where that is, and
5 1st Street, Southeast, which is in the heart
6 of NoMa.

7 The proposed credit trade areas,
8 this is of a lot of importance, certainly to
9 the downtown land owners. We're proposing to
10 upgrade the current TDR and CLD system with a
11 more flexible credit system. That's for
12 preferred uses that can be used as
13 transferrable density.

14 They can satisfy the provision of
15 uses that would otherwise have been required
16 on another site and includes uses such as
17 housing, arts and historic preservation.

18 While trading areas would be
19 broader, they would be focused on
20 neighborhood-size portions of the downtown,
21 so you can see the different colorations of
22 the different trading areas within which that

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1 density can be traded.

2 We are continuing to look at some
3 of those boundaries and there may be some
4 minor adjustments as we refine this proposal
5 and, you know, kind of get to a more complete
6 and final version.

7 Existing CLDs and TDRs would be
8 converted to credits. They'd maintain their
9 relative value. The existing ones would be
10 converted to credits over a three-year period
11 and, again, their existing value would not be
12 lost.

13 The use most incentivized by the
14 system is the provision of housing, although
15 other uses other than that that the current
16 regulations incentivize have also been
17 incorporated into the credit system. That
18 includes historic preservation within this
19 area and the provision of arts uses.

20 Other arts uses now served by
21 TDRs, such as daycare and the minority owned
22 or operated businesses, would also continue

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1 to be incentivized.

2 So this is kind of what else is
3 proposed for downtown. That's kind of the
4 big stuff, the major things.

5 What else we're proposing is to
6 keep the current housing requirements for all
7 but the densest zone, the current C-5 zone
8 located on the north side of Pennsylvania
9 Avenue. The draft text continues to tie
10 increased FAR and heights to the provision of
11 housing or to other preferred uses.

12 IZ by the way, inclusionary
13 zoning, will continue to be required in those
14 portions of the expanded downtown which are
15 not currently exempt.

16 For example, the TDR areas are
17 currently exempt from IZ because they're
18 simply, through the TDR process you can
19 maximize your density and IZ, the bonus
20 provisions of IZ, would not work in those
21 areas. But other portions of the DD, the
22 expanded portions, IZ would count in those

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1 areas.

2 Ground floor retail uses and arts
3 uses would be required in locations where
4 they're now required and along streets and
5 expansion areas identified as principal
6 retail streets in the Comprehensive Plan.

7 The regulations would continue to
8 preserve historic properties by maintaining
9 height and FAR limitations and by allowing
10 the generation of credits for unused density
11 in the construction of housing.

12 And the provision of more than
13 the required amount of housing, retail, arts
14 or other preferred uses would also be
15 incentivized by allowing the generation of
16 credits for square footage of the use that is
17 greater than what would otherwise be required
18 by the zoning regulations.

19 The report that I referenced
20 earlier that you've received describes
21 clarifications to some of these provisions,
22 such as the calculation of retail required in

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1 NoMa, details regarding historic preservation
2 consideration and the generation of credits.

3 As for parking, as we've
4 discussed in past sessions we are proposing
5 that the minimum parking requirement be
6 removed in the downtown.

7 Currently commercial uses in some
8 downtown zones do not have a minimum parking
9 requirement. We're proposing to expand that
10 to all uses within the expanded downtown.

11 Many cities in the U.S., as we
12 described last time, no longer have a parking
13 requirement in their downtown and we're
14 proposing that this be eliminated within the
15 expanded downtown in D.C. as well, and we
16 are, of course, no longer proposing a parking
17 maximum.

18 Likewise, OP, as we've discussed
19 before, is proposing the requirement for a
20 55-foot loading berth also be eliminated and
21 for providing more flexibility in where
22 parking can be located.

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1 With regards to the Height Act,
2 the Height Act currently makes reference in
3 some zones to allowing a height to the
4 maximum permitted under the Height Act.

5 We're proposing instead that we
6 include language that establishes a height
7 certain within those areas and that height
8 certain right now would be, you know, 130
9 feet, you know, the width of the street plus
10 20 feet. It would be kind of in accordance
11 with the current Height Act.

12 We are proposing one brand-new
13 zone, a zone that's not really based on the
14 underlying zones as much as the other DD
15 zones were.

16 It's called D-8-B-1, although we
17 are still working on the naming a little bit,
18 and it's for the now federally owned portions
19 of Southwest Washington near L'Enfant Plaza.

20 This is the area that's between Maryland
21 Avenue and Independence Avenue, sometimes
22 known as the Southwest Ecodistrict.

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1 This zoning would, of course, not
2 be applicable to existing federal lands or to
3 existing federal buildings, but we have been
4 working with GSA to create incentives for
5 reopening closed L'Enfant streets within this
6 area and developing neighborhood-creating
7 uses such as housing.

8 The zoning regulations will
9 reflect the current Zoning Commission
10 guidance that streets not be included in land
11 area for FAR. So that's it for Subtitle I,
12 which is the downtown.

13 Going to quickly move on to
14 Subtitle J, which is industrial. Generally
15 the Comprehensive Plan does provide a lot of
16 guidance on industrial, but generally that
17 guidance boils down to protecting the
18 industrial lands and the uses that are
19 allowed there as being vital to the
20 operations of the city but also to provide
21 greater protections, particularly for
22 adjacent residential uses, from the potential

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1 impacts of many industrial uses such as
2 traffic, noise or odors, that kind of stuff.

3 At a public meeting held in 2011,
4 the Zoning Commission took final action to
5 adopt specific text amendments for industrial
6 lands. This was published as a Notice of
7 Opinion in the D.C. Register in July of 2011.

8 Now, the PDR zones, as formatted
9 in the Notice of Opinion, reflect a format,
10 of course, that we're no longer working with.

11 As a result, the current version of the text
12 before you has some minor and non-substantive
13 language differences, which will be
14 reconciled to reflect the final action taken
15 by the Commission as advertised.

16 One change, Chapter 7 in the
17 Notice, did not include a minimum parking
18 requirement for the PDR zones. This has not
19 been proposed in the current draft text in
20 that we are now proposing a minimum parking
21 requirement in the industrial zones.

22 In terms of guidance from the

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1 Zoning Commission, we did receive a lot of
2 guidance from the Zoning Commission on
3 industrial uses.

4 The proposed text includes a new
5 use category called production, distribution
6 and repair, or PDR. It's defined in Subtitle
7 B, and it includes most uses that we normally
8 consider industrial.

9 However, we did hear a lot of
10 concerns, including from the Commission, on
11 waste-related services so we created a
12 separate use category specifically for that
13 use.

14 And this allows waste-related
15 service uses to be more specifically
16 regulated in the new code, and they are
17 generally proposed to be permitted only by
18 special exception subject to a list of
19 specified conditions.

20 We also received guidance to not
21 duplicate performance standards that are
22 mainly within DDOE current standards and

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1 practices.

2 The old code includes a lot of
3 that language and the guidance that we
4 received was to take that out and let DDOE do
5 their job.

6 So in the proposed text, we've
7 generally attempted to avoid duplication of
8 standards and we have consulted extensively
9 with DDOE and, in accordance with this
10 guidance, we've not brought forward those
11 standards of external effect in the existing
12 code.

13 This outlines some of those
14 standards and some of the ways that DDOE is
15 mandated with regulating them. As I said,
16 they're mostly administered by DDOE, although
17 noise control is regulated by multiple
18 agencies, most notably DCRA and the police
19 department.

20 For clarity, we feel it would be
21 helpful to add in the zoning regulations a
22 reference to these other regulations

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1 administered by these other agencies, just so
2 the people using the zoning regulations will
3 know where they go to find this information.

4 In terms of use density, the
5 existing C-M and M zones provide a maximum
6 density. They do not provide a maximum
7 density for non-PDR uses.

8 The proposed maximum non-PDR
9 density that we're proposing, so we're
10 proposing this new provision to limit the
11 amount of non-PDR FAR that would be permitted
12 and that's intended to encourage the
13 retention and utilization of industrial uses
14 on our industrial lands.

15 OP is not proposing any changes
16 to the maximum permitted height from the
17 current provisions.

18 In terms of buffering, right now
19 there's only one portion of the industrial
20 lands that have detailed buffering
21 requirements and that's the Langdon Overlay.

22 So we've taken those provisions,

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1 we've expanded them to be applicable to all
2 industrial zones. So any industrial land
3 would require this buffering and that would
4 be a 25-foot setback from a lot line that's
5 generally abutting a lot in a residential
6 zone or 15 feet from a lot line abutting an
7 alley that serves as a boundary between
8 industrial and residential areas and same for
9 a street.

10 The setback area is required to
11 be landscaped with evergreen trees at least
12 eight feet in height and screened with a
13 solid fence or masonry wall of between eight
14 and ten feet in height.

15 And within that setback area,
16 within that buffer area, you would not be
17 allowed to park, load or place uses accessory
18 to the industrial use. So that's industrial.

19 And now we're going to move on to
20 Subtitle K, sometimes referred to as Special
21 K because this is our special zones. I think
22 I'm the only one who refers to it as Special

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1 K anymore.

2 In this case these are all zones
3 that are not intended to significantly
4 change, other than formatting to be
5 consistent with the current code.

6 So the Zoning Commission did not
7 hold specific hearings or guidance hearings
8 on these zones. We'd always intended these
9 not to significantly change. However, there
10 were guidance hearings on a number of other
11 aspects which did impact certain chapters
12 within Subtitle K.

13 So these are the chapters.
14 Chapter 2 is Southeast Federal Center. As
15 the slide says, the zoning for that was
16 adopted in 2005.

17 There is Hill East adopted in
18 2009, Union Station North in 2011, Capitol
19 Gateway which I mentioned before. That one
20 went through a very long planning and
21 approval process which probably only the
22 Chairman remembers at this point. It was

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1 approved in 2005 but it went through a
2 process from, I think about 1996 through 2002
3 of hearings and meetings.

4 And then finally St. Elizabeth's,
5 which is the most recent one, approved in
6 March of this year.

7 So there's also a short
8 introductory chapter at the very beginning
9 but generally the zones, as I've said, have
10 not changed much from what you originally
11 approved, other than formatting.

12 Some of these zones already have
13 had a lot of development happen within them,
14 particularly I guess Southeast Federal
15 Center, to some extent Capitol Gateway. New
16 development is coming forward on the other
17 three.

18 So Chapter 3 Hill East, Chapter 4
19 Union Station North and 6 St. Elizabeth's, no
20 major changes.

21 Chapter 2 Southeast Federal
22 Center, unlike some of those other ones,

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1 Southeast Federal Center was based on the
2 underlying zones, for example there was
3 Southeast Federal Center/W-0 and /C-R, so we
4 had to go through a process of combining the
5 overlay zone with the underlying base zone.

6 Southeast Federal Center is the
7 area between N Street and the waterfront.
8 It's being developed by Forest City
9 Washington in accordance with the detailed
10 zoning established by this Commission and a
11 number of developments are currently
12 completed or under construction.

13 The slides include Yard Park
14 which is a 55-acre park. It has become very
15 much a city-wide draw and, as we mentioned
16 before, it was because of your action that
17 that park exists now.

18 So, again, no major changes. The
19 existing four zones are being incorporated
20 into four new Southeast Federal Center zones.

21 The only changes we're proposing
22 are the elimination of the minimum parking

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1 requirement. We think this is consistent
2 with the Zoning Commission guidance for the
3 expanded downtown area and particularly given
4 the unique circumstances of this site so
5 close to the water and with a number of
6 historic buildings on the property that are
7 being retained.

8 We've also replaced some
9 extensive use lists with the more general use
10 categories, but there are no significant
11 other use or development program changes
12 proposed.

13 Capitol Gateway is usually
14 referred to as Buzzard Point, includes the
15 baseball stadium and the surrounding land.
16 As I said, planning dates back to 1988, so
17 long before my time here.

18 But it is approved and we are
19 seeing a lot of development in this area,
20 particularly around the baseball stadium.
21 The proposed new soccer stadium also falls
22 within this overlay area.

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1 The area was originally intended,
2 as I said, to be part of the downtown but we
3 felt it was appropriate for it to be its own
4 zone, which is why we separated it out.

5 Again, the provisions, the
6 Capitol Gateway also was an overlay so it
7 included base zoning as well as overlay
8 provisions, so this one needed a bit more
9 massaging to make sure that we captured both
10 the overlay and the base provisions and those
11 translated technically into seven new zones,
12 Capitol Gateway 1 through 7.

13 I will note that two of those
14 zones, the former Capitol Gateway W-1 and W-
15 3, are now entirely located underneath the
16 expanded Fort McNair.

17 So they basically exist in paper
18 only and won't be applicable to anything
19 unless Fort McNair moves off those sites,
20 which I don't think is going to happen any
21 time soon.

22 I will note that a very small

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1 portion of this overlay area is being
2 proposed to be included within the downtown.

3 It just barely shows on the map on the
4 screen. It's the few properties that front
5 directly onto M Street, on the north side of
6 M Street. The south side of M Street would
7 remain within the overlay area.

8 On the north side of M Street,
9 those lands are also within a TDR receiving
10 area and we felt it was more appropriate to
11 include them and the provisions related to
12 them within the downtown than to keep them
13 within the overlay.

14 I guess the only change here is
15 that, once again, we are recommending the
16 elimination of the minimum parking
17 requirement and, like Southeast Federal
18 Center, replacement of the extensive, very
19 long use list with the broader use
20 categories. And that's it. Thank you.

21 CHAIRMAN HOOD: Okay, thank you
22 very much, Mr. Lawson. We appreciate the

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1 presentation.

2 I want to back up. We lost one
3 of our Commissioners and it just dawned on
4 me, in Ward 4, 4C02, Janet Myers, and I will
5 ask that we do a moment of silence. That's
6 typically what this Commission does.

7 We are very respectful of our ANC
8 Commissioners. I think her services are this
9 evening. So if you all could join me for a
10 moment of silence, I appreciate it.

11 (Moment of silence held)

12 CHAIRMAN HOOD: Thank you very
13 much. Our thoughts and prayers go out to the
14 family.

15 First, let me thank Mr. Lawson.
16 I got to get used to us going to the public
17 first because I was going to ask our
18 questions. Must be getting a long week here.

19 So we're going to go to the
20 public colleagues and we're going to do as
21 we've done in the past. We're going to call
22 the names of our list that we have in front

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1 of us.

2 Ms. Cheryl Cort. Now, I
3 pronounce this name, I say this every night,
4 Rahul Mereand-Sinha. I'll be glad when they
5 come so I can pronounce it correctly. Zach
6 Smith, Payton Chung, Gerald Fittipaldi, Gary
7 Peterson, Ms. Ellen McCarthy, Brian O'Looney,
8 Carol Aten, Dennis Hughes, Nancy MacWood, Jo-
9 Ann Neuhaus.

10 MALE PARTICIPANT: Neuhaus.

11 CHAIRMAN HOOD: Neuhaus, I'm
12 sorry. Do I have eight? No. Oh, I do? I
13 may have more than eight. I may have messed
14 up. I think we have eight. Oh, we have
15 nine. Oh, we have eight.

16 COMMISSIONER MAY: Maybe we need
17 some music and then we could stop it and
18 everybody would have to sit.

19 CHAIRMAN HOOD: Yes, I'm getting
20 confused. Okay, we're good. We're going to
21 start to my right, your left. Ms. Cort, you
22 can start.

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1 MS. CORT: Thank you, Chairman.
2 My name is Cheryl Cort. I am the policy
3 director for the Coalition for Smarter
4 Growth.

5 I want to express my thanks to
6 the Commissioners and the staff for your
7 marathon set of hearings. I'm sure you're
8 looking forward to them being over and
9 spending more time at home relaxing or
10 playing volleyball or whatever it is you
11 prefer to do.

12 I'm here to express support for
13 the proposed reforms to the 1958 zoning code
14 which would eliminate parking minimum
15 requirements for the downtown.

16 We agree with this proposal.
17 It's particularly appropriate given the
18 dynamics of our downtown zone.

19 There is the highest level of
20 transit service. It has a nearly perfect
21 score of 99 for its Transit Score as part of
22 Walk Score and a 97 Walk Score in the city,

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1 along with high densities and low rates of
2 car ownership.

3 Thus, artificially increasing the
4 parking supply through minimum parking
5 requirements undermines the strengths of and
6 doesn't build on the strengths of the
7 downtown.

8 We cannot continue to
9 significantly grow the population and number
10 of jobs in downtown if we rely on personal
11 vehicles as the leading means of access and
12 mobility. The streets simply do not have the
13 capacity.

14 Encouraging or requiring parking
15 for individual vehicles works against
16 optimizing the limited roadway capacity with
17 more efficient travel modes such as high-
18 capacity transit service. It also consumes
19 valuable space that could be used for
20 something more productive.

21 While the proposed revisions to
22 Subtitle I's parking regulations allow for

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1 the personal vehicle to remain an important
2 transportation choice for many residents and
3 visitors, the reforms also recognize that a
4 large share of D.C. residents do not depend
5 on getting around by owning a personal
6 vehicle.

7 Roughly half of downtown
8 residents do not own a car according to the
9 census and it's higher for renters, and I've
10 attached a map based on census tracts for
11 2010 census of percentage of households who
12 don't own a car.

13 Rather than the zoning code
14 attempting to predict how much parking a
15 specific development might need, we think
16 it's best to leave this prediction up to the
17 developer who has a very vested interested in
18 the success of that project.

19 The justification for the
20 creation of parking minimums in the first
21 place was to prevent spillover parking demand
22 onto public streets.

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1 Given that on-street parking for
2 residents is highly limited in downtown, the
3 case is even clearer for removing parking
4 mandates.

5 Even where there are pockets of
6 RPP, if a new development is marketing to
7 car-owning households, it will build parking
8 sufficient to secure the lease or sale of
9 those units rather than rely on on-street
10 parking, which would be very unreliable.

11 The government is not in a good
12 position to predict how much parking a
13 particular development might need but
14 retaining parking minimums runs the risk of
15 building too much parking.

16 The harm in building more parking
17 than people want to buy, use or rent is that
18 it wastes space, increases costs and
19 subsidizes car ownership since the full cost
20 of constructing the parking space is often
21 not paid by the user.

22 Encouraging alternatives to

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1 driving and car ownership have many public
2 benefits. Thus, it's something that public
3 policy should support.

4 In addition to the harms of
5 pollution and crashes generated by driving,
6 traffic congestion downtown calls for a more
7 efficient use of limited public space.
8 There's only so much room on the roadway for
9 vehicles and other users. Thus, we need to
10 use this space more efficiently.

11 Let me see. Let me skip down
12 here. D.C. obviously is not the first
13 downtown to consider eliminating its parking
14 minimums. This has already been done in many
15 other cities throughout the country.

16 We should recognize that D.C.
17 already has a partial elimination of parking
18 minimums because it doesn't require office
19 space to build parking.

20 But despite those minimums,
21 developers continue to build parking for
22 office workers and we can see that this

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1 policy alone does not either prevent the
2 market from adding to the parking supply, nor
3 does it adequately address the negative
4 effects of encouraging single-occupancy
5 vehicle travel in downtown where many drivers
6 could be encouraged to opt for alternative
7 modes of transportation.

8 Not only removing parking
9 requirements is a sound approach, we ask the
10 Zoning Commission to consider revisiting
11 parking maximums.

12 We do appreciate and support the
13 proposed requirement for modest mitigation
14 measures if the level of parking excessively
15 exceeds the minimum and we support the
16 revision to two times the minimum, not
17 counting the transit proximity reduction.

18 I think I'll just wrap it up
19 there. I really appreciate your efforts and
20 I'm happy to answer any questions. Thank
21 you.

22 CHAIRMAN HOOD: Thank you. Next.

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1 MR. SMITH: Hi. Good evening and
2 thank you for allowing me to testify tonight.

3 My name is Zachary Smith and I'm a resident
4 of Fort Totten in Ward 5 and I'm here to
5 express my strong support of the proposed
6 update to the D.C. zoning code to remove
7 parking minimums downtown.

8 Now is the time for the District
9 to move beyond its outdated zoning policies
10 to reflect the current and plan for the
11 future needs of its transportation and
12 development patterns.

13 Every morning I commute from my
14 home in Fort Totten to Farragut North, about
15 five miles, so I'm somewhat familiar with the
16 traffic patterns downtown.

17 Before I moved to D.C. about two
18 years ago, it was difficult to imagine ever
19 getting to work without a car or think that a
20 commute would be as easy as it is. That
21 isn't the case in most places but it is in
22 D.C.

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1 I recently bought a bike so with
2 the Met Branch Trail and the 15th and L
3 Street bike lanes, cycling is much more
4 efficient than driving for me.

5 On days when the weather isn't so
6 nice, it is good to have other options like
7 Car2Go or the many buses and Metro that
8 connect to downtown.

9 Because downtown D.C. is one of
10 the most transit-rich and walkable parts of
11 the city, the zoning code should be updated
12 to reflect that and maintain it.

13 While the Office of Planning is
14 recommending removing parking requirements,
15 it is important to note that it will not
16 remove parking.

17 I support the update because it
18 will allow developers to determine the amount
19 of parking that they need to attract
20 companies and/or offices to their buildings.

21 Removing parking minimums can
22 also lead to more affordable rents in our

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1 downtowns. For instance, developers in San
2 Francisco estimate that the city's one-space-
3 per-unit requirement adds 20 percent to the
4 cost of affordable housing.

5 As we look for ways to improve
6 the city's affordable housing stock,
7 requiring developers to add expensive parking
8 spots is a detriment to those efforts.

9 Our zoning code from 1958, again,
10 is not in step with the direction that D.C.
11 is going in the future, especially our
12 downtown and adjacent neighborhoods. We just
13 need to modernize the zoning code to better
14 accommodate future D.C. residents.

15 Again, I support the proposed
16 zoning update, specifically the reduction of
17 downtown minimum parking requirements because
18 it will help to create and preserve walkable,
19 vibrant neighborhoods by increasing the use
20 of transit.

21 Our zoning code should be about
22 improving the quality of life for all and not

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1 only drivers and, you know, we aren't
2 requiring new buildings to supply transit
3 cards or parking spaces for Carshare or
4 Bikeshare. If we're worried about attracting
5 tenants and residents, why do we cater to
6 this one form of transportation?

7 So, again, I ask you to support
8 the proposed zoning changes from the Office
9 of Planning. Thank you.

10 CHAIRMAN HOOD: Okay, thank you.

11 Next.

12 MR. CHUNG: Good evening. My
13 name is Payton Chung. I live in Southwest
14 Waterfront in Ward 6. I am also here to
15 testify in support of the Subtitle I and K
16 revisions related to eliminating minimum
17 parking requirements throughout the downtown
18 and adjacent neighborhoods.

19 When I lived in Chicago about ten
20 years ago, I chaired the Zoning for
21 Transportation Equity Coalition which
22 enlisted several affordable housing and

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1 environmental groups there to keep the city
2 from baking a substantial increase in parking
3 ratios into its otherwise sensitive new
4 zoning ordinance.

5 Ultimately we did succeed in
6 doing that, as well as in cutting parking
7 ratios in downtown Chicago by over half in
8 some instances.

9 I'm here to assure you that since
10 then downtown Chicago has thrived. Its
11 population has grown by 50,000, faster than
12 any other central city in America. Sales tax
13 receipts and payrolls have both grown 50
14 percent faster than the region at large and,
15 best yet, no parking riots have yet ensued.

16 Here in the District, we actually
17 have a more robust transportation system than
18 Chicago. We have a larger rapid transit
19 system. We have more walking and cycling
20 commuters. We have fewer people driving to
21 work.

22 Furthermore, our trend lines in

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1 the District sharply favor transportation
2 alternatives. From 2000 to 2011 one-seventh
3 of D.C. commuters have switched away from
4 cars.

5 There simply is not demand for
6 parking that pays its own way downtown. In
7 downtown D.C. a Colliers' market survey of
8 downtown parking garages, which collectively
9 house tens of thousands of cars, find that 90
10 percent of those garages have spaces
11 available to rent, that garages are 20 to 40
12 percent empty during the day, which is
13 similar to downtown Atlanta.

14 Unreserved garage spaces downtown
15 rent for the equivalent of \$17 per square
16 foot per year in a city where office and
17 retail rents for over \$50, residential rents
18 about \$30 and even basement storage spaces
19 rent for \$24.

20 The market rate for off-street
21 parking in my downtown-adjacent neighborhood
22 is less than half as high as downtown but

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1 spaces are still widely available.

2 This pattern is consistent with
3 scientific literature as seen in the July
4 2012 issue of the Journal of Transportation
5 Economics.

6 Even in Los Angeles, land
7 dedicated to on-site parking is valued
8 significantly below the remainder of parcels.

9 Even at subsidized prices, demand for
10 parking is just not high enough to fill the
11 available spaces.

12 Drivers' ability to find free
13 parking spaces outside their offices is no
14 more deserving of a public policy response
15 than my inability to find a free cappuccino
16 waiting outside my office.

17 Nor will the sky fall if parking
18 minimums go away. New buildings will still
19 have as much parking as is necessary.

20 A few months ago, I was at a
21 panel where a representative from one of
22 D.C.'s largest developers said that its major

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1 transit-oriented development they had under
2 construction was over-parked, as they said,
3 relative to zoning because, quote, "Parking
4 is extremely expensive and we lose money on
5 it, but if we build too little we're going to
6 pay for it by hurting leasing." Parking is a
7 dynamic land use market that can be fulfilled
8 in many ways, not only through zoning
9 requirements.

10 This proposed revision to the
11 zoning ordinance can spur further innovation
12 that our city is known for, its
13 transportation innovation, increase
14 productivity, save money. It might even help
15 us exercise and lose weight. That's the
16 right thing to do.

17 CHAIRMAN HOOD: Okay, thank you.

18 Next.

19 MS. NEUHAUS: Good evening, Mr.
20 Chairman and members of the Commission. My
21 name is Jo-Ann Neuhaus. I'm the executive
22 director of the Penn Quarter Neighborhood

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1 Association. I'm going to speak very
2 quickly.

3 I am an urban planner as well.
4 Since 1970, I have worked for the Revital
5 Agency as downtown planner and for the next
6 20 years I worked for the Pennsylvania Avenue
7 Development Corporation as director of
8 project development.

9 I am also a Penn Quarter
10 resident. I live on F Street between 9th and
11 10th Street. I own a car. It's parked
12 mainly in a garage during the week. I use it
13 on the weekend to go to my kids out in the
14 suburbs, in the far suburbs because they
15 can't afford to live any closer --

16 CHAIRMAN HOOD: Could you speak
17 into your mic? Yes, there we go.

18 MS. NEUHAUS: -- because they
19 can't afford to live any closer, and I just
20 want to lay that out as a fact.

21 For those of you who are
22 unfamiliar with the Penn Quarter Neighborhood

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1 Association, let me start by saying it was
2 created in 1988 by five developers, all of
3 who were required to include residential
4 units in their mixed-use development. This
5 was before the DD.

6 And the Pennsylvania Avenue
7 Development Corporation was the sixth member.

8 I was one of the incorporating members on
9 the incorporating papers.

10 In 1993 we opened the association
11 to others in the community. Our members now
12 include residential condominiums, apartment
13 buildings, office tenants, property owners,
14 theaters, museums, restaurants, hotels,
15 retail shops, other arts venues and numerous
16 non-profit organizations.

17 We now have over 170 members and
18 26 members are on our board of directors who
19 represent the range of uses in the Penn
20 Quarter. I'm short. Sorry.

21 Just to be clear, as there are no
22 official Penn Quarter boundaries, the

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1 association's boundaries, based on those who
2 sought to be members, are 15th Street,
3 Northwest, New York Avenue to 9th, then
4 around Mt. Vernon Square to Mass Avenue, down
5 to the freeway and then to Pennsylvania
6 Avenue, so our borders are broader than some
7 people think of as Penn Quarter.

8 From the beginning, our board has
9 supported the creation of a mixed-use
10 neighborhood in Penn Quarter despite the, may
11 I say, fear that some of the developers had
12 about attracting residents to the area.

13 We have testified before a number
14 of bodies considering actions on new
15 developments, zoning decisions, development
16 competition proposals, ABC actions and
17 legislation that would impact favorably or
18 negatively on the expansion of a vibrant
19 neighborhood from its beginnings along the
20 avenue and the stability that those now
21 living, working and conducting business in
22 the neighborhood look for to protect it from

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1 deteriorating.

2 We are very concerned about a few
3 provisions in the proposed zoning but I would
4 like to start out on a positive note and
5 commend the Office of Planning staff for
6 removing a number of non-arts uses such as
7 bars and daycare centers that were a part of
8 the original downtown Arts Overlay.

9 Though they were designated as
10 related arts uses, no one thought of them as
11 such except the Zoning Commission and the
12 staff who wrote it.

13 First, I would like to say that
14 the proposed zoning regulations are
15 overwhelming. I have had no need to consult
16 zoning since Congress closed the PADC in
17 1996, so wading through even the downtown
18 section and, more importantly, understanding
19 the implications of all that is in it, it was
20 daunting.

21 Only today did I realize that I
22 misread a provision in Section 404 that

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1 doesn't prohibit sexually based business from
2 being located within 600 feet of a
3 residential building.

4 It prohibits them from being
5 within 600 feet of a residential district,
6 and there would be no residential districts
7 in Penn Quarter.

8 And we have about 10,000 to
9 12,000 residents there, contrary to what the
10 census says, because many residents don't
11 list the District as their primary residence
12 because they want to be able to vote for a
13 senator or a congressman who can vote.

14 Many of the 10,000 to 12,000
15 residents, but probably not all of them,
16 would have a problem with a sexually oriented
17 business, as would others who have businesses
18 and institutions here.

19 I can say this because most of
20 the neighbors, even those blocks away,
21 rallied against a new dancing venue proposed
22 for I Street between 6th and 7th Street some

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1 years ago.

2 I hope you will consider a change
3 to the residential district reference here
4 and elsewhere when trying to protect
5 residents in the city in areas that are mixed
6 use because they don't protect residents in
7 areas that are mixed use. I was told I had
8 five minutes.

9 (Off microphone discussion)

10 MS. NEUHAUS: Oh, keep going.
11 Thank you.

12 CHAIRMAN HOOD: You can stop the
13 clock. Hold on one second. Stop the clock
14 for a second. Let me make this announcement.

15 The first beep you hear means you have
16 exactly one minute. The second beep, I need
17 your closing thought. Not just you, but
18 that's everybody.

19 MS. NEUHAUS: Okay.

20 CHAIRMAN HOOD: Okay, thanks.

21 MS. NEUHAUS: Second, I believe
22 there's a significant legal problem, or may

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1 be, and one that could hinder the interest of
2 developers in a significant site that
3 potentially could be offered for development.

4 Lots of ifs.

5 I am here speaking of the FBI
6 site on Pennsylvania Avenue between 9th and
7 10th Street. Ugly as it is viewed today, the
8 FBI building was designed to conform to a set
9 of urban design guidelines in two documents
10 created by executive branch entities prior to
11 the creation of the Pennsylvania Avenue
12 Development Corporation.

13 Those same urban design features
14 became requirements of the Pennsylvania
15 Avenue Plan, its accompanying General and
16 Square Guidelines and those same features are
17 incorporated in the C-5 zoning category
18 established to conform zoning to the
19 Pennsylvania Avenue Plan.

20 I'm going to skip this but just
21 say that under the present proposal it is now
22 the equivalent of C-4 or the D-6-B-1 zone

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1 instead of the D-7-B-1 zone so that you don't
2 have the setbacks that are required and you
3 don't have the ability to go to 160 feet, but
4 it's mainly the setbacks that are of real
5 concern.

6 I'm not an attorney but I'm going
7 to leave you with a court case that said,
8 "Congress did not intend that PADC should be
9 required to comply with the District's
10 historic preservation law because the local
11 preservation law would have allowed the
12 District government to obstruct, by denying
13 permits, achievement of explicit
14 congressional objective," and says more and
15 I'm going to, you can read it.

16 CHAIRMAN HOOD: Okay. Ms.
17 Neuhaus --

18 MS. NEUHAUS: Last --

19 CHAIRMAN HOOD: Let me just say,
20 again, I try not to do it because everybody
21 else was doing exactly, I guess they've been
22 here other nights, and Monday night actually

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1 the rules are going to change. Because we
2 have so many people, we're going to stop on
3 the dime.

4 MS. NEUHAUS: Okay.

5 CHAIRMAN HOOD: Tonight, not just
6 you, but the first beep means you have
7 exactly one minute left. After the one
8 minute sound, you get a second sound which is
9 the last sound. After that sound, I would
10 ask you to give us your closing thought.

11 MS. NEUHAUS: Okay. I didn't get
12 to --

13 CHAIRMAN HOOD: Okay? And you
14 actually did that.

15 MS. NEUHAUS: I didn't get to
16 parking.

17 CHAIRMAN HOOD: You gave us a
18 long closing --

19 MS. NEUHAUS: And we want a
20 minimum parking.

21 CHAIRMAN HOOD: I understand, I
22 understand, I understand.

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1 MS. NEUHAUS: Okay, that's my
2 closing.

3 CHAIRMAN HOOD: I'm going to talk
4 while you're talking because the time is well
5 over your time and, you know, you have a
6 number of people behind you that want to
7 participate also.

8 MS. NEUHAUS: Right.

9 CHAIRMAN HOOD: Okay, thank you.

10 MS. NEUHAUS: Okay. Should I
11 just say that --

12 CHAIRMAN HOOD: No, no, no, no.
13 We have your testimony.

14 MS. NEUHAUS: Okay, thank you.

15 CHAIRMAN HOOD: Ms. Neuhaus, my
16 parents didn't raise me to be rude. I don't
17 want to do that.

18 MS. NEUHAUS: I'm sorry.

19 CHAIRMAN HOOD: Okay, thank you.

20 Next.

21 MR. HUGHES: Good evening,
22 members of the Commission. My name is Dennis

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1 Hughes with Holland & Knight. I'm also a
2 resident of Ward 2.

3 At the outset of my testimony
4 this evening, I'd like to acknowledge the
5 Office of Planning for its ambitious and
6 successful efforts with the zoning
7 regulations revision, including tonight's
8 topic of discussion, Subtitle I and the
9 expanded downtown.

10 In reviewing the OP hearing
11 report, I was reminded that nearly three
12 years ago to the day I provided remarks to
13 this Commission on OP's concept of replacing
14 the current system of combined lot
15 development and transferrable development
16 rights with a credit system.

17 At that time my comments were
18 supportive of a more streamlined and
19 transparent development rights process, but
20 it was particularly focused on the importance
21 of protecting the interests and investments
22 of those owners who have utilized and are

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1 relying upon the current structure as any
2 transition to a credit system would occur.

3 The proposal currently before the
4 Commission provides a great more detail
5 regarding both the operation of the proposed
6 credit system and OP's proposal for
7 conversion of rights generated under the
8 existing system to the new credit structure.

9 While I believe the proposal is
10 definitely a workable one, I'd like to
11 identify a few specific issues in Chapters 8
12 and 9 that I hope the Commission and OP will
13 give additional attention.

14 First is expiration of credits
15 upon building completion. Section 900.19
16 provides that once credits land on a site and
17 those credits are used to achieve
18 nonresidential density on a property, the
19 credits expire and retain no further rights
20 or value. The only current exception
21 involves credits generated by the
22 construction of plazas in open public spaces.

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1 I recommend further examination
2 of this issue and its potential impacts. It
3 does not seem equitable or sustainable that a
4 nonresidential project could be built
5 utilizing credits and then if that building
6 were later to be razed and replaced the owner
7 would have to return to the credits market to
8 purchase new credits in order to replace
9 those lost improvements.

10 This is especially so when the
11 preferred uses that are generated in the
12 credits are expected to be provided in
13 perpetuity.

14 The second is clarification of
15 credits generated by arts uses. Contrary to
16 my reading of Sections 801 and 803, I
17 understand that OP intends that credits
18 generated by arts uses not be available for
19 nonresidential development throughout the
20 downtown but rather only to satisfy the arts
21 requirements of properties within the limited
22 downtown arts subarea. That's in Section

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1 607.

2 I believe such a limited market
3 will undermine the policy goals of utilizing
4 credits to incentivize preferred arts uses.

5 Finally I want to talk about
6 conversions. In closing, I have three quick
7 recommendations regarding the conversion of
8 CLD and TDR to the new credit system.

9 First, as currently proposed,
10 only CLD related to residential uses are
11 eligible for conversion to credits. I
12 suggest that CLD related to other preferred
13 uses, especially preferred arts uses, should
14 qualify for conversion.

15 I know, for example, that in
16 Square 456 the Shakespeare Theatre has
17 approximately 48,000 square feet of
18 unassigned arts use CLDs that are at risk of
19 being lost.

20 Number two, as currently proposed
21 Section 807.4, requests to convert CLD to
22 credits, a request for that may only be made

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1 by owners of a residential development.

2 This language technically could
3 bar a number of conversions where CLD rights
4 have been reserved as part of a property sale
5 and subsequent residential development.

6 Finally I strongly urge the
7 Commission and OP to further review the
8 proposed three-year time limit on converting
9 CLD and TDR to credits.

10 I don't believe there is a strong
11 enough policy argument here to justify
12 potentially terminating a property owner's
13 vested interest.

14 If the Commission and OP continue
15 to believe a time limit to be necessary, I
16 recommend at a minimum that that time limit
17 be tied to the administrative issuance of
18 standardized documentation for the credit
19 allocations and that the time limit be tied
20 to the initiation of a conversion request,
21 not the completion of that request, because
22 those processes, the documentation can take

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1 several months.

2 Thank you for your consideration
3 of my comments and I welcome any questions
4 you might have.

5 CHAIRMAN HOOD: Okay, thank you.

6 Next.

7 MS. MACWOOD: Good evening, Mr.
8 Chairman and members of the Commission. I'm
9 Nancy MacWood testifying for the Committee of
10 100.

11 Subtitle I involves mapping a
12 huge area into new downtown zones. That
13 action would include giving large-density
14 bonuses to this area with not much in
15 exchange, just more market-rate housing.

16 Under current zoning, developers
17 in the non-downtown zones must provide public
18 benefits in exchange for density bonuses, but
19 by rezoning these areas into downtown,
20 developers get the bonus and earn development
21 credits and we get more market-rate housing.

22 This is in stark contradiction of

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1 our goal of providing more affordable mixed-
2 income housing in all parts of the city. We
3 urge the Zoning Commission to closely examine
4 the appropriateness of the expansion.

5 The majority of the land added to
6 downtown is zoned C-3-C. OP is proposing to
7 increase the by-right height from 90 to 130
8 feet or the maximum allowed under the Height
9 Act.

10 The FAR limit, currently 6.5,
11 would disappear and be replaced with an
12 unlimited FAR. This maximum density bonus
13 would be in exchange for an all-residential
14 building or one that combines office and
15 residential. With TDRs, the maximum bonus
16 density could also be used for an all-office
17 building.

18 While housing is clearly
19 encouraged, there is no inclusionary zoning
20 requirement so market-rate housing it will
21 be, and developers will earn credits for
22 producing it.

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1 We urge the Zoning Commission to
2 closely analyze what is being proposed here
3 and to factor into your deliberation the
4 Comprehensive Plan guidance that mixed-income
5 housing be produced in Central Washington.

6 Of the 11 downtown zones, only
7 two would have inclusionary zoning
8 requirements and those are in the relatively
9 small SP-2 zones and areas north and south of
10 the mall near 395.

11 Three of the four zones that
12 would have some minimum residential
13 requirements would actually limit the amount
14 of required residential FAR that could be
15 used for affordable units.

16 This seems a strange policy when
17 some of these zones would get by-right height
18 increase of 40 feet and unlimited FAR for an
19 all-residential building or one that exceeds
20 the very limited minimum residential FAR
21 requirement.

22 This may be a carryover from the

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1 current downtown regulations but it seems to
2 us to be another missed opportunity to
3 leverage maximum density for an affordable or
4 mixed-income housing.

5 In addition to missed
6 opportunities for affordable housing, we have
7 concerns about the addition to downtown of
8 land that borders Lafayette Square and the
9 16th Street SP-2 zones.

10 These are areas with important
11 viewsheds. Under current zoning, the C-4
12 zoned areas have a by-right height of 110
13 feet.

14 If included in the downtown zone,
15 these areas become eligible for by-right
16 height of 130 feet or the maximum allowed
17 under the Height Act.

18 The modeling studies produced by
19 OP during the Height Act master plan study
20 showed how the lighthouse became obscured by
21 130-foot buildings as seen from the Jefferson
22 Memorial.

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1 We urge the Zoning Commission to
2 examine the modeling studies to evaluate
3 potential damage to historic views from by-
4 right increased heights before you approve
5 the expansion of downtown.

6 OP should also be presenting you
7 with exhibits showing how the proposed
8 heights would transition in scale to
9 residential areas on the edges of the
10 proposed expansion area.

11 Once you expand downtown by a
12 proposed threefold increase, you
13 automatically increase height maximums, in
14 some cases to whatever the Height Act maximum
15 is. Currently OP is recommending 200-foot
16 buildings in the L'Enfant City.

17 It would be prudent to wait on
18 approving additions to the downtown until the
19 controversy over the Height Act is resolved.

20 If you do it now, you may be
21 establishing a very large area with
22 inappropriate heights of 130 feet and you may

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1 open the door to 200-foot heights without the
2 need for any further action from the Zoning
3 Commission.

4 Finally we want to raise the
5 absence of any planned parks or open space in
6 the expanded downtown. Great cities are
7 known for their great gathering places.

8 Acknowledging that our downtown
9 open spaces are primarily controlled and
10 restricted by the federal government, the
11 Comp Plan states that downtown should include
12 the District's common, a gathering place to
13 celebrate and to protest, a place that
14 welcomes all the District's neighborhood
15 residents.

16 But there is no provision for
17 parks, open space or recreational activities
18 in the expanded downtown.

19 The only provision for open space
20 would be through the credit system, but this
21 scheme was dismissed by building industry
22 representatives at the task force. They

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1 explained that there is more profit in built
2 square footage than in potential credits.

3 Are there areas included in the
4 expanded downtown that could provide a large
5 park or District common? Are there
6 opportunities for pocket parks, perhaps in
7 exchange for appropriate bonus densities?
8 Have these options and how to facilitate them
9 been considered?

10 We believe that Subtitle I
11 represents major development opportunities,
12 but we are not convinced that other
13 opportunities for this land that could
14 benefit the District for generations have
15 been fully explored.

16 The Council will consider Comp
17 Plan amendments next year and the future of
18 downtown could be a major topic. I'll end my
19 testimony there and submit the rest.

20 CHAIRMAN HOOD: Okay, and you
21 just had one line, just one line. That one
22 line, I'll read it. "Downtown needs to be

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1 more than tall office buildings and it
2 shouldn't be the neighborhood for the rich."

3 Okay. I was hoping you'd get there. Okay,
4 thank you. Next.

5 MS. ATEN: Good evening, Mr.
6 Chairman and members of the Zoning
7 Commission. My name is Carol Aten. I have
8 lived and worked in a number of different
9 areas in the city during the past 40 years.

10 I am testifying as an individual
11 citizen struggling to understand the
12 implications of the proposed new zoning code
13 on my community and the city.

14 I have submitted my statement for
15 the record and I will just touch on a few
16 points this evening related to Subtitle I.
17 Many are questions I raise for your
18 consideration to avoid potentially
19 undesirable and unintended consequences.

20 First, the new downtown is a very
21 large area and not completely contiguous. I
22 wonder if such an expansion of the designated

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1 downtown is wise.

2 Wouldn't such an area become so
3 spread out it loses its identity as a central
4 business district, and what are the
5 characteristics that make downtown, downtown?

6 Maybe we can give the pieces some
7 individual identify to avoid such a sprawling
8 city center but, if so, what will be the
9 impact of multiple downtowns?

10 Second, why do the new zoning
11 rules eliminate aspects of the current
12 downtown that actually make it a better place
13 to work, live and visit?

14 In the new downtown zones, where
15 are the squares, circles and parks that
16 provide open space and let our current
17 downtown breathe?

18 Why won't developers be required
19 to provide parking, both for those working
20 there during the day and for people who want
21 to go downtown in the evening to dine or see
22 a show or on weekends to visit shops and

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1 galleries?

2 Third, will the new zoning rules
3 that give density bonuses for residential
4 construction actually create viable
5 neighborhoods with the amenities that foster
6 community, parks and open space, historic
7 structures and districts that give character
8 and sense of place, options for shopping and
9 other activities, places to meet for
10 community decision making, et cetera?

11 Fourth, why do the new rules
12 enlarge zoning envelopes without getting
13 anything in return? Why are we allowing
14 high-density, matter-of-right FARs that won't
15 give the city any leverage to have developers
16 provide the amenities we seek for downtown
17 areas?

18 There will be no ability to
19 negotiate for the creation of open space or
20 other amenities that foster community and
21 trade for greater FAR because, as a matter of
22 right, developers can fully build out their

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1 property for residential use or use
2 transferred development rights to increase
3 commercial FAR.

4 Certainly the Zoning Commission
5 has enough experience with PUDs to know that
6 you need to be able to trade something in
7 order to get amenities.

8 We need to use these increases in
9 matter-of-right development to improve our
10 city, not just as a bonus to current
11 landowners.

12 Fifth, I believe the proposed new
13 rules don't do enough to protect the historic
14 buildings and districts that are
15 substantially impacted by the proposed new
16 downtown areas and are such an important
17 element in the character of our city.

18 I fear that this huge
19 administrative expansion of downtown and the
20 resulting increase in allowable density
21 without mechanisms to ensure interesting,
22 attractive and livable environments ignores

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1 the lessons we have learned from our past
2 experience. Thank you.

3 CHAIRMAN HOOD: Okay, thank you.
4 Next.

5 MS. MCCARTHY: Good evening.
6 Tonight I wish to reinforce what I've
7 addressed here before.

8 As OP has indicated, the Downtown
9 Development District has been the most
10 successful zoning overlay in terms of meeting
11 its goal of creating a living downtown with a
12 variety of preferred uses.

13 I support the notion of extending
14 preferred-use requirements to certain areas
15 like the Golden Triangle.

16 However, I have always disagreed
17 with the former OP staff who insisted that
18 the DDD was too complicated and should be
19 eliminated as an overlay.

20 In fact, I think that if some of
21 the poor wording were clarified, the DDD is
22 compelling and makes the most sense as a

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1 whole cloth.

2 It would be better to retain it
3 as a more coherent overlay, perhaps as a
4 Special K zone, rather than creating a bunch
5 of new zones which are then further
6 subdivided by special treatments on different
7 streets.

8 In addition, I know you've heard
9 from many witnesses requesting further delays
10 in the adoption of the new regulations. I am
11 not one of those.

12 In general, I think the Office of
13 Planning has done an excellent job of
14 reaching out to the citizens and making
15 extensive information available on its
16 website.

17 However, I do have to urge delay
18 with regard to Section 213.2, the new zone
19 created for the area immediately south of the
20 Southeast/Southwest Freeway, D-8-B-1. It's
21 quite simply, to borrow a phrase from
22 Saturday Night Live, "not ready for prime

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1 time."

2 Why? One, it was added late,
3 even after the main set of regs were issued
4 for setdown. Office of Planning has been
5 revising it even as of the last few days.

6 The language, as currently
7 stated, doesn't appear to accomplish all the
8 goals for encouraging mixed use and creating
9 vitality in southwest and may, in fact,
10 foster exactly the opposite.

11 Result? Create more density than
12 can be accommodated on site, not require that
13 streets be reestablished, not provide the
14 right incentives to create residential or
15 other uses and to put through streets like
16 Maryland Avenue.

17 I have more detailed concerns
18 that I can submit later if the Commission
19 will please hold the record open as I
20 understand OP has made more changes and I
21 haven't had a chance to review them all.

22 Therefore, Section 213.2 and, in

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1 fact, the entire Section 213 should be pulled
2 back until some additional financial analysis
3 can be accomplished to show what the effect
4 of the current language will be.

5 That's not a hardship because
6 it's currently federal land and, therefore,
7 the zoning wouldn't apply to it at the moment
8 anyway.

9 Apropos to that, however, I have
10 also prepared testimony which I was not able
11 to give on the first night on definitions but
12 I think it's crucial, given announced plans
13 to redevelop federal property such as Armed
14 Forces Retirement Home and FBI, that the
15 Commission make clear that hotels, retail,
16 apartments and other similar uses should not
17 be exempt from zoning even if they take place
18 under a long-term ground lease from a federal
19 entity.

20 So I think you really need to
21 address that. What is the definition of
22 federal public buildings? And I will submit

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1 some additional testimony with regard to that
2 and with regard to the southwest zone. Thank
3 you.

4 CHAIRMAN HOOD: Thank you. We
5 appreciate everyone's testimony. Thank you
6 very much. Let's see if we have any
7 questions of you. Vice Chair.

8 VICE CHAIR COHEN: Thank you, Mr.
9 Chairman. First of all, Ms. MacWood, I
10 really do appreciate your testimony tonight,
11 especially pointing out the issues related to
12 mixed-use and affordable housing. I will
13 carefully read every word.

14 Ms. Cort, your data on automobile
15 usage in the District came from the American
16 Community Survey. Did you have an
17 opportunity to compare that with the
18 Department of Motor Vehicles in the District
19 by any chance?

20 MS. CORT: I used ACS for the
21 percentage and numbers of households who
22 don't own cars.

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1 I have seen a memo from DDOT
2 citing a few years of vehicle registration
3 data which shows about, I think a three
4 percent increase over a number of years
5 through a time when D.C. was actually -- I
6 was just reading that memo.

7 The memo actually says it's all
8 vehicles, including commercial vehicles, so
9 it's not just isolated to residential
10 vehicles showing an increase of several
11 percent in registrations over the last few
12 years.

13 So it would be great to have
14 better data from DMV. I haven't obtained
15 that directly.

16 VICE CHAIR COHEN: Okay, thank
17 you. And I do live close to downtown so I
18 see a lot of Virginia and Maryland license
19 plates. And I was wondering if you have done
20 any, I mean we probably won't get anywhere
21 with this because of the fact that we do not
22 have two senators and they do and they have

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1 massive amounts of congressional people, to
2 in any way offset the cars coming in from
3 those districts that clog our streets.

4 And they don't have to really
5 pay, other than for parking which is usually
6 part of their, many people get part of their
7 employment package.

8 But I was wondering if your
9 organization is doing any research in that
10 area about, I forgot what it's called
11 actually, pricing the usage of automobiles.

12 MS. CORT: Oh, congestion
13 pricing.

14 VICE CHAIR COHEN: Thank you.
15 Yes, congestion pricing.

16 MS. CORT: Yes. I'm on the
17 advisory committee for moveDC, the long-term
18 state transportation plan. That is a policy
19 option in the long-term plan.

20 We've tried to do a clean air fee
21 assessment, a dollar on any parking space
22 that is uncharged.

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1 And we've also proposed
2 legislation to require that if you're going
3 to subsidize automobile parking you need to
4 offer a cash equivalent to an employee who
5 chooses to bicycle or walk to work or provide
6 the equivalent transit benefits.

7 So those are some of the policy
8 proposals to try to address that issue of
9 kind of the impacts of subsidized parking
10 that's luring in more cars than we really
11 need to have to make everything work.

12 VICE CHAIR COHEN: And so that's
13 a proposal, meaning it's a long time away?

14 MS. CORT: Congestion pricing?

15 VICE CHAIR COHEN: Well, let's
16 not say congestion. Some of the other
17 proposals --

18 MS. CORT: Clean air fee didn't
19 move. The mayor recently proposed transit
20 benefits.

21 Bill, though, I need to check
22 into it because it looked like it was

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1 withdrawn recently. We love that bill and we
2 really want to see it move forward, at least
3 to before-tax benefits for transit which is
4 free. I had a two-person organization and I
5 managed to do that.

6 And then parking cash out, which
7 is the idea that if you're going to pay
8 someone to drive to your office for \$200 for
9 a parking space, you ought to be able to pay
10 someone \$200 to not drive to your office and
11 get there every day by bicycling, walking or
12 the equivalent for transit. We hope to move
13 forward with that bill and be successful.

14 VICE CHAIR COHEN: Okay, thank
15 you. I just want to say that, Mr. Chung,
16 your data is very helpful and I appreciate
17 that, and I think everybody did a great job.

18 It is very helpful.

19 Anyway, Mr. Hughes, I'm going to
20 pay special attention to your points as well.

21 Thank you.

22 CHAIRMAN HOOD: And thank you.

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1 Any other questions? Mr. May.

2 COMMISSIONER MAY: Yes, thank you
3 all very much for your testimony and I would
4 note that on some of the questions that were
5 raised by Ms. MacWood and Ms. Neuhaus and
6 others, frankly, intend to ask the Office of
7 Planning to give us some response here
8 tonight on that.

9 And, of course, they're planning
10 on doing more detailed responses I think to
11 many of the issues that have been raised in
12 all the testimony.

13 I guess from Ms. Neuhaus, the FBI
14 building, I know about that issue. I was
15 aware of that issue and when I read the
16 proposed language I thought that it actually
17 was fairly well covered and the new zone did
18 address the --

19 (Off microphone discussion)

20 COMMISSIONER MAY: You need to be
21 on a microphone. You need to turn your
22 microphone on. So I'm a little confused. I

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1 mean ultimately I need to talk to the Office
2 of Planning about it, but --

3 MS. NEUHAUS: The C-5 zones
4 currently, which is the seven, stops at 10th
5 Street. It does not include the FBI
6 building.

7 COMMISSIONER MAY: Oh, I see.

8 MS. NEUHAUS: It didn't have to
9 include it because it was a federal building
10 and even though the building was built
11 precisely to the requirements of the
12 Pennsylvania Avenue plan and the two
13 preceding plans that were executive
14 documents. So right now it is not zoned C-5
15 and, for whatever reason, they didn't include
16 it.

17 COMMISSIONER MAY: So it's a
18 matter of re-mapping basically?

19 MS. NEUHAUS: It's a matter of
20 re-mapping, yes.

21 COMMISSIONER MAY: Okay, all
22 right. So, Ms. Cort, I had a question about

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1 the Walk Score. You said it had a Walk Score
2 of 99. I mean I heard the term before and I
3 really started to learn more about it when my
4 son was shopping for an apartment in another
5 city and he was checking out all the
6 neighborhoods and comparing the Walk Scores
7 and, I mean, you know, he has a car now but
8 really doesn't want to drive any more than he
9 absolutely has to, so I understand the
10 importance of that.

11 The question I had, though, is
12 that the 99, is that based on the existing
13 downtown as it's defined or is that based on
14 the expanded downtown?

15 MS. CORT: Well, I just looked up
16 Walk Score. The Walk Score website gave a
17 score of what they call downtown which had,
18 like, five. Like Penn Quarter actually had a
19 100 score and Gallery Place had 100 for
20 Transit Score and so there was, like, four.
21 It is not a --

22 COMMISSIONER MAY: Yes, because

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1 it goes by address. It's not --

2 MS. CORT: Bfaithful overlay of
3 your official downtown.

4 COMMISSIONER MAY: Right, it goes
5 by specific addresses, so much --

6 MS. CORT: It's smaller
7 quantities, smaller neighborhoods, yes.

8 COMMISSIONER MAY: Right, yes,
9 okay. All right, well, I mean, nonetheless,
10 I think it's going to be high in the entire
11 area but I was curious about how far it ran.

12 That was it for the questions
13 that I have. I'll just have to follow up
14 with the Office of Planning.

15 CHAIRMAN HOOD: Thank you.
16 Commissioner Miller.

17 COMMISSIONER MILLER: Thank you,
18 Mr. Chairman. Yes, I appreciate all of your
19 testimony and the specific recommendations
20 that were made.

21 We will ask the Office of
22 Planning about, Mr. Hughes, the credit issue.

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1 And we appreciate you bringing up, Ms.
2 McCarthy, the pause button for the new
3 southwest zone. We'll ask about that.

4 And, Ms. Neuhaus, the other issue
5 you brought up, the FBI, we'll ask about
6 that. The sexually oriented establishments
7 that can be within 600 feet of a residential
8 zone rather than a use, it is just a carry-
9 forward, I think, from the way it reads now,
10 is my understanding.

11 But, I mean, I understand what
12 the issue is, that you want it to be use, not
13 zone, because those are in residential zoning
14 districts.

15 MS. NEUHAUS: Yes, I think the
16 old zoning, they didn't have residential much
17 downtown, couple of units here and there, and
18 so you didn't have the mix, but now we have a
19 lot of neighborhoods in the city with mixed
20 use and they're not zoned for residential.

21 I spoke to this when the ABC
22 legislation was being proposed to be modified

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1 and they did change it to accommodate the
2 fact that they're really trying to protect
3 residents and not just residential districts.

4 So it's a new way of thinking,
5 perhaps, that if you want to protect
6 residents, then you have to think about the
7 fact that they aren't going to live in
8 nonresidential districts and how do you do
9 it, and that's what we're just asking, that
10 you please do that.

11 COMMISSIONER MAY: Right. I
12 appreciate the testimony by Mr. Chung and Mr.
13 Smith and Ms. Cort in support of eliminating
14 the downtown parking minimums. I think
15 there's a pretty compelling case there.

16 But I think you were about to
17 make a different statement, so just could you
18 take a very brief moment and just say why you
19 apparently support?

20 MS. NEUHAUS: Yes, the parking
21 downtown supports not just the residents and
22 the commercial units but it supports the

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1 cultural facilities and the restaurants.
2 There are a lot of people who aren't near
3 Metro.

4 COMMISSIONER MAY: But do you
5 think that the elimination of the minimums,
6 that the builders of those uses would stop
7 building?

8 MS. NEUHAUS: This is a 50-year
9 program. It's a 50-year program. I don't
10 think it's going to harm anyone today because
11 there's parking there.

12 But if people think they can get
13 away with not spending the money on parking,
14 they probably won't, and because there's a
15 lot of lead time --

16 COMMISSIONER MAY: They don't
17 want their uses to be successful?

18 MS. NEUHAUS: -- a five-year lead
19 time for development. You could have a
20 crunch. Now the rates go up, values go down.

21 Look what happened to Georgetown
22 when they eliminated weekend parking, evening

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1 parking on M Street and on Wisconsin Avenue.

2 That used to be the center where restaurants
3 were, where people went for entertainment.

4 COMMISSIONER MAY: Well, I think
5 they go to your neighborhood now.

6 MS. NEUHAUS: They do, and we
7 don't want the area to change in that way,
8 that it would basically -- you have to play
9 the game of chutes and ladders, much easier
10 to slide down than it is to climb up again.
11 So, I mean, I have developers who are saying,
12 yes, put a minimum in. That's weird.

13 COMMISSIONER MAY: Okay, thank
14 you. Thanks.

15 CHAIRMAN HOOD: Okay.
16 Commissioner Turnbull.

17 COMMISSIONER TURNBULL: Thank
18 you, Mr. Chair. I think I'm echoing the
19 comments of the other Commissioners in that I
20 appreciate all your comments.

21 And a lot of your comments are
22 some of mine that we're going to raise with

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1 the Office of Planning, the credit issue, the
2 IZ issue, the southwest, southeast I should
3 say, and I think there's a lot of those. Or
4 you said southwest, yes, southwest.

5 And then the setback issue, I
6 think you clarified that with Commissioner
7 May, Ms. Neuhaus. Yes, I think we've put
8 that to bed but I'm not sure. We can bring
9 that up again with the Office of Planning.

10 I think a lot of your points that
11 you brought up are a lot of the points that
12 I've got and we'll bring it up with OP so
13 thank you, again, for your comments.

14 CHAIRMAN HOOD: Ms. Neuhaus, I
15 want to go back when you were talking about
16 the sexually oriented businesses. Does 404.4
17 cover, and I may have missed your point, but
18 I think 404.4a covers that, because you were
19 concerned about it being close to residential
20 if I gathered your testimony correctly.

21 MS. NEUHAUS: It's a difference
22 between a residential district and residences

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1 because in our neighborhood, even today,
2 there are a lot of residences built in C-4
3 and C-3-B zones.

4 There are also residences built
5 in what is now a residential zone but won't
6 be a residential zone when the new zoning is
7 put in place, if it's put in place as it is
8 today. It'll be a downtown zone.

9 So when you say residential
10 district, it doesn't mean residential
11 buildings. It doesn't mean condos or
12 apartment buildings.

13 The Lansburgh, for example, 285
14 units and a theater in the building and it's
15 in a C-4 zone, which is going to be the
16 equivalent. It's not in a residential
17 district.

18 So if BZA could allow for a
19 sexually oriented business, it could allow it
20 right across the street or next door and
21 that's what we're concerned about.

22 CHAIRMAN HOOD: Okay, thank you.

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1 I will follow up. Ms. MacWood, I appreciate
2 your comments about the Height Act issue and
3 I will follow up with that.

4 Ms. McCarthy, I'm almost nervous
5 to ask this question but I'm going to ask it
6 anyway. I'm sure somebody will tweet
7 something out later on that I got that wrong.

8 But anyway, Ms. McCarthy, you were the
9 former planning director, right?

10 (No response)

11 CHAIRMAN HOOD: And I'm going to
12 ask you to put your other hat on now --

13 MS. MCCARTHY: Okay.

14 CHAIRMAN HOOD: -- if you could,
15 and this might not have nothing to do with I,
16 J or whatever we're on tonight. But, anyway,
17 what year were you at the Office of Planning?

18 I should remember that but I'm just --

19 MS. MCCARTHY: I was there from
20 2002 up to 2007.

21 CHAIRMAN HOOD: Oh, okay, okay.
22 I thought you were there after we got

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1 started, so this question --

2 COMMISSIONER MAY: She was
3 responsible for the Comp Plan rewrite, right?

4 That was all under your --

5 MS. MCCARTHY: Yes. That was
6 adopted in 1996.

7 CHAIRMAN HOOD: I don't know why
8 I thought you left in 2010. Maybe I had a
9 long week. I'm sorry. So I won't even ask
10 the rest of my --

11 MS. MCCARTHY: 2006.

12 CHAIRMAN HOOD: 2007?

13 MS. MCCARTHY: 2006 was the Comp
14 Plan adoption --

15 CHAIRMAN HOOD: Okay. I remember
16 we did that.

17 MS. MCCARTHY: -- when Mr. Miller
18 was the head of --

19 CHAIRMAN HOOD: Comp Plan expert?

20 MS. MCCARTHY: -- the committee
21 as a whole.

22 CHAIRMAN HOOD: Okay. Okay,

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1 well, I won't ask the question. Okay,
2 that'll save me.

3 Okay, and also I just wanted to
4 ask one question. This has nothing to do
5 with it. Mr. Smith, you mentioned about the
6 Metro Trail.

7 I actually have thought about
8 that, contrary to what people would think
9 when I talk about bicycles. But my problem
10 isn't going down on the Branch Trail. My
11 problem is coming back. How does that work?

12 MR. SMITH: It's hard.

13 CHAIRMAN HOOD: Oh, so I've
14 actually thought about that and I've been
15 actually thinking about it now for about two
16 years.

17 MR. SMITH: But it would be
18 easier if DDOT finished the Metropolitan
19 Branch Trail too.

20 CHAIRMAN HOOD: Okay, well then
21 hearing that, I'll mention that to them.
22 Okay, any other questions up here?

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1 COMMISSIONER MAY: I would just
2 suggest that you don't try to do it with a
3 fixie. You need gears.

4 CHAIRMAN HOOD: I should have
5 known that would come. Thank you all very
6 much for your testimony. We greatly
7 appreciate it.

8 Now, this is a name I had the
9 other night, Louise Brodnitz. Jonathan
10 Toomer, Tomer, I'm sorry. Jonathan Weidman,
11 Alma Gates, Sue Hemberger, Sara Green,
12 Florence Harmon, Joe Howell, Christopher
13 Collins and Christy Shiker.

14 I actually called 12 names and
15 eight seats. Okay, how many more do we need?
16 How many do we have? We have six? Okay.
17 Ramsey Meiser, Meiser, Ramsey Meiser, Lyle
18 Blanchard.

19 (Off microphone discussion)

20 CHAIRMAN HOOD: Okay. Do we have
21 one more seat? Okay. Brook Katzen. Okay.

22 (Off microphone discussion)

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1 CHAIRMAN HOOD: You want to come
2 up with Mr. Meiser? Okay, that's no problem.

3 Okay, Judi Jones, Commissioner Jones. Okay,
4 we'll start with you, Mr. Collins, and work
5 our way down.

6 MR. COLLINS: Thank you. Good
7 evening. My name is Chris Collins with
8 Holland & Knight. I'm here tonight on behalf
9 of the D.C. Building Industry Association and
10 Stanley Martin Commercial and I'm talking
11 about Subtitle J, the industrial regulations.

12 The regulations, as proposed, are
13 generally consistent with what was proposed
14 and adopted in the Notice of Opinion several
15 years ago. I want to raise three issues
16 tonight.

17 First of all, just to point out
18 that some of the matter-of-right uses in the
19 P zones that are allowed without conditions
20 are only permitted at less than the full FAR,
21 while some other uses that are permitted
22 subject to conditions are allowed to achieve

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1 the full FAR and some others with conditions
2 are not.

3 So the point is that if a use is
4 permitted without conditions, that means it's
5 pre-deemed one of the least objectionable
6 uses in the zone and should be allowed to
7 occupy the full FAR.

8 The second point is that the
9 nature of industrial use is changing.
10 There's green technology now. There's
11 digital technology.

12 The PDR zones, or the PDR as
13 defined in Subtitle B, may not include all of
14 the types of production and manufacturing
15 uses that will occur into the future. And I
16 just sort of said that this, that the list of
17 PDR uses not be solely focused on the prior
18 list of industrial uses that we've used for
19 the last 50 years.

20 As an example, in Section 100.2b
21 in the very beginning of the PDR regulations,
22 research and development is called out as a

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1 use that should be, you know, achieved in the
2 P zones.

3 But it doesn't appear to be a PDR
4 type of use, doesn't seem to meet that
5 definition, and it's certainly not a utility
6 and it's not a large governmental use and
7 it's not a waste treatment facility.

8 So I don't know where you would
9 put that when it's one of those that you
10 called out specifically as wanting to have in
11 these zones.

12 Certainly one of the purposes of
13 the industrial zones is to be a job generator
14 and if the intent is to partially provide for
15 employment opportunities in the industrial
16 zones, then you should allow certain of these
17 non-permitted uses, non-matter-of-right uses,
18 to the full FAR.

19 The third point and the final
20 point is mixed uses. Warehouses, repair
21 facilities, concrete plants, asphalt plants,
22 hauling and terminal yards are PDR uses and

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1 can go to the full FAR.

2 But other than a multi-story,
3 self-storage type of facility, it's probably
4 not likely that you would have any of these
5 uses at a full FAR of 3.5 to 6.0 such as, you
6 know, asphalt plant, concrete plant, et
7 cetera.

8 Why not allow other uses that are
9 allowed in the P zone but may not achieve the
10 full FAR to co-locate with these uses to
11 allow the full FAR to be achieved? Thank
12 you.

13 CHAIRMAN HOOD: Okay, thank you.

14 Next.

15 MS. HEMBERGER: I think it is.
16 Hi. My name is Sue Hemberger and since this
17 is my first-ever appearance before the
18 Commission I thought I'd take a minute to
19 introduce myself and give you a sense of
20 where I'm coming from.

21 I moved to D.C. 26 years ago with
22 my husband right after grad school. He took

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1 a job at a law firm downtown. I taught
2 political science at Johns Hopkins where my
3 field is law and society, which is about not
4 only interpreting regulations but
5 anticipating how they're going to work out in
6 practice once the laws are passed, which is
7 probably why I'm here tonight.

8 I'm a lifelong non-driver thus
9 far, a decision I made as a teen growing up
10 in Southern California so it was kind of a
11 rebellion, and I've lived in cities my entire
12 adult life with the exception of a brief
13 detour for my Ph.D.

14 I'm here tonight because I love
15 D.C.'s downtown and I want to see it flourish
16 and because I'm a firm believer in rational,
17 fact-based, transparent decision making in
18 the service of democratically established
19 policy objectives. And I think, frankly, all
20 those things are at risk in this chapter.

21 I've already submitted detailed
22 written comments in October and I'd be happy

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1 to discuss them in greater depth, but in the
2 short time allotted for oral testimony
3 tonight, I'd like to take a step back and
4 make a broader point.

5 You're being asked to do
6 something very irresponsible here. If a
7 developer came to you with a PUD and said we
8 want you to let us have another 40 feet in
9 height and as much FAR as we can afford,
10 you'd quite naturally ask, well, what exactly
11 do you want to build and where?

12 And if the answer was the project
13 will be somewhere downtown-ish and we'll
14 probably include some residential, you would
15 have no qualms about saying this project is
16 not ready for setdown.

17 Yet here you're being asked to
18 sign a whole book of such blank checks, to
19 significantly upzone large swaths of the most
20 valuable land in the city and to get nothing
21 in return.

22 You're being asked to loosen the

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1 restrictions on redevelopment of historic
2 properties without being given an inventory
3 of the parcels that are affected.

4 You're being asked to eliminate
5 parking requirements without any prior
6 analysis of the existing conditions of supply
7 and demand in various locations.

8 You're being asked to redefine
9 the boundaries of downtown from a compact and
10 cohesive area into a sprawling, skipping,
11 non-contiguous shape that looks like an
12 encyclopedia definition of gerrymandering.

13 In doing so, you're being asked
14 to replace the PUD process and limits on FAR
15 with a developer-controlled market for
16 density credits and to carve out additional
17 exceptions to inclusionary zoning
18 requirements.

19 And finally you're being asked to
20 lay the groundwork for even more upzoning if
21 and when the Height Act changes.

22 It's outrageous that OP asked you

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1 to do this, all without providing you the
2 information you would need to make
3 intelligent and well-informed decisions on
4 such issues, and it would be a dereliction of
5 duty for you to sign off on these regulations
6 based on what you have before you today.

7 These are changes that would be
8 extremely expensive to undo. Once additional
9 height and density are granted, commercial
10 property owners and developers will demand to
11 be compensated for its loss.

12 OP wants to build and populate a
13 host of new neighborhoods that lack the
14 basics, parks, schools, garages. Don't let
15 them upzone until they've solved that
16 problem.

17 And recognize that OP is not just
18 leaving a less than effective status quo in
19 place. They're exacerbating infrastructural
20 issues by sending people to areas that
21 already lack these facilities, by eliminating
22 requirements to provide new facilities and by

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1 taking away the city's leverage to extract
2 them.

3 We should build on what we've
4 done well. We want to replicate Penn
5 Quarter. This is a recipe for Rosslyn.

6 CHAIRMAN HOOD: Okay, thank you
7 very much. Next.

8 MS. GATES: Good evening, members
9 of the Zoning Commission. My name is Alma
10 Gates. You have my written submission but
11 tonight is a more personal statement on the
12 treatment of less fortunate in Washington,
13 D.C., and the relationship of PDR zones to
14 residential zones, Subtitle J.

15 My previous testimony on PDR
16 zones addressed sections of the Comprehensive
17 Plan that address the relationship between
18 the establishment of PDR zones and
19 environmental justice and parking within PDR
20 zones.

21 In terms of changes, it appears
22 the parking requirement is based now on the

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1 total GFA of structures on the lot. The
2 proposed requirement may not suffice to
3 accommodate off-street parking for both site-
4 related and employees' vehicles.

5 OP has not provided the basis for
6 its calculations for PDR parking or other
7 applications where GFA is used as the basis
8 for numbers of parking spaces.

9 Does the GFA-based parking
10 formula improve the impacts of parking
11 associated with PDR zones or will spillover
12 parking become an unintended consequence of
13 the zoning revision?

14 Ten years ago I was asked by the
15 Army Corps of Engineers to serve as a member
16 of the partnering team for the Spring Valley
17 formerly used defense site.

18 This area of the District, which
19 includes the campus of American University
20 and the surrounding Spring Valley
21 development, was used to develop and test
22 chemical warfare material during World War I.

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1 When recovered munitions and CWM
2 are destroyed periodically in a secured
3 containment structure on site, the distance
4 from the closest Spring Valley home is 750
5 feet.

6 Why does zoning permit less
7 exclusive residential zones in other parts of
8 the city to be located as close as 200 feet
9 to an open cement or asphalt plant on a full-
10 time basis?

11 That degree of separation is not
12 the length of a football field, making the
13 protection threshold three times less than
14 that provided for residents of Spring Valley.

15 Does the Zoning Commission
16 actually believe a 15-foot-wide evergreen
17 buffer or a 10-foot-tall fence, wall or other
18 type of screening will prevent particulate
19 matter and exhaust fumes from reaching beyond
20 a 200-foot radius?

21 How can these measures ensure
22 toxic airborne elements will not affect

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1 nearby residents and students? Has any air
2 monitoring been done where these production
3 sites are in operation to verify the distance
4 is sufficient? Is the cumulative effect of
5 pollutants on sensitive populations a
6 concern?

7 The Zoning Commission has the
8 authority to expand PDR boundaries to ensure
9 health, environmental and social justice
10 issues are avoided.

11 The Comprehensive Plan is
12 unequivocal in its guidance on achieving
13 environmental justice. It is about equal and
14 fair access to a healthy environment and
15 equal enforcement of environmental
16 regulation, regardless of community
17 characteristics.

18 Clearly some District
19 neighborhoods have been adversely impacted by
20 pollution-generating uses and activities in
21 the past. All residents should have a fair
22 and meaningful opportunity to participate in

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1 environmental decisions.

2 Recommendation, ensure the
3 proposed zoning regulations provide equal and
4 fair access to a healthy environment
5 regardless of community location.

6 One, expand the minimum distance
7 of separation between PDR and residential and
8 school zones by 1,000 feet.

9 Two, provide parking minimums for
10 PDR sites that accommodate off-site parking
11 for all vehicles related to each site, as
12 well as vehicles driven by employees related
13 to site operations.

14 And, three, avoid spillover
15 parking on nearby neighborhood streets.
16 Thank you.

17 CHAIRMAN HOOD: Thank you. Next.

18 MS. HARMON: Good evening. My
19 name is Florence Harmon. I'm chair of ANC
20 2A, which is in the Foggy Bottom/West End
21 area.

22 The most serious issue for the

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1 Foggy Bottom/West End ANC is the Office of
2 Planning's attempt to redefine large parts of
3 our neighborhood, including where long-term
4 and short-term residents reside, as being
5 part of the central employment area, which
6 indicates a downtown commercial area.

7 It is of concern that Office of
8 Planning has determined that the character of
9 West End is commercial in nature, thus
10 justifying the expansion of the central
11 employment area.

12 Numerous condominiums and
13 apartment buildings exist and more are
14 rapidly being built in this area. It is
15 important to contain the boundaries of the
16 central employment area, not expand the use
17 of TDRs into residential neighborhoods as the
18 West End.

19 I have sort of a personal
20 experience with this. The way I got involved
21 with the ANC is I had never heard of an ANC,
22 I had never heard of a TDR, until I met John

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1 Epting and David Avitabile who informed me
2 that the office building right next to my
3 roof deck was going three stories up, 130.
4 It was on K Street.

5 So I enjoyed meeting Steve Gell
6 who did a great job of representing me. And
7 Mr. Epting and Mr. Avitabile had asked for a
8 variance from the setback, the residential
9 setback, so it would go -- I'd be in a wind
10 tunnel.

11 And we went before the BZA and it
12 was a very interesting process, and then Mr.
13 Epting and Mr. Avitabile came up with a very
14 interesting legal theory that our building
15 and the building next door were really, in
16 fact, one building.

17 So I had to take off time from
18 work to stare down a shaft to see if there
19 was a connection, and we were very fortunate.

20 The zoning administrator agreed with us.
21 There was not a connection.

22 So the case ended up settling

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1 when Ruthanne Miller said to Mr. Epting,
2 well, if you, in fact, are one building,
3 don't these people get some say in what you
4 do? And the case then settled and I'm under
5 a confidentiality agreement so I cannot
6 discuss it.

7 But this is something that when I
8 looked at the map of what they're doing with
9 downtown, there are apartment buildings and
10 some very expensive condos that are right in
11 West End.

12 And this area is being expanded
13 right next to them and so that's going to
14 generate a lot of, you know, disagreements, I
15 think, on going forward.

16 So we'd ask, you know, to look at
17 this area and keep in mind that there are
18 residences, you know, that will be affected
19 by this. Thank you very much.

20 CHAIRMAN HOOD: Thank you. Next.

21 MR. WEIDMAN: Good evening. My
22 name is -- got it. Good evening. My name's

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1 Jonathan Weidman. Thank you for hearing my
2 testimony on this important topic.

3 I'm here to express my support
4 for the proposed update to the D.C. zoning
5 code for the removal of parking minimums in
6 downtown D.C.

7 I urge the Zoning Commission to
8 revise D.C.'s 1950s-era zoning regulations to
9 continue transforming downtown into a more
10 vibrant, walkable and inclusive place.

11 By reducing parking minimums in
12 downtown D.C., we can make the area a more
13 accessible and economically feasible place to
14 live.

15 If D.C. is going to attract even
16 a fraction of the other 70 percent of people
17 who are employed here but who don't live
18 here, we have to make quality of life and
19 reasonable housing costs a priority.

20 It's important for me to testify
21 tonight because I live in D.C. without a car
22 and I intentionally moved here because I knew

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1 I could live here without a car, and nearly
2 40 percent of D.C. residents are with me and
3 they do not own cars.

4 I recently sold my car, which
5 helped me save enough money to put in a down
6 payment on a primary residence which also has
7 a rental unit and, as a young person, that's
8 very important to me.

9 My primary mode of transportation
10 is my bicycle. I shop, commute, volunteer,
11 socialize, pretty much do everything by
12 bicycle.

13 D.C. has incredible bicycle
14 infrastructure and it is one of the primary
15 reasons I chose to move here, and I'm very
16 proud to live in a city with great streets,
17 Metro, bus, Circulator, Bikeshare and future
18 streetcar service.

19 The parking minimums for downtown
20 D.C. do not benefit the modern, dynamic area
21 that downtown represents. The current zoning
22 code is based on outdated concepts of what a

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1 city is and how it should grow. We need to
2 modernize downtown D.C.'s zoning code to
3 better accommodate the needs of current and
4 future D.C. residents.

5 The affordability of housing in
6 the D.C. region is the city's largest
7 economic and social justice challenge.

8 D.C. has incredible
9 infrastructure that allows people to live
10 better, more environmentally sensitive
11 lifestyles by not driving.

12 And removing parking requirements
13 in the downtown area will help increase the
14 use of transit, walking and biking by not
15 mandating more parking than is actually
16 required by new residents and businesses.

17 It'll also increase affordable
18 housing options for more people by making
19 buildings less expensive to build and
20 operate. Parking costs are enormous and we
21 don't actually realize them a lot of times.
22 One space in a parking deck can cost between

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1 \$20,000 and \$40,000, which automatically gets
2 added to the cost of buying.

3 In order to maintain D.C.'s
4 outstanding cultural, racial and economic
5 diversity, we cannot continue adding
6 unnecessary and unreasonable costs for
7 parking. It's in all our best interests to
8 reduce parking minimums if they're not
9 required.

10 Downtown is especially congested
11 and we should not mandate that space be used
12 for parking when so many other options exist.

13 Thank you for your time and your
14 service on the Zoning Commission.

15 CHAIRMAN HOOD: Thank you. Next.

16 MS. SHIKER: Good evening. My
17 name is Christine Shiker with the law firm of
18 Holland & Knight, and I am testifying tonight
19 on Subtitle I on behalf of the D.C. Building
20 Industry Association, DCBIA.

21 DCBIA appreciates the Office of
22 Planning's work on the new zoning regulations

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1 in general and specifically on Subtitle I
2 with respect to the downtown zone.

3 DCBIA generally supports the
4 expansion of the proposed downtown zone and
5 the benefits that it affords the properties
6 within this area.

7 DCBIA specifically supports the
8 following concepts. Maintaining or expanding
9 height and density rights for all properties
10 within the expanded downtown area, allowing
11 maximum height for properties in many of the
12 zones to be that which is permitted by the
13 1910 Height Act, providing no limit on the
14 maximum FAR within many zones if the FAR is
15 residential or acquired through density
16 credits, eliminating the parking minimums in
17 the downtown area and maintaining or
18 expanding the ability to generate and use the
19 density credits.

20 DCBIA submitted a letter in
21 October requesting further consideration on
22 several aspects of the downtown. The Office

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1 of Planning has continued to work with the
2 development community and has addressed
3 several of those in the errata and we
4 appreciate their work with us to look at
5 these different issues.

6 There are a few additional issues
7 we'd ask the Commission to consider as it
8 looks at the downtown zone.

9 The first is eliminating the
10 limitation on height on the portion of a site
11 occupied by a historic landmark or a
12 contributing building within an historic
13 district in at least the D-4 and the D-5
14 zones.

15 While OP suggests in its report
16 that the height limitation only applies to
17 the footprint of the building, this
18 limitation could reduce the development
19 entitlement for several squares by up to 20
20 feet in height which is what's permitted
21 today and what would be permitted there, and
22 it's in conflict with OP's statement that

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1 they're not trying to reduce any entitlements
2 for some properties.

3 We would ask also that they
4 clarify the amount of required retail use
5 when you're looking at the building frontage
6 versus the entirety of the building for those
7 lots fronting on preferred streets and this
8 is to better accommodate multiphase or larger
9 projects that have multiple frontages.

10 This is especially problematic
11 along 1st Street, Northeast, in the NoMa area
12 and we continue to work with Office of
13 Planning to try to create a more appropriate
14 metric for determining that retail
15 requirement.

16 We would also ask that there be a
17 relaxation of the dimensional and access
18 standards for parking that is provided in the
19 downtown.

20 We'd ask that there be an
21 elimination of the required access from an
22 alley, a 15-foot alley, if it exists to give

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1 better flexibility for design and access to
2 projects within the downtown.

3 Echoing Mr. Hughes's comments,
4 we'd ask that you further study the weight
5 and value of the existing TDRs and CLDs as
6 they are converted to credits and that you
7 clarify the relationship of a permanently
8 vested right to these density credits,
9 especially with the concept of expiration.

10 And finally we would ask that you
11 consider streamlining the certification
12 process for credits, especially with the
13 conversion of existing TDRs and CLDs.

14 DCBIA appreciates the
15 Commission's consideration of these comments
16 and I'm happy to answer questions. Thank
17 you.

18 CHAIRMAN HOOD: Thank you. Next.

19 MR. KATZEN: Good evening. My
20 name is Brook Katzen and I'm here tonight
21 representing the JBG Companies and testifying
22 on Subtitle I, the downtown zone.

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1 JBG is the owner of several
2 properties in NoMa, particularly in Squares
3 671 and 672 which are bounded by New York
4 Avenue to the north, North Capitol Street to
5 the west, 1st Street to the east and
6 Patterson Street to the south. So this is in
7 NoMa and we're currently working through a
8 master plan for these properties to be
9 developed.

10 We appreciate the changes that
11 have been proposed for the downtown zone,
12 including the height and density proposed for
13 this area, and we appreciate OP working with
14 our team to review the impact of the new
15 regulations on development planning process
16 for these areas.

17 And we are in support of retail
18 on 1st Street. We think it's appropriate and
19 important to activate that street and it's
20 unfortunate that a lot of the development
21 that has taken place on 1st Street to date
22 has not included more retail.

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1 However, we want to bring forward
2 a few concerns and recommendations to the
3 Commission, particularly on the FAR
4 requirement.

5 NoMa contains a lot of very large
6 squares between North Capitol Street and 1st
7 Street, about 800 feet in width, and while
8 they front on 1st Street, they extend very
9 far away from 1st Street.

10 An example I'd like to use is a
11 property that JBG owns within Square 672 that
12 has 125 feet of frontage on 1st Street but
13 extends 600 feet away from 1st Street down N
14 Street, so it's a 92,000 square foot lot that
15 has a very small amount of frontage on 1st
16 Street.

17 If we were to provide retail at
18 100 percent of the frontage on 1st Street to
19 a depth of 36 feet, that would result in
20 4,500 square feet of retail, which we think
21 is appropriate.

22 However, the additional burden of

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1 the FAR requirement in the proposed
2 regulations would require us to provide
3 46,000 square feet of retail in this lot
4 compared to the 4,500, including retail
5 extending more than 300 feet away from 1st
6 Street, which I don't think is the intent of
7 this proposed regulation.

8 Like I said, we support putting
9 retail on 1st Street but feel that retail
10 down the side streets hundreds of feet away
11 from 1st Street should be more market driven
12 and may not be feasible.

13 To more accurately further the
14 goal of providing retail uses on 1st Street,
15 we propose changing the regulation as it's
16 written to apply the 0.5 FAR requirement only
17 to a portion of the lot within 72 feet of 1st
18 Street, which I think would further the goal
19 of providing retail on 1st Street without
20 placing the burden on developers to provide
21 retail farther away from 1st Street.

22 The 72-foot dimension is not

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1 arbitrary. It's consistent with the 36-foot
2 depth that's part of the design requirements
3 in the proposed regulations.

4 So if we were to calculate the
5 0.5 FAR on the portion of the lot within 72
6 feet of 1st Street and then apply the 0.5
7 FAR, you end up providing, you know, at least
8 an amount equal to 100 percent of your
9 frontage on 1st Street at a depth of 36 feet
10 and retail farther down the side streets
11 could be driven by market demand.

12 One of the goals of the NoMa
13 Vision Plan is to provide open spaces, plazas
14 and pedestrian walkways on private property,
15 which we think is an important goal.

16 The FAR requirement for retail in
17 the proposed regulations would make it more
18 difficult to achieve this goal by requiring
19 more of the ground floor of the lot area to
20 be taken up with retail and, after taking
21 into account pedestrian entrances and lobbies
22 and vehicular entrances and loading and

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1 service and fire control rooms and then
2 having to provide 0.5 FAR of retail on the
3 lot, does not leave a lot of area left for
4 open plazas and pedestrian cut-throughs,
5 which are particularly important in this part
6 of NoMa with these large blocks.

7 Finally, with respect to vesting
8 and grandfathering, we ask the Commission to
9 consider the vesting and grandfathering
10 provisions that should be incorporated in
11 these regulations.

12 As stated, JBG is currently fully
13 in the process of preparing a master plan and
14 designing portions of this development and
15 we'd like to see provisions incorporated into
16 the regulations to vest those projects that
17 are in the advanced stages of design.

18 In addition, we'd like to see
19 language addressing how the regulations will
20 be applied if only a portion of a multi-phase
21 development is vested and the remaining
22 portions are to be developed under the new

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1 regulations.

2 I appreciate your consideration
3 of these comments.

4 CHAIRMAN HOOD: Thank you. Next.

5 MS. JONES: Good evening. My
6 name is Judi Jones and I'm here on behalf of
7 ANC 4B07 and the Lamond Community Development
8 Corporation board member.

9 And I want to thank the Office of
10 Planning and this Zoning Commission for
11 hearing me the other night about industrial
12 zones and making stronger buffers. Please
13 hold on to that.

14 But I also have some concerns
15 because the zoning rewrite is a fluid
16 document and, you know, we don't know what
17 the last word will be and so I appreciate you
18 hearing that, but I'm also concerned about it
19 being a fluid document.

20 I'm here tonight to testify on
21 Subtitle J and I've been here several times
22 to talk about industrial zones. That's my

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1 IZ.

2 Repair, it's changed to PDR and
3 repair is inclusive as an industrial use. I
4 don't know why it had to be part of the title
5 of that, but it's an industrial use as a
6 matter of right so I'm not sure why you
7 separated out its use and its definition. It
8 sounds like a protectionist maneuver to me.
9 That's my concern.

10 And the zoning rewrite changes
11 for residential, commercial and mixed-use
12 zones thoughtfully addressed environmental
13 reasons for changes in parking and car usage.

14 Why didn't all governmental
15 entities call for much more major
16 environmental changes for those few
17 industrial zones than adding repair as a use?

18 Changes to those industrial areas
19 would have been more effective in reducing
20 the negative environmental footprint than
21 adding repair to the industrial zoning use
22 and definition.

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1 Those few industrial zones in
2 Washington negatively affect the environment
3 more than the total of private cars in the
4 metropolitan area combined, yet industrial
5 zones are never addressed in the zoning
6 rewrite and their environmental impact except
7 to add repair to the use and definition of
8 industrial zone.

9 So I ask the Zoning Commission to
10 please consider saturation of repair
11 businesses and all other negative
12 environmental-impacting industries that
13 border residential areas should be limited to
14 reduce the density of that business in the
15 industrial zone and its environmental impact
16 in the residential area.

17 Please consider that the zoning
18 rewrite will hold residents to a higher
19 standard that never affects industrial
20 businesses and thereby negating the new
21 zoning rewrite efforts to become more
22 environmental.

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1 And I hope that you will push the
2 green area ratio to be higher in the
3 industrial zones than in residential zones.

4 Please consider addressing the
5 negative environmental impact of industrial
6 zones and its effects on residents and
7 businesses, and I mean study it as a matter
8 of quality-of-life issues.

9 And, lastly, please consider
10 seeking out those residents around those few
11 industrial zones to address and re-address
12 issues impacting their quality of life.

13 And industrial zones should not
14 be a council member's personal land grab.
15 All tax-paying residents deserve the same
16 consideration as parking and transit zones.
17 Thank you.

18 CHAIRMAN HOOD: Thank you.
19 Commissioners, any questions of this panel?
20 Any questions? Commissioner Miller.

21 COMMISSIONER MILLER: I think
22 that's the first time you've called on me

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1 first, Mr. Chairman. I appreciate that.

2 CHAIRMAN HOOD: Maybe the only
3 one. Typically the Vice Chair runs the show.
4 She tells me who to call on first.

5 VICE CHAIR COHEN: Yes, you were
6 called first before.

7 COMMISSIONER MILLER: Was I?

8 CHAIRMAN HOOD: Oh, okay. She
9 keeps a record of that.

10 COMMISSIONER MILLER: I didn't
11 recall that. Maybe I just didn't speak first
12 even though I was called. Well, I appreciate
13 all of your testimony. Very thoughtful.

14 The Office of Planning will be
15 preparing responses to everybody's
16 recommendations but we will be specifically
17 asking them tonight when we get to it about
18 some of your recommendations.

19 Ms. Gates, I share some of the
20 concerns about the buffer between the
21 industrial and the residential, so we'll be
22 asking about that.

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1 And I also share some of the
2 concern you have about the parking being
3 based on square footage versus employees and
4 staff. It's a similar concern that you had
5 and I somewhat share about the private school
6 campuses, so we'll be exploring that as we go
7 forward.

8 Mr. Collins, we'll be asking
9 about some of your suggestions on the
10 industrial zones, but you're recommending
11 that the uses that were permitted without
12 conditions should be able to use the full
13 FAR. The whole point of the limitation was
14 to reserve more of the FAR for the PDR-type
15 uses, for the industrial uses.

16 I think you made a good point
17 about the co-location, but it would seem to
18 me that if we went with that suggestion about
19 allowing the matter-of-right uses that are
20 less objectionable, those aren't the
21 traditional industrial uses and we might lose
22 all of our industrially zoned land that we

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1 need to have for the industrial uses.

2 So I think that's why that
3 limitation is there, but I think we can
4 probably work with some of the other
5 suggestions to try to address that concern.

6 MR. COLLINS: Thank you.

7 COMMISSIONER MILLER: Mr. Katzen,
8 I think you raised a good point about the 1st
9 Street and we'll be asking about that issue
10 and why it's been proposed the way it's been
11 proposed.

12 I think that's all I have, Mr.
13 Chairman. Thank you.

14 CHAIRMAN HOOD: Thank you. Any
15 other questions? Okay.

16 VICE CHAIR COHEN: I do.

17 CHAIRMAN HOOD: Okay, Vice Chair.

18 VICE CHAIR COHEN: Thank you, Mr.
19 Chairman. Ms. Harmon, again, I do not live
20 in the West End but I used to work there and
21 I believe that our extension is an area of
22 very, you know, mixed offices, mixed

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1 residential.

2 Has anybody taken actually an
3 inventory, because I think that there is just
4 a lot of, you know, there's hotels. No?

5 MS. HARMON: You've got an
6 apartment building right next to it. You've
7 got 22 West over here. If the Renaissance
8 was to go up, you know, it would cast shadows
9 on that.

10 But I know right here on L Street
11 there's an apartment building right there and
12 you've got some condos along New Hampshire,
13 this area.

14 It looks like one side of that
15 square is now part of the downtown area and
16 those condos right there on the same square,
17 which was my exact situation.

18 I'm on a square that's half
19 residential and half commercial and, you
20 know, to wake up one day and be told that
21 they're going up to 130 feet right next to
22 you after you've put your life savings into

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1 your condominium, you know, and they had to
2 set back at the end of the day but it was
3 very expensive and very time consuming.

4 VICE CHAIR COHEN: No, I
5 understand that. I think what I'm stating is
6 that right now it is almost like, it has more
7 residential than most of downtown but it also
8 has office and a lot of commercial.

9 So what I'm going to do is take a
10 closer look at or ask the Office of Planning
11 to take a closer look at the map and map it
12 out for us so we can get our arms around the
13 issue better.

14 MS. HARMON: Yes, I mean, it's
15 like I live on 22nd Street between K and L
16 and, you know, so there's the K Street
17 commercial side right next to my building and
18 you've got a couple of those other
19 situations.

20 And, you know, people have paid a
21 lot of money, invested their life savings in
22 their residence and there is a setback

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1 requirement. I hope it's still in here
2 somewhere.

3 But even so, it really does
4 change, you know, what you think you're
5 living in and I think it's that one area, you
6 know, sort of going into 22nd and then going
7 up into, it looks like --

8 VICE CHAIR COHEN: No, as I said,
9 I walked from Dupont Circle neighborhood East
10 all the way to West End every day and walked
11 around at lunch so I'm kind of familiar with
12 it as I said. Obviously I don't know it to
13 the extent you do, so I'm going to ask for
14 more information from OP. Thank you.

15 MS. HARMON: Okay, thank you.

16 CHAIRMAN HOOD: Okay. Any other
17 questions? I also want to associate myself
18 with Commissioner Miller. Ms. Gates, I think
19 you bring three good recommendations.

20 But I remember some time back in
21 industrial zones we looked at 1,000 feet. I
22 had to remember what they said then. We went

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1 from 1,000, and I'm talking about solid waste
2 facilities at the time, we had 1,000 feet on
3 line, we had 500 feet, we had 300 feet. I
4 think the Council wanted 200 feet but the
5 Council couldn't legislate zoning.

6 I remember all those numbers so I
7 appreciate you coming back to 1,000 feet and
8 maybe we'll discover that some more with the
9 Office of Planning. You make three good
10 recommendations.

11 Ms. Jones, let me ask this
12 question. When you say reduce some of the
13 uses in the PDR zone, you mention repair. So
14 you're talking about maybe automobile repair
15 shops, is that -- let me ask you this
16 question. I'm talking this out as I was
17 thinking about your testimony. Are you
18 looking at saying, like we do in some of the
19 areas, that can't be so many within so many
20 feet? Is that kind of the line you're going
21 down or --

22 MS. JONES: Right. In industrial

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1 zone in my Single Member District, we have
2 six schools, charter and private schools, and
3 we have six repair shops in a two-block area
4 and the rest of the industrial zone is unique
5 businesses. There's one of a kind of each of
6 those.

7 So we are saturated with repair
8 shops and there doesn't seem to be any remedy
9 in place. I haven't heard of one. Maybe
10 there is and I just don't know but there
11 doesn't seem to be any remedy.

12 They move in as a matter of
13 right and their impact on the community is
14 large. We are one of the largest pollutants
15 of the Anacostia waterway and it's because of
16 the industrial zone that we have.

17 CHAIRMAN HOOD: Okay. Is it like
18 C-M-1, C-M-2?

19 MS. JONES: It's C-M-1 currently.

20 CHAIRMAN HOOD: C-M-1?

21 MS. JONES: It will be P-1, I
22 believe, in the new zoning reg.

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1 CHAIRMAN HOOD: You don't have
2 any C-M-3 in your area?

3 MS. JONES: No. No, we did have
4 a recycling place but it closed.

5 CHAIRMAN HOOD: Okay. I didn't
6 know exactly. I didn't know that closed.
7 Okay. All right, let me see. Okay, I made a
8 few notes. I think we had some good
9 testimony. I appreciate everyone's
10 testimony. And actually, Ms. -- how do you
11 pronounce your name.

12 (Off microphone discussion)

13 CHAIRMAN HOOD: Hemberger. I
14 actually was going to ask the Office of
15 Planning to respond to your whole letter.

16 (Off microphone discussion)

17 CHAIRMAN HOOD: No, the one that
18 I looked at tonight. Yes, okay. That's my
19 request. You want to turn on your
20 microphone. No, I got it. It's in the
21 letter. I got it.

22 MS. HEMBERGER: No, this was just

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1 a separate point. It was really striking for
2 me. As I looked at some of these
3 recommendations, I would look at how other
4 districts handled it and the kind of
5 information other planning offices would
6 produce on the same issue and it's just no
7 comparison.

8 I mean if you look at what New
9 York City and Portland does on parking
10 minimums, for example, or Toronto on church
11 parking, you'll see a huge difference.
12 Montgomery County on ADUs, also Portland and
13 Seattle on ADUs.

14 You're not getting the level of
15 professional support that big-city planning
16 offices typically provide to Zoning
17 Commissions.

18 CHAIRMAN HOOD: Okay, all right.

19 Thank you. Thank you all very much. Your
20 testimony was very helpful.

21 COMMISSIONER TURNBULL: Mr.
22 Chair, I wonder if I might just continue on

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1 one of your questions on the environmental
2 impact on the industrial uses.

3 I mean although OP in the report
4 talks about referencing DOE and citing that
5 and not being in conflict with what those
6 regulations are, I don't think what we've
7 really heard is are these sites going to be
8 non-conforming or non-compliant with those
9 regulations?

10 In other words, has DOE given
11 advice to OP that these setbacks even make
12 sense? In other words, even with these
13 setbacks, are you going to have sites that
14 are just, well, you're going to have a
15 problem no matter what?

16 So I think that's the kind of
17 input that I think we're going to need too
18 and we've talked about this previously on the
19 hearing on this but I don't know if we got a
20 lot of input and I don't know what you do
21 with some of these sites if there is a
22 problem.

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1 I mean some of it's not a zoning
2 issue. It's just the impact of the site
3 itself and what's there. So I don't know how
4 you create that balance.

5 CHAIRMAN HOOD: And that was one
6 of my questions for Office of Planning. On
7 the books is, and I don't know which title
8 it's in, it's called external effects.

9 Years ago, when I first got here,
10 I was told that the city didn't do that but
11 it's on the books so then that becomes a
12 zoning issue. But that's a whole issue that
13 I want to go over with the Office --

14 COMMISSIONER TURNBULL: We can go
15 over that with OP.

16 CHAIRMAN HOOD: Yes. I think if
17 we enforced the external effects, that would
18 help alleviate some of the stuff that we do
19 in zoning, at least that's the way I see it.

20 COMMISSIONER TURNBULL: I guess
21 one of the questions that Ms. Gates is
22 raising, does it go far enough? Is it really

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1 doing anything or --

2 CHAIRMAN HOOD: On the books and
3 enforcing it, to me, are two different
4 things.

5 COMMISSIONER TURNBULL: Right.

6 MS. JONES: I just wanted to add
7 to that. At a saturation point, it shouldn't
8 be a matter of right anymore. It should be a
9 special exception. That's my point. Thank
10 you.

11 CHAIRMAN HOOD: I do have a note
12 by your name says over-saturation, okay?

13 MS. JONES: Thank you.

14 CHAIRMAN HOOD: All right. Okay,
15 thank you all very much. This has been very
16 helpful.

17 Okay, Ramsey Meiser, Lyle
18 Blanchard, Barbara Kahlow, Allen Greenberg,
19 David Edmondson, Norman Glasgow, Holly
20 Muhammad. Is Holly Muhammad here?

21 (No response)

22 CHAIRMAN HOOD: Okay. I don't

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1 see eight. Yes, I see, but I don't see eight
2 people. Brenda Platt. See if I can get Mr.
3 Schulman. I think I can. You know I know
4 who you are. I'm just trying to see if I
5 have a seat at the table. Yes, John
6 Schulman. Jim, I'm sorry. I don't know
7 where I got John from, Jim. And I even know
8 him so, okay, I think we've got one more
9 seat. No, we don't. We don't have one more
10 seat. We do have one more seat. No, we
11 don't have one more seat. Maybe I'll just
12 turn my microphone off.

13 COMMISSIONER MAY: I'm telling
14 you we need the music.

15 CHAIRMAN HOOD: We're going to
16 start to my left, your right. Mr. Meiser.

17 MR. MEISER: Good evening,
18 Chairman Hood and members of the Commission.

19 My name is Ramsey Meiser. I'm senior vice
20 president, development, with Forest City
21 Washington.

22 I'm accompanied by Lyle

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1 Blanchard, Esquire, partner with the law firm
2 of Greenstein, DeLorme and Luchs.

3 We appear before you tonight for
4 three purposes, to express our strong support
5 for the zoning text amendments regarding
6 proposed Subtitle G and Subtitle K in Zoning
7 Commission Case Number 08-06A, for ease of
8 reference the specific proposed amendments
9 referenced above shall be referred to in our
10 testimony as the proposed SEFC text
11 amendments, to suggest several technical
12 corrections and minor revisions and to
13 request that one of the specific amendments
14 that pertains to the proposed use group of
15 Animal Care and Boarding be adopted as a
16 separate text amendment on an emergency or
17 expedited basis.

18 As the Commission is aware from
19 our prior appearances, Forest City was
20 selected by the GSA to develop the 42-acre
21 riverfront property now known as The Yards.

22 The site includes five

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1 historically protected buildings, three of
2 which have been restored and redeveloped, a
3 five-acre waterfront park and a parcel on
4 which a new mixed-use building of 320,000
5 square feet is currently under construction.

6 This new building identified as
7 1212 will contain 90,000 square feet of
8 retail and service uses including a Harris
9 Teeter grocery store and 218 residential
10 units.

11 Upon completion, The Yards will
12 contain approximately 5.5 million square
13 feet, including over 2,800 residential units,
14 1.8 million square feet of office space and
15 up to 400,000 square feet of retail and
16 cultural amenities.

17 We enthusiastically support the
18 proposed SEFC text amendments. These text
19 amendments will, upon their adoption, combine
20 the underlying zoning requirements from the
21 CR, R-5-E, R-5-D and W zones, or the SEFC
22 Overlay District, into a single,

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1 comprehensive and more usable text or zoning
2 regulations that apply to the entirety of The
3 Yards site, substitute use groups for the
4 current laundry list of specific uses,
5 incorporate the concepts of uses permitted by
6 right, uses with conditions and uses as
7 special exceptions and modernize
8 nomenclature.

9 We commend the Office of Planning
10 and the Zoning Commission for taking the
11 initiative and undertaking the hard work,
12 time and energy necessary to modernize,
13 simplify and refine these zoning regulations.

14 Based on our actual on-the-ground
15 experience with the application of the
16 current underlying zoning regulations, the
17 SEFC Overlay to the development of The Yards,
18 we have begun the process of drafting
19 technical corrections and minor revisions to
20 such proposed amendments.

21 The revisions will eliminate
22 conflicting provisions, correct several

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1 errors, restore several provisions that were
2 inadvertently omitted and make other
3 technical revisions.

4 In addition, we will recommend
5 several minor substantive revisions that will
6 modernize and simplify the zoning regulations
7 that are applicable to The Yards.

8 We anticipate being able to
9 submit these corrections and revisions within
10 the next ten days and we will, of course,
11 work closely with the Office of Planning to
12 resolve any issues that might develop.

13 I'm going to hand off to Lyle
14 Blanchard now for the remainder of our
15 presentation.

16 MR. BLANCHARD: Good evening, Mr.
17 Hood. I'm just going to briefly -- oh,
18 sorry. Members of the Commission, the issue
19 that our client has, that Forest City has, is
20 that it's got a lot of residents who own pets
21 and they need to have something that's not
22 currently allowed in CR, which is a

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1 veterinary hospital.

2 And so a veterinary hospital
3 should be permitted in the SEFC zone as a
4 matter-of-right, preferred use in the Animal
5 Care, Sales and Boarding use group upon the
6 adoption of the proposed text amendments.

7 These amendments are set forth in
8 the pending rulemaking proceeding as
9 identified in the Zoning Regulations Review,
10 or ZRR.

11 Unfortunately the comprehensive
12 text revisions are not anticipated to be
13 effective in time for a veterinary hospital
14 to be open for business in the spring of
15 2014.

16 Our client has a lease. It has a
17 tenant that would very much like to go into
18 the property but the CR, we realize, doesn't
19 allow it and so that's why we're asking for a
20 text amendment in the midst of all of this.

21 This particular building, the
22 1212 building which faces M, 4th and Tingey

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1 Streets, was reviewed and approved by the
2 Zoning Commission Order Number 10-24, will
3 contain a Harris Teeter grocery store, a
4 three-level VIDA Fitness facility, several
5 eating establishments, 218 residential units
6 and so that's just going to be another
7 component of the other residential buildings
8 that are there.

9 And there's been a survey in the
10 community that says 40 percent of people in
11 the neighborhood have pets, so it would be
12 great to have a place that treats them in the
13 neighborhood and that's allowed by zoning.

14 In conjunction with efforts to
15 lease the 90,000 square feet of retail and
16 service space, we have negotiated with a
17 veterinary hospital to take out 3,250 square
18 feet and there's a floor plan attached to our
19 testimony that shows that.

20 And this would accommodate a
21 valuable service to nearby residents, so we
22 request that the Zoning Commission consider

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1 authorizing a veterinary hospital to be
2 permitted as a matter-of-right use.

3 And I'm going to end there, but
4 you have it in our testimony.

5 CHAIRMAN HOOD: Okay. Thank you
6 very much. Next.

7 MS. KAHLOW: I, Barbara Kahlow,
8 live at 800 25th Street, Northwest. I am
9 testifying on Subtitle I tonight on behalf of
10 the West End Citizens Association, the oldest
11 citizens organization in Foggy Bottom/West
12 End, area of Ward 2.

13 The WCA is primarily interested
14 in maintaining and improving the quality of
15 life for the existing residential community
16 in Foggy Bottom/West End.

17 Before the October 28th deadline
18 for written testimony, the WCA submitted
19 detailed written comments.

20 On November 4th, I testified at
21 the first zoning hearing. During that night,
22 the Commission asked for further information

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1 about our concerns related to the Office of
2 Planning's attempts to redefine large parts
3 of our neighborhood, including where long-
4 term and short-term residences reside, as
5 being part of downtown. I decided to return
6 tonight to further address these concerns.

7 In my November 4th oral
8 testimony, I asked the Commission to compare
9 three things, one, the statutory boundaries
10 of the central employment area and our
11 neighborhood, two, the map of the CEA in the
12 2006 Comprehensive Plan which shows these
13 boundaries and, three, two ZRR maps and I'll
14 be going through that today and elaborate on
15 it.

16 First, expansion of the central
17 employment area. As the WCA stated in
18 writing and orally, the WCA repeatedly and
19 successfully fought to contain the boundaries
20 of the central employment area in our
21 neighborhood and contends that a change in
22 law is required before OP's redefinition,

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1 including its expanded TDRs, receiving zones,
2 can be legally included in ZRR.

3 Here are some facts relating to
4 the proposed expansion. First, in our
5 written testimony we included the statutory
6 boundaries and they're cited herein.

7 Second, in our written testimony
8 we explained that we had successfully fought
9 the boundary exclusions from the CEA as
10 reflected in 1994 and 1999 Comprehensive Plan
11 amendments to ensure that environmental
12 impact statements would be required and I
13 gave the different sites that we were
14 concerned about.

15 Third, OP's proposal effectively
16 expands the statutory boundaries for the CEA
17 into the West End, in some squares from west
18 of 21st Street to 22nd Street and from north
19 of Pennsylvania to M Street without an
20 accompanying statutory amendment to expand
21 the downtown.

22 Your first attachment's

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1 Attachment A, the 2006 Comprehensive Plan map
2 for the CEA which corresponds with the
3 statutory language. Attachment B is a
4 marked-up copy of the ZRR Subtitle I Figure 4
5 which shows the proposed expansion in the
6 area they call downtown zoning.

7 And you'll see on the far left in
8 the word expansion the actual area that
9 Florence Harmon was talking about, most of
10 which is residential or hotels, not
11 commercial.

12 During the November 4th Q&A with
13 you and OP, the Commission and OP, OP
14 referred to the term central. In fact,
15 central area is defined in law and I have
16 given you the definition of it and it does
17 not mention Foggy Bottom/West End whatsoever.

18 The District of Columbia's
19 Comprehensive Plan Generalized Policy Map
20 shows the proposed expansion area in the West
21 End north of Pennsylvania as a Neighborhood
22 Enhancement Area. The map shows the area

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1 south of Pennsylvania Avenue as institutional
2 uses. There is no mention of commercial
3 whatsoever in either area in the Generalized
4 Policy Map.

5 In the FLUM, Future Land Use Map,
6 the expansion area in the West End is
7 moderate-density residential and high-density
8 residential or a mixture of both.

9 The FLUM shows the expansion area
10 in Foggy Bottom south of Pennsylvania as
11 institutional. Again, there is no mention of
12 high-density commercial in either of the
13 expansion areas.

14 We request that the Zoning
15 Commission not expand the CEA or the central
16 area or downtown into more areas of Foggy
17 Bottom/West End, especially in squares which
18 include current residences.

19 Now, in terms of expanding TDRs
20 in Foggy Bottom/West End, as stated in our
21 written submission, the current zoning rules
22 allow increased density and height even for

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1 PUDs in 12 squares.

2 OP proposed to extend that in
3 Foggy Bottom south of Pennsylvania and you
4 can see the next map, again to the far left
5 in the word expansion, you can see a huge
6 area that they want to expand into TDR
7 Receiving Zone.

8 OP captions the three new areas
9 in three different, very complicated
10 categories, two of which allow 130 feet in
11 height which would change the character of
12 these neighborhoods. You can see the markup.

13 We ask that you not extend the TDRs into
14 more of Foggy Bottom/West End.

15 So the bottom line here is don't
16 allow the expansions either north of
17 Pennsylvania Avenue, south of Pennsylvania.
18 It's not allowed under the law, Comprehensive
19 Plan or anything else and there's no
20 justification. It would destroy our quality
21 of life. Thank you.

22 CHAIRMAN HOOD: Thank you. Next.

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1 MR. GREENBERG: Hello again.
2 Allen Greenberg, a resident of Ward 2. As I
3 testified before you two days ago, I am here
4 to urge the Zoning Commission to help bring
5 balance to the transportation system in
6 Washington metropolitan area through policies
7 that prioritize transit, bicycling, walking,
8 over single-occupancy vehicle travel.

9 Specifically in the downtown it's
10 essential that single-occupancy vehicle
11 travel is discouraged to avoid the gridlock
12 that we're already seeing and to better
13 accommodate transit and non-motorized
14 commuters.

15 Put simply, downtown D.C. has
16 plenty of space on its sidewalks and in its
17 buildings to accommodate more people but very
18 little space on its roadways to accommodate
19 more cars.

20 Given today's high levels of
21 downtown congestion and the impacts of
22 parking requirements on auto ownership and

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1 use, the first necessary step for D.C.'s
2 zoning code should be to follow the pearl of
3 wisdom if you find yourself in a hole, stop
4 digging.

5 Recommendations, I commend the
6 Office of Planning for proposing elimination
7 of minimum parking requirements in Downtown
8 Core and urge the Zoning Commission to enact
9 this.

10 As I testified two nights ago,
11 providing more parking than market conditions
12 warrant, which is the only purpose of minimum
13 parking requirements, causes office, retail
14 and housing developments to be less compact
15 and transit accessible and significantly more
16 expensive than they otherwise would be.

17 Requiring a development to be
18 oriented to accommodate automobile parking
19 presents hazards to pedestrians, bicycles and
20 delays bus commuters trying to get to and
21 from work who are disproportionately lower-
22 wage D.C. residents in traffic queues caused

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1 primarily by wealthier suburban single-
2 occupancy vehicle commuters.

3 In its September 16, 2010,
4 testimony to the Zoning Commission, the
5 District Department of Transportation
6 proposed parking maximums that reflect the
7 carrying capacity of the street network and
8 the effects of additional allowable and
9 projected development on reaching or
10 exceeding the capacity.

11 DDOT's original proposed maximums
12 of one space per 1,000 square feet in
13 developments it defined as transit zones and
14 three spaces per 1,000 square feet elsewhere
15 is still far less aggressive than Seattle's
16 standard of one space per 1,000 throughout
17 the city and San Francisco's standard of only
18 0.233 spaces per 1,000 square feet downtown.

19 Given that the special exemption
20 process is always available to gain approval
21 to exceed parking maximums and, indeed, it
22 would be only through such a process as a

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1 traffic impact analysis where providing
2 additional parking could be demanded, there's
3 every reason to adopt and not weaken DDOT's
4 original, very modest recommendations, if not
5 to go substantially beyond them.

6 Another approach that's worth
7 considering is common in Europe, which is to
8 cap overall parking in downtown.

9 And, finally, the Zoning
10 Commission should consider requiring all new
11 parking constructed downtown to be paid for
12 directly by the user of the parking, the
13 employer or retail customer typically, as a
14 condition for an occupancy permit.

15 Unlike in neighborhoods, parking
16 spillover onto downtown streets isn't a
17 problem. Meter rates can be fine-tuned as is
18 being done today in San Francisco, Los
19 Angeles and Chicago to ensure parking
20 availability on the street at all times and
21 there's certainly no shortage of downtown
22 garages that are open to the public.

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1 Parking owners, like owners of
2 other commodities, manage to the supply and
3 will use what they have.

4 If we're worried that there are
5 too many cars even after reversing a policy
6 of forced oversupply through parking
7 minimums, then we should address that
8 directly by limiting the number of cars we
9 accommodate by building new parking instead
10 of telling business and residents not to come
11 here by forcing reduced building sizes and
12 causing traffic concerns as a result. Thank
13 you.

14 CHAIRMAN HOOD: Thank you. Next.

15 MS. PLATT: Yes, Chairman Hood
16 and members of the Zoning Commission, thank
17 you for the opportunity to provide comments
18 on the revision of the city zoning code.

19 My name is Brenda Platt and I'm
20 the co-director of and am representing the
21 views of the Institute for Local Self-
22 Reliance. We're a national nonprofit based

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1 here in Washington, D.C., near Dupont Circle.

2 My testimony today concerns
3 large-scale retail development and applies to
4 Subtitles I and K where a commercially zoned
5 as-of-right development exists, though it
6 also applies to Subtitle G and H, which were
7 discussed last night.

8 Now, my organization has
9 nationally recognized expertise on the
10 economic and community impacts of large-
11 format retailers, often known as big-box
12 stores, and the use of planning and zoning
13 provisions to mitigate those impacts.

14 Over the last ten years, we have
15 advised city and state policy makers across
16 the country on retail development and have
17 helped craft and implement local and state
18 land use provisions to address the unique
19 implications of large-format retail stores,
20 including special use standards that entail
21 an economic or community impact review prior
22 to permitting.

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1 Now, given the growing interest
2 on the part of big-box retailers in locating
3 in the District, we urge the Zoning
4 Commission, as part of the zoning code
5 rewrite, to make large-scale retail stores a
6 special exception use, thereby creating a
7 much-needed oversight mechanism that will
8 allow the city to evaluate the benefits and
9 cost of proposed projects before permitting
10 them.

11 As you know, big-box stores are
12 allowed, quote, "as-of-right" on most
13 commercially zoned sites under the current
14 zoning code.

15 This denies the city the
16 opportunity to evaluate these projects
17 through a public approval process, and for
18 those found to have undue adverse impacts on
19 the community, denies the city the authority
20 to either reject them or negotiate mitigation
21 measures with the developer.

22 Now, the current large-tract

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1 review is not sufficient to address this gap
2 in our planning policy as it is ad hoc and
3 advisory and it lacks transparency.

4 Designating large retail
5 proposals as a special exception use would
6 remedy this gap. Such a provision would
7 apply to retail stores that exceed a certain
8 size threshold. We would suggest setting
9 this at 75,000 square feet.

10 Best Buy, Home Depot, Lowe's,
11 Target and Walmart are a few examples of the
12 retailers that build stores that typically
13 exceed that threshold.

14 However, it's really important to
15 note that a special exemption process would
16 be triggered by the size of the proposed
17 store, not by the brand. So all of the above
18 companies that I mentioned have stores in
19 their fleets that are under 75,000 square
20 feet in size.

21 Now, numerous peer-reviewed
22 studies have found that large-scale retail

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1 stores can have significant negative impacts
2 and hidden costs that affect both the
3 surrounding neighborhood and actually the
4 city as a whole.

5 My written testimony, you know,
6 refers to some of those statistics and
7 studies but they cover things from traffic to
8 poverty levels to the sustainability of
9 existing storefronts and also cover the fact
10 that some of the cost of public services
11 would exceed the, you know, tax revenue that
12 you receive as a result.

13 Each and every development
14 proposal is unique, of course, both in terms
15 of the project itself and its particular
16 location.

17 The advantage of a special
18 exception approach to large-format retail
19 proposals is that it is not a one-size-fits-
20 all policy that imposes unreasonable
21 limitations.

22 Instead, making large-scale

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1 retail proposals a special exemption would
2 allow the city to evaluate these projects on
3 a case-by-case basis.

4 In some cases, the city may
5 conclude that a project is appropriate to a
6 location, would be beneficial and balanced,
7 is consistent with the District's planning
8 policies and should be approved.

9 In other cases, the city may find
10 that the cost of a project outweigh its
11 benefits. In still other cases the special
12 exemption process gives the city leverage to
13 negotiate alterations that improve a project.

14 Most importantly, making large-
15 format stores a special exemption would
16 create a concrete and transparent process for
17 allowing residents to voice comments and
18 concerns about proposed projects.

19 And it would also bring the
20 District kind of in line with some of our
21 neighboring jurisdictions that are moving in
22 this direction.

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1 I was not prepared today to talk
2 about Subtitle J industrial zoning but in the
3 last few seconds I have there was a comment
4 that Mr. Lawson made in his remarks about
5 creating a new category for waste businesses
6 in industrial zones.

7 And I actually have a lot of
8 expertise. I head up our Waste to Wealth
9 program, which focuses on recycling-based
10 economic development.

11 And one point I would like to
12 make tonight is that, as you probably know,
13 not all waste businesses are created equal
14 and, you know, some trash burners, you know,
15 highly polluting, could create more traffic.

16 Trash transfer stations have been a previous
17 problem in the District.

18 And so I just encourage you to
19 kind of look at what that zoning is for
20 industrial sites, that we're promoting
21 businesses that create jobs and don't have
22 large environmental impacts for our

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1 community. Thank you.

2 CHAIRMAN HOOD: Thank you. Next.

3 MR. GLASGOW: Good evening,
4 members of the Commission. I'm Norman M.
5 Glasgow, Jr., the law firm of Holland &
6 Knight, appearing on behalf of Holland &
7 Knight and a number of our clients.

8 First of all, I'd like to commend
9 the efforts of the Office of Planning on the
10 zoning rewrite on an overall basis. It is
11 certainly a massive undertaking.

12 In reviewing and comparing the
13 proposed regulations and existing
14 regulations, I do note that the crosswalks
15 are extremely helpful in that regard.

16 I know people have testified as
17 to two sets of regulations in dealing with
18 them, but the crosswalks are available and
19 should be utilized.

20 In proceeding with my testimony,
21 I'd like to confirm some understanding and
22 raise some points of clarification and

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1 probably ask for some revised language in
2 certain areas where we think the proposed
3 regulations could be improved and mention
4 some things that we are certainly very much
5 in support of and want to make sure are
6 retained.

7 First, we support the Office of
8 Planning's statement at Page 4, Paragraph 2
9 of its November 4th memorandum, "Maintain all
10 existing commercial and residential
11 entitlements," and the follow-up that under
12 the new regulations, "No properties are
13 proposed for downzoning or significant up-
14 zoning. Entitlements generated by bonus-
15 density generating uses, TDRs and CLD's would
16 be preserved under the proposed Credits
17 system."

18 That is very important to our
19 clients and those that have bought TDRs and
20 CLDs for future use and those that created
21 those TDRs and CLDs and are very intent on
22 using them at a future basis, and I'll get

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1 into that in a minute.

2 And in this regard, for property
3 zoned C-3-C on a wide street in the new
4 downtown receiving zone, so I'm not talking
5 about where somebody's talking about
6 expanding the downtown area, we want to
7 confirm that if you bought the requisite
8 amount of TDRs, you would still be able to
9 build a 10 FAR building if you were on a wide
10 street, 130 foot in height and under the
11 existing proposed regulations with no
12 requirement to provide preferred uses.

13 And I said this is within an
14 existing TDR receiving zone, so it doesn't
15 get into the issues that were talked about
16 with respect to the expansion of downtown.
17 That's very important to those that have
18 bought TDRs and are planning on using them.

19 We strongly support the concept
20 at the bottom of Page 6 and top of Page 7
21 retaining the ability to partially offset a
22 downtown housing requirement by constructing

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1 affordable housing projects outside of DD.

2 We have been involved in projects
3 that can make use of this ability such as the
4 St. Martin's project on T Street, Northeast,
5 which was a PUD approved by the Zoning
6 Commission outside of the DD.

7 The ability of that project to
8 receive additional revenue now and in the
9 future through provision of affordable
10 housing and combined development rights
11 credit is extraordinarily important.

12 That was necessary when we first
13 did that. They have additional CLDs that
14 have not been sold. We need to make sure
15 that those rights continue.

16 Consistent with that statement is
17 that all entitlements from TDRs and CLDs
18 would be preserved.

19 So we do have a question
20 concerning section 807.6 which is proposed to
21 be rewritten so that, "The conversion of
22 unused TDRs or unassigned CLDs into Credits

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1 pursuant to Sections 801.1(e) and 801.1(f),"
2 must, "occur no later than three years after
3 the effective date of this section. After
4 that date, the provisions of these sections
5 shall no longer be available."

6 The explanation given at Page 7
7 is that, "This subsection has been modified
8 to preclude the expiration after three
9 years."

10 We're concerned, as we read the
11 plain language, that they would expire and
12 that would be a problem for St. Martin's as I
13 discussed, for Golden Rule Plaza. Just to
14 the west of the Center Leg Freeway is the
15 senior citizen housing there.

16 We have done nothing over the
17 years to take advantage of the TDRs that have
18 been generated. We were waiting for a
19 proposed developer to acquire those and then
20 go through the transaction costs.

21 But we do not want to be in a
22 position where those could be lost. We don't

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1 want to be in a position down at St.
2 Patrick's where the unused and unallocated
3 TDRs could be lost at that site. So we have
4 some concern with respect to that three-year
5 provision.

6 Also with respect to in the NoMa
7 area we do support the statements made with
8 respect to the 0.5 FAR of ground floor gross
9 floor area being utilized for retail uses.

10 There are some extraordinarily
11 large sites over there. We can provide the
12 retail along 1st Street, but when you talk
13 about sites that are hundreds of feet deep
14 off of 1st Street, that's very problematic.

15 We have one client that's got a
16 site that probably the ground floor retail
17 requirement could be close to 100,000 square
18 feet, some very large sites. And with that,
19 I will conclude my testimony.

20 CHAIRMAN HOOD: Thank you. What
21 I'd like to do at this time, because one of
22 us could go out and come back but we want to

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1 make sure we hear everyone's testimony.

2 So if the last two witnesses
3 indulge us, we want to take about a three-
4 minute break and then we'll come back. And
5 I'd like for you all to, because we need to
6 ask questions so we're going to take a three-
7 minute break. Thank you.

8 (Whereupon, the foregoing matter
9 went off the record at 8:32 p.m. and went
10 back on the record at 8:36 p.m.)

11 CHAIRMAN HOOD: Do we have all
12 our witnesses especially? Okay, we're
13 missing one person. Okay, here he's come.
14 Okay, Commissioner Muhammad, we appreciate
15 you and Mr. Schulman. We appreciate that.
16 So you may begin.

17 MS. MUHAMMAD: Good evening to
18 Chairman Hood, members of the Zoning
19 Commission, Director Bardin and the Office of
20 Planning.

21 My name is Holly Muhammad. I am
22 an ANC Commissioner in Ward 8. I pray that

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1 Chairman Mendelson is somewhere listening to
2 this testimony. I am here representing
3 Advisory Neighborhood Commission 8A. We
4 oppose this whole eight-day process.

5 On Tuesday, November the 5th,
6 2013, in a public meeting we had a unanimous
7 vote to request that the record be kept open
8 for Zoning Case Number 08-06A for a term of
9 180 days and additional hearings be held
10 through 2014 to give the Commissioners, the
11 residents and businesses of the District of
12 Columbia time to review the 1,000-page
13 document that has been submitted by the
14 Office of Planning.

15 Like many ANCs, we have submitted
16 a letter to zoning, we have passed a
17 resolution and we're looking for great
18 weight.

19 We want 180 days to review this
20 plan, we want public hearings for all
21 interested parties, we want the record to be
22 kept open for comment and we want additional

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1 hearings. This additional time will allow us
2 a thorough review and any professional
3 consultations needed.

4 Director Tregoning and many of
5 her staff have been less than cooperative
6 with the Advisory Neighborhood Commissions
7 throughout this term I'm sad to say. This is
8 an issue that must be addressed in a
9 different setting.

10 But I will say that Advisory
11 Neighborhood Commission 8A did invite
12 Director Tregoning to come and speak with our
13 community. She declined. We invited her to
14 come and speak with us at our executive
15 meeting. She declined. I offered another
16 month for her to come to our community
17 meeting. She declined. I offered her
18 another month to come and speak with us at
19 our executive meeting. She declined. She
20 suggested that we contact her in either
21 January or February of 2014, which was just
22 unacceptable to us.

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1 I was here on day one and I heard
2 the presentation. It took over six years to
3 rewrite this plan but you want to offer us
4 less than nine days of hearings. It's just
5 unacceptable.

6 It's too much and it's too fast
7 and in Ward 8 so much happens without our
8 input and at this point we are just demanding
9 that someone listen to us. We want to be
10 part of this process and we are not being
11 given ample time.

12 So in the presentation it was
13 said that they engaged over 54 Advisory
14 Neighborhood Commissions during that six-year
15 period. Many of those may not even currently
16 be in office.

17 I implore you to consider the
18 request that you have received by many of the
19 Advisory Neighborhood Commissions in this
20 city and I implore you to use the great
21 weight in your consideration that you claim
22 all the Advisory Neighborhood Commissions

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1 carry. Thank you.

2 CHAIRMAN HOOD: Thank you. Next.

3 MR. SCHULMAN: Good evening,
4 Chairman Hood, other Zoning Commissioners and
5 staff. My name is Jim Schulman. I'm a
6 registered architect and sustainability
7 advocate and I live and work in Ward 6.

8 I am pleased to be able to
9 comment upon one particular facet of the
10 proposed code in the Zoning Regulations
11 Review regarding the Hill East special
12 purpose zone.

13 When the federal land that
14 comprises Hill East was proposed to be
15 transferred to the District government for
16 redevelopment back in 2002 and 2003, I
17 attended multiple community meetings on this
18 topic.

19 As you may recall, D.C. General
20 Hospital's operations were being wound down
21 because its facilities were obsolete and it
22 was operating with a deficit during a time of

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1 general financial distress for the District
2 of Columbia.

3 I attended the meetings, in part
4 because I had learned from many of my low-
5 income neighbors and friends that D.C.
6 General Hospital was the only location in the
7 city, other than Providence Hospital, where
8 they were treated with dignity as human
9 beings when they had serious health issues.

10 At multiple of these public
11 occasions, then Ward 6 council member Sharon
12 Ambrose reassured the hundreds of vocal
13 participants at these meetings who wanted to
14 see public health needs addressed that
15 greater than 50 percent of the land in
16 question would be reserved for future health
17 and public health uses.

18 She maintained that the
19 redevelopment process did not constitute a
20 land grab or privatization of public assets
21 but an attempt to create a mixed-use zone
22 that would maintain its historic emphasis on

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1 community health.

2 If my memory serves me, I believe
3 that the terms of the transfer agreement with
4 the federal government even included an
5 obligation to use these parcels of land to
6 help meet the health needs of D.C. residents.

7 On the reverse of this page, you
8 can see a graphic from a flyer that was
9 distributed at one of these meetings.

10 Find my place here. Now, I
11 understand that things can and do change and
12 that preserving health-related uses on these
13 parcels does not appear to be as strong a
14 priority for current civic leaders.

15 I do, however, object strongly to
16 the fact that hospitals, clinics and other
17 health-related businesses as health care uses
18 are not permissible uses of right in the Hill
19 East special purpose zone but only by special
20 exception.

21 I would like to see the Zoning
22 Commission preserve the option for that day

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1 in the future when D.C. recognizes that it
2 might want to build a state-of-the-art public
3 hospital and to be able to do so by-right in
4 the Hill East District.

5 Chicago in the last decade built
6 a new public hospital and so I maintain that
7 having D.C. do so is not inconceivable.

8 In my previous testimony on
9 Tuesday night, I had commented on the fact
10 that government land is exempt entirely from
11 zoning.

12 Commissioner May explained that
13 there are issues of sovereignty, among
14 others, involved in such exemption but he
15 asked for examples of situations where
16 federal property impacts the city as a
17 function of it being unzoned.

18 The former federal land that now
19 constitutes Hill East is one example where
20 the separation of federal and District land
21 use regulation contributes to a lack of
22 clarity, friction and lost opportunity for

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1 our national capital.

2 I argue for this, even
3 recognizing, as I testified on Tuesday, that
4 most zoning codes indirectly serve to
5 preserve historic inequities in land value
6 over generations.

7 I, again, thank you for this
8 opportunity to share my views and I would be
9 happy to attempt to answer any questions.
10 Thank you.

11 CHAIRMAN HOOD: All right, thank
12 you very much. We appreciate all your
13 testimony. Very helpful. Let me see if we
14 have any questions or comments. Anyone?
15 Okay, Commissioner May. That's all right.
16 That's okay. You said you don't want to go
17 first. Commissioner Turnbull, you have any
18 questions or comments?

19 COMMISSIONER TURNBULL: Please
20 let me look over my notes. I guess I had a
21 question for Mr. Glasgow. You were talking
22 about the concern about the credits and the

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1 entitlements but you had also mentioned about
2 IZ and affordable housing in the one area.
3 Are you talking about you want that included?

4 MR. GLASGOW: Yes, we want to
5 have that retained. At this point in time
6 under the existing regulations, like at the
7 St. Martin's project, they provided
8 affordable housing outside the DD and that
9 could be used to partially offset required
10 housing in the downtown area.

11 COMMISSIONER TURNBULL: And the
12 way the zoning regs are going now --

13 MR. GLASGOW: That would be
14 retained and that's something that we
15 support. We want to make sure, one, that
16 it's retained and, two, that those rights
17 cannot be lost just by the mere passage of
18 time under that one provision that I
19 mentioned.

20 COMMISSIONER TURNBULL: Okay.
21 That's what I thought. I just wanted to
22 clarify exactly what you said. Thank you.

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1 CHAIRMAN HOOD: Mr. Miller.

2 COMMISSIONER MILLER: Thank you,
3 Mr. Chairman. Mr. Schulman, did you
4 participate in the zoning case that did the
5 zoning before Hill East?

6 MR. SCHULMAN: I missed that
7 opportunity so this came as a surprise to me.

8 COMMISSIONER MILLER: I think in
9 my documents, I think it was initiated in
10 2004 and maybe got completed in 2009. So as
11 I understand it, I mean, what's in this
12 proposal is just carrying forward the zoning
13 that was done there. It's reformatting it
14 into a new subtitle.

15 But I think you raise, you know,
16 an interesting point, allowing it as a matter
17 of right versus special exception, those
18 uses, but --

19 MR. SCHULMAN: The phrase health
20 care uses is peppered through that whole
21 section.

22 COMMISSIONER MILLER: Of the Hill

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1 East plan?

2 MR. SCHULMAN: Of the proposed
3 zoning regs.

4 COMMISSIONER MILLER: Yes, and I
5 do --

6 MR. SCHULMAN: So I understand
7 the horse is out of the barn on the Hill East
8 development, but I'm looking forward to the
9 future and this was supposed to be for health
10 care uses so let's keep that option open.

11 COMMISSIONER MILLER: No, I'm
12 familiar with that. I recall when the Hill
13 East plan was submitted by the mayor to the
14 council and I was working for the council at
15 the time. This is going back over ten years
16 ago.

17 The council actually passed a
18 law, I think it's still, it may be on the
19 books, that called for the reservation of up
20 to, whatever the size of the new hospital's
21 footprint on the footprint of Hill East
22 somewhere so that a state-of-the-art health

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1 care use could be developed there.

2 I don't know if that got
3 translated later into any of the zoning.
4 We'll ask OP about that, so I appreciate your
5 bringing it up.

6 Ms. Platt, you might want to
7 review the video from last night's hearing.
8 Several us of had dialogue with Office of
9 Planning and with witnesses about the special
10 exception process that you're proposing for
11 large retailers, so you might be interested
12 to hear that. I won't go into that right
13 now.

14 MS. PLATT: Thank you.

15 COMMISSIONER MILLER: Ms. Kahlow,
16 we asked the last time you raised this. We
17 did have some dialogue with OP about the
18 expansion of downtown into Foggy Bottom/West
19 End.

20 I'll have another question
21 tonight because one of their maps, at least
22 for the north of Pennsylvania Avenue part

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1 that you say is expanded, they're showing it
2 on one of their maps as an existing TDR
3 Receiving Zone, at least for the north, and
4 that's the question I will be asking them, at
5 least for that part of it.

6 I see the south part, south of
7 Pennsylvania Avenue is not in an existing TDR
8 Receiving Zone but it looks like all of the -
9 -

10 MS. KAHLOW: Yes, the TDR was not
11 the issue here. They said it was commercial,
12 they. It is not. As I said, it's a
13 Neighborhood Enhancement Area and it's only
14 for residential uses.

15 And if you look at Ms. Harmon's
16 building, the building next to her was using
17 TDRs in the R/C building and so residential
18 buildings and next to them can use TDRs.

19 But, you know, the whole idea is
20 we don't want commercial uses and we don't
21 want that expansion and that's why I came
22 back to correct what was stated about

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1 central, about commercial zoning. None of
2 that was accurate, so I came back to actually
3 show you what the statutes --

4 COMMISSIONER MILLER: The maps
5 are helpful. I appreciate that.

6 MS. KAHLOW: Thank you.

7 COMMISSIONER MILLER: And thank
8 you for reminding me about Commissioner
9 Harmon. I meant to thank her for the
10 positive shout out to someone I know.

11 That's an interesting issue that
12 you've raised. Have you already had dialogue
13 with the Office of Planning about this before
14 this evening or you're just bringing it here
15 for the first time?

16 MR. BLANCHARD: We're bringing it
17 here for the first time and we will be
18 talking --

19 COMMISSIONER MILLER: If you
20 didn't have an emergency zoning amendment,
21 what would be the alternative? Is it a use -
22 -

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1 MR. BLANCHARD: We'd have to come
2 back to the Commission for a modification or
3 an amendment of what was approved.

4 COMMISSIONER MILLER: Oh, I see.

5 MR. BLANCHARD: It wasn't a PUD,
6 but it was a review by the Commission of that
7 development.

8 COMMISSIONER MILLER: Okay.

9 MR. BLANCHARD: So those are our
10 alternatives and --

11 COMMISSIONER MILLER: And you've
12 signed a lease? You have a letter of intent
13 for a lease with a veterinary hospital?

14 MR. MEISER: We haven't signed it
15 yet because the zoning issue.

16 COMMISSIONER MILLER: Right.

17 MR. MEISER: But it's very close.

18 COMMISSIONER MILLER: And the
19 building is already --

20 MR. MEISER: Under construction.

21 COMMISSIONER MILLER: And when is
22 it going to be completed?

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1 MR. MEISER: Next spring.

2 COMMISSIONER MILLER: Okay. All
3 right. Thank you all for your testimony.

4 CHAIRMAN HOOD: Vice Chair.

5 VICE CHAIR COHEN: Thank you, Mr.
6 Chairman. Ms. Kahlow, you referred to a law
7 and could you be more specific what that law
8 is, that the expansion of the downtown is
9 against the law, which law?

10 MS. KAHLOW: The Comprehensive
11 Plan defines the central employment area by
12 law, the Comprehensive Plan defines central
13 by law, and the Comprehensive Plan maps are
14 part of the law where it has it's a
15 Neighborhood Enhancement Area and that it's
16 high-density residential, moderate-density
17 residential, mix of residential. That's all
18 by law.

19 VICE CHAIR COHEN: Okay, thank
20 you. I'm going to disclose that I am a dog
21 owner, Mr. Blanchard.

22 MR. BLANCHARD: Excellent.

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1 VICE CHAIR COHEN: And actually I
2 did raise this with OP when I read the zoning
3 rewrite back in August and today I walked my
4 dog to the vet so I do believe that with the
5 waste disposal and the sound mitigations, OP
6 should carefully take a look at this because,
7 as you say, there are many dog owners in the
8 city, and if you don't own a car, a lot of
9 taxicabs refuse you so you have no choice but
10 to walk the dog to the vet. So I just wanted
11 to let you know that at least one of us who
12 does not belong to AAA but does have a dog.

13 MR. BLANCHARD: Right. Thank
14 you, Commissioner Cohen. It is a very
15 neighborhood-oriented issue, and Mr. Meiser
16 reminded me that I have not talked to OP but
17 one of my colleagues has and so we have had a
18 brief discussion about it.

19 And I also used to be a dog
20 owner. Not currently. I haven't convinced
21 my wife that that's the right thing to do,
22 but I used to volunteer for the Humane

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1 Society.

2 VICE CHAIR COHEN: And you should
3 go to a shelter and get a new dog.

4 MR. BLANCHARD: Right. Thank
5 you.

6 VICE CHAIR COHEN: Ms. Muhammad,
7 I think you brought up a number of
8 interesting points about involvement of
9 citizens. ANC leadership does change over
10 but, again, I know that there was at least
11 one meeting held in your ward. I mean maybe
12 not at your ANC meeting but I just know that
13 each ward was covered.

14 I don't know if I'm in favor of
15 the expansion for as long as you're
16 suggesting. I do think it's important,
17 though, to get feedback.

18 Somehow we will attempt to hear
19 from the residents in your ward. We just
20 have to make that decision amongst us. But I
21 did hear you and --

22 MS. MUHAMMAD: I appreciate it.

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1 We appreciate it.

2 VICE CHAIR COHEN: -- would like
3 to accommodate you but, again, I would make
4 no promises up here because there has been a
5 lot of, you know, involvement and going out
6 by OP. Maybe, you know, Harriet Tregoning
7 did not come out to you but I know that staff
8 have been in Ward 8.

9 MS. MUHAMMAD: Well, this final
10 draft has not been available that long and it
11 was only made available in the libraries on
12 October the 8th, is what I believe, to the
13 public. You're talking about 1,000 pages.

14 VICE CHAIR COHEN: No, I
15 understand that but a lot of what it's based
16 on is input from various citizens.

17 Now, again, the amount of input
18 may not be the ones that we'd like to see or
19 from, you know, distribution of citizens, but
20 keep in mind there were a lot of task forces
21 that met over six years.

22 So I just wanted to tell you,

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1 one, I heard you and, two, there has been
2 quite a bit of outreach and I'd like to, you
3 know, see the residents of your ward because
4 I know that they do feel overlooked very
5 often.

6 MS. MUHAMMAD: We are overlooked
7 and there's --

8 MS. KAHLOW: May I add something?

9 MS. MUHAMMAD: There is many
10 other ANCs that have also passed resolutions
11 requesting the same thing and we're looking
12 for great weight. I mean what does it take
13 to get great weight when you have this many
14 ANCs saying this is not substantial time?

15 VICE CHAIR COHEN: And I
16 appreciate it, so thank you.

17 MS. MUHAMMAD: Thank you.

18 MS. KAHLOW: May I add something?

19 I actually attended the one meeting in Ward
20 8 on December 13th and we counted the number
21 of Ward 8 residents. There were less than
22 ten in the audience.

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1 MS. MUHAMMAD: Okay, so how were
2 they contacted? Do you know?

3 MS. KAHLOW: You'll have to ask -
4 -

5 MS. MUHAMMAD: The one meeting?

6 MS. KAHLOW: I'm just saying it
7 was, don't know how they were contacted. We
8 just know very few attended.

9 MS. MUHAMMAD: Well, it doesn't
10 matter. We're having eight meetings here and
11 we're still saying it's not substantial.

12 VICE CHAIR COHEN: All right.
13 Thank you.

14 CHAIRMAN HOOD: Commissioner May.

15 COMMISSIONER MAY: Yes, on that
16 subject I think that everyone should take at
17 least some comfort in the thought that it's
18 not like this really is the final draft.
19 These are not the final words.

20 There is going to be a lot of
21 editing that happens between now and when it
22 actually gets finally approved and it's going

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1 to take time to do that.

2 And there's probably going to be
3 other opportunities for public comment, you
4 know, so I wouldn't worry about this
5 becoming, you know, the permanent new zoning
6 regulations, you know, in a month. It's
7 going to take a lot longer.

8 MS. MUHAMMAD: Well, in your
9 rewrites, we would like to have our input and
10 that's all we're asking, is that we get the
11 time to review and get the professional
12 consultations that we need so that we can
13 submit and testify what we would like to go
14 along with the rewrite.

15 COMMISSIONER MAY: Okay, thank
16 you. I heard that.

17 MS. MUHAMMAD: Thank you.

18 COMMISSIONER MAY: So, Ms.
19 Kahlow, you know, maybe I'm thick or maybe
20 I'm suffering from too much zoning in my
21 head, but I still don't understand your
22 emphasis on the CEA.

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1 I mean that's not something that
2 is, I mean we're dealing with zones. We're
3 not dealing with the CEA per se. I mean, you
4 know, there is interplay between them but,
5 you know, we don't establish the CEA. It's
6 just something that's there, right? It has
7 effects on certain regulations but we deal in
8 zoning, which is a very specific thing and
9 it's mapped a certain way.

10 I can understand if you're
11 concerned about what including Foggy Bottom
12 in the downtown zones, I understand the
13 implications of that. I'm not sure exactly
14 what the impacts are, but I can understand if
15 that's what the concern is.

16 But if it's really just the fact
17 that we're somehow, you know, by sleight of
18 hand changing the CEA, I just don't get it.
19 I don't understand why that's even relevant.

20 MS. KAHLOW: I'm sorry. That was
21 one opportunity for the council to be able to
22 define what was downtown.

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1 But, for you, the Comprehensive
2 Plan, the maps, the future map, the FLUM, and
3 the general map are very clear, that this is
4 a Neighborhood Conservation Area. Every
5 opportunity we have --

6 COMMISSIONER MAY: I understand
7 that. I understand that point.

8 MS. KAHLOW: -- we have tried to
9 and I was just trying to indicate that we
10 have been consistent in that we don't want
11 this to be downtown.

12 COMMISSIONER MAY: Okay, that I
13 understand.

14 MS. KAHLOW: Okay.

15 COMMISSIONER MAY: But it's the
16 argument about the CEA. I mean, you know, it
17 may be important in sort of the underlying
18 logic but it's not helping me figure out how
19 to act here.

20 MS. KAHLOW: That's why I came
21 back, so I could go through all the different
22 statutes. I thought that would help.

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1 COMMISSIONER MAY: Okay. It's
2 just adding to my zoning overload maybe.

3 Mr. Schulman, I had a couple
4 things to say. First off, you know, drawing
5 back on my recollection of the process of
6 doing the zoning at Hill East, and health
7 care uses were certainly part of the
8 discussion.

9 And I think that one thing we
10 should keep in mind when it comes to special
11 exceptions is that there's a presumption
12 under a special exception that a given use is
13 appropriate in that zone. It's just that you
14 have to address any impacts that might be
15 associated with it.

16 So having a hospital as a matter
17 of right in a given zone, I'm not sure that
18 any neighborhood would really want that
19 because there are always going to be
20 potential impacts from a hospital.

21 I mean certainly other health
22 care uses might be handled more readily. I

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1 don't know what they are or, you know,
2 whether you can say certain health care uses
3 up to a particular size might be a matter of
4 right so maybe there is something that can be
5 tweaked there.

6 But, I mean, health care use is
7 specialized and, you know, we've had to deal
8 in the city with certain types of health care
9 uses not being particularly welcome in
10 certain neighborhoods, in many neighborhoods,
11 for good reasons.

12 So it's something I think that
13 has to be treated with some care and I think
14 that's probably why it's still a special
15 exception but, again, there is a presumption
16 that it's appropriate in that zone.

17 And I'm confused. I appreciate
18 you're trying to address the question that I
19 asked at the previous hearing, but I'm
20 confused by what you wrote and I'm trying to
21 put my hands on your testimony. It got lost
22 in my paper.

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1 But right now, well, once Hill
2 East became the District's property, when it
3 was finally transferred from GSA to the
4 District, there's no lingering federal
5 interest in that area except for the eventual
6 creation of Monument Circle, at which point
7 it could become a memorial site or something
8 like that.

9 I mean there really isn't a lot
10 of commingling of federal in lieu of zoning
11 done by NCPC and the Districts is there, or
12 am I missing something? I'm not quite sure
13 what you were implying I guess.

14 MR. SCHULMAN: I was just
15 referring to I had thought that the transfer
16 was contingent upon health care uses being
17 the predominant use of that property.

18 And I'm not a real estate
19 attorney so I can't address the degree to
20 which that was violated or not, but that was
21 my understanding. It's a similar thing
22 that's been going on with the McMillan

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1 Reservoir.

2 COMMISSIONER MAY: Okay. Well, I
3 mean that would be spelled out in the act
4 that provided for the transfer and I know
5 many parts of it but, I have to say, I didn't
6 study that one very well. I'm mostly
7 concerned with the park service parts of it.

8 But, you know, maybe it's worth
9 taking a look at to see whether, in fact,
10 there is something that we should be doing
11 but I would have thought that that would have
12 been addressed in the zoning process when we
13 first established it.

14 So, anyway, my recollection is
15 that there's not something specific in the
16 transfer legislation but there may be other
17 District law that affects it.

18 I mean, certainly there have been
19 numerous efforts on the part of the District
20 to establish health care uses in that area.
21 I mean for the time I worked for the city
22 government, we spent a lot of time working on

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1 trying to get a new hospital located there
2 and that plan fell apart but I know it's
3 always been part of what the thinking was.
4 All right, I think that's it.

5 CHAIRMAN HOOD: Mr. Meiser and
6 Mr. Blanchard, you all are asking for a text
7 amendment and I guess maybe I'm unsure, I'm
8 not clear. Do you think it'll be faster to
9 do it this way and you're going to wait on us
10 to do this, or a modification? I'm just not
11 clear of the approach.

12 Well, I have someone in my ear
13 who I agree with. I think a modification
14 might be a little faster. I'm not sure where
15 we are.

16 MR. BLANCHARD: I understand and
17 that's why in our testimony we said expedited
18 or emergency just to, we wanted to get the
19 idea in front of you.

20 CHAIRMAN HOOD: Oh, so it wasn't
21 necessarily tied into the rewrite?

22 MR. BLANCHARD: This is one

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1 alternative, but I hear you.

2 CHAIRMAN HOOD: But you're not
3 going to wait on this one?

4 MR. BLANCHARD: I hear you.

5 CHAIRMAN HOOD: Okay, that's just
6 my suggestion.

7 MR. BLANCHARD: Right, I
8 understand.

9 CHAIRMAN HOOD: Okay, all right.
10 I just wanted to make sure because it sounds
11 like it's of the urgency.

12 MR. BLANCHARD: It is.

13 CHAIRMAN HOOD: Okay, all right.

14 MR. BLANCHARD: Thank you.

15 CHAIRMAN HOOD: Again, I don't
16 want to be redundant but I would
17 wholeheartedly agree with Commissioner Miller
18 about the big-box special exception issue and
19 I would encourage you, as he did, even though
20 just, redundant, same thing that he said,
21 okay. Ditto to what Commissioner Miller
22 mentioned.

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1 I hear somebody to my right
2 mumbling. Why is it when the chairman asks
3 questions I get a lot of mumbling?

4 (Laughter)

5 CHAIRMAN HOOD: Okay,
6 Commissioner Muhammad.

7 MS. MUHAMMAD: Yes, sir.

8 CHAIRMAN HOOD: Have you ever
9 seen me before?

10 MS. MUHAMMAD: Yes, sir.

11 CHAIRMAN HOOD: Have I been out
12 to your ANC Commission? Let me back up. Are
13 you an ANC Commissioner?

14 MS. MUHAMMAD: Yes, sir. I'm --

15 CHAIRMAN HOOD: I know you all
16 would prefer Ms. Tregoning. How long have
17 you been ANC Commissioner?

18 MS. MUHAMMAD: I am going into my
19 sixth year. I was originally 7B.

20 CHAIRMAN HOOD: Oh, originally 7.
21 So the redistricting brought you.

22 MS. MUHAMMAD: Right, into Ward

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1 8.

2 CHAIRMAN HOOD: So you probably
3 weren't there when I came over to ANC 8A.
4 You were not there.

5 MS. MUHAMMAD: Well, because of
6 the way our ANCs border, where I was living
7 while I was in 7B, once I crossed the street
8 I was in 8A.

9 CHAIRMAN HOOD: Okay, I
10 understand. So you probably were not there
11 when I was invited out.

12 MS. MUHAMMAD: No, I did --

13 CHAIRMAN HOOD: I know you all
14 would rather have Ms. Tregoning. I can
15 understand that. But I understand your
16 point. I understand your point about the
17 1,000-page document. I understand your
18 point.

19 MS. MUHAMMAD: I mean it's a
20 massive undertaking.

21 CHAIRMAN HOOD: Right, but let me
22 just say this, as my colleagues already

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1 mentioned, there are some avenues. Just stay
2 tuned.

3 MS. MUHAMMAD: Yes, sir.

4 CHAIRMAN HOOD: And you can help
5 us facilitate to get people in and there are
6 some more avenues in which we are going to
7 take. We're going to start talking about
8 that on December the 9th.

9 As all of them have said, we have
10 heard you and we understand. It's not the
11 first time we've heard it. I actually
12 concur, but we just need to figure out how
13 we're going to move forward. Okay?

14 MS. MUHAMMAD: We thank you for
15 your support.

16 CHAIRMAN HOOD: Okay. I want to
17 get into the waste zones.

18 (Off microphone discussion)

19 CHAIRMAN HOOD: I tell you, boy,
20 it's rough up here, boy. They don't even
21 want me to ask my questions. Okay, you know
22 what, since the Commissioner's ready for me

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1 to stop asking my questions, I think the
2 testimony's been very good and very
3 thoughtful and helpful.

4 We do take notes and we highlight
5 the ones, you know, all of them are important
6 so everyone's been heard. Thank you again
7 for your testimony. Very helpful.

8 MS. MUHAMMAD: Thank you, sir.

9 CHAIRMAN HOOD: Okay, Elizabeth
10 Miller, Arlene Anderson. Then that's all I
11 have on the list. Would anyone --

12 (Off microphone discussion)

13 CHAIRMAN HOOD: There's one more?

14 Oh, I got a new list. That's right.
15 Patrick Flynn. Now, is there anyone else who
16 would like to testify?

17 (Off microphone discussion)

18 CHAIRMAN HOOD: Okay. Okay, you
19 were on the list. I remember you. You were
20 on the list earlier, okay. Anyone else who
21 would like to testify?

22 Okay. We're going to hear from

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1 this panel. This is our last panel. And,
2 Ms. Schellin, we're probably going to do ten-
3 minute rounds when we get started with our
4 questions. Okay, we're going to start off to
5 my left. Thank you, you may begin.

6 MS. ANDERSON: All right, my name
7 is Arlene --

8 CHAIRMAN HOOD: Turn on your mic.

9 MS. ANDERSON: My name's Arlene
10 Anderson and I reside in the proposed
11 downtown arts subarea Square 0459 directly
12 across from the Carl Moultrie Crime and
13 Punishment Complex, which could be moved to
14 an industrial zone because it's constantly
15 under construction, the outside, the top, the
16 bottom, the sides, the garage, the sidewalk,
17 the streets, jackhammers, emissions, you name
18 it.

19 I've lived in that building, the
20 Pennsylvania Condominium, for 15 years
21 approximately and so myself and 200 others
22 have constant noise from this complex.

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1 But anyways, I diverge. As my
2 first time at this forum, I'm here to
3 introduce myself. I'm a former land use
4 planning and zoning professional so I feel
5 your pain and joy at this process.

6 I practiced in Northern Virginia
7 in the '80s. I worked for a number of
8 architectural and engineering firms as well
9 as law firms and I worked back then in zoning
10 when there was something called the proffer
11 system, where developers would proffer
12 certain amenities in exchange for density,
13 FAR and parking and other things.

14 So I'm familiar with the
15 terminology. It's coming back to me as I sat
16 in on the discussion tonight. Very
17 interesting.

18 I echo Ms. Neuhaus's statements
19 about understanding that residents are living
20 in a commercial zone. I've heard over the
21 years, when Dan Tangherlini was
22 transportation director, if you don't like

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1 living where there are demonstrations and
2 road closures and parades, XYZ, don't live
3 there. Move.

4 And, quite frankly, I'm tired of
5 hearing people say if you don't like it, it's
6 noisy, if you don't like it, it's this, move,
7 because as I've heard said this evening, the
8 District is encouraging residents and
9 continues to encourage residents to live
10 downtown. So as long as there are residents
11 downtown, we need to be taken care of and we
12 need to be taken care of fairly.

13 I pay about \$300 a month to park
14 in my building because there are not street
15 permits, and I know when I was young the
16 Urban Land Institute principles sounded
17 wonderful, mixed-use development, bicycling,
18 Metro, public transit.

19 It's been a dream of mine for
20 decades and now I've lived it for almost
21 decades and it isn't always practical to
22 think that it can be all one way or the

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1 other.

2 I mean I'm not going to give an
3 opinion right now about whether I'm for or
4 against the parking, but I relate to Ms.
5 Neuhaus's statements about needing parking.

6 We have service personnel who
7 refuse to provide service to our building
8 because there's nowhere to park.

9 CHAIRMAN HOOD: Give us your
10 closing thought. I don't think, did we have
11 a warning? We didn't have a warning on this?
12 That was the first one I heard.

13 MS. ANDERSON: Oh, shoot. Okay,
14 I'll summarize. Other comments I have I'll
15 reserve, perhaps, for Sunday because they
16 pertain to amplified noise and monitoring
17 commercial impacts and residents needing to
18 pay attorneys to be able to do things in a
19 mixed-use development that the developers
20 have imposed upon them when the development
21 is first conceived.

22 So I'll just close right there

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1 and maybe continue at another time and thank
2 you for the opportunity.

3 CHAIRMAN HOOD: Okay, thank you.

4 Next.

5 MS. MILLER: Good evening.

6 CHAIRMAN HOOD: You want to make
7 sure your light is lit.

8 MS. MILLER: There we go. Good
9 evening. I'm Elizabeth Miller. I'm a
10 resident of Gallery Place in downtown.

11 I am also the director of
12 physical planning with the National Capital
13 Planning Commission and I say that because I
14 want to make it clear that I am here speaking
15 on behalf of myself as a downtown resident
16 and not on behalf of my employer.

17 I've actually lived on 7th Street
18 for going on about 13 years, first as a
19 renter, now as an owner at Gallery Place, and
20 I really chose to live downtown because I
21 wanted to sell my car, which I did. Haven't
22 had a car for ten years, don't ever want to

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1 have one again.

2 I wanted to be able to walk to
3 work and I wanted that urban lifestyle and
4 I'm passionate about it and I really want to
5 walk my talk.

6 But that being said, I am here to
7 speak about, actually there's a theme, the
8 realities of residents living in a downtown
9 commercial zone and making sure that we
10 retain some quality of life.

11 And there's really three topics I
12 want to talk to, one is car sharing, the
13 second is loading and the third, probably
14 most applicable to this evening, is the
15 category of uses and how they're regulated in
16 relationship to residential uses downtown.

17 Testimony has some of the
18 examples, which I'm going to let you look at
19 that later, but with that being said, I also
20 want to say that I really do feel because we
21 do live downtown that we are expected to live
22 with a higher level of noise, activities.

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1 You know, there is a different
2 standard but I will say that currently the
3 way it's operating I would not recommend
4 anyone to move downtown into a residential
5 use because of the way it's just not
6 regulated to make it a quality of life that
7 is really acceptable.

8 So with that being said --
9 goodness gracious. So car sharing, actually
10 we need more of it. If you could do anything
11 to actually require car sharing in existing
12 uses, that would be wonderful.

13 Loading, if you're in a
14 residential use in a commercial zone, you
15 cannot actually always access your loading
16 area because it's controlled by the
17 commercial use, therefore if the code can't
18 require 24-hour access to that loading, then
19 there needs to be provisions for loading to
20 happen on the street.

21 And thirdly, with the uses, we
22 are considered a Category B use, a B-use

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1 Category, I should say, and it really doesn't
2 have any restrictions or prohibitions for
3 uses, even though in residential zones they
4 may be afforded some protection.

5 I'm not suggesting that we
6 prohibit those more obnoxious uses in the B
7 zone. What I'm suggesting is that perhaps
8 when you have a residential use, you have a
9 distance requirement from the residents. I
10 mean if you have a commercial obnoxious use,
11 you have a distance requirement from that
12 residential use.

13 I do have actually suggestions in
14 my testimony so that's where it's all
15 detailed, and I appreciate your time. Thank
16 you.

17 CHAIRMAN HOOD: Thank you. Next.

18 MS. MILLER: I have so much to
19 say.

20 MR. FLYNN: Good evening. My
21 name is Patrick Flynn. I am a realtor with
22 Long and Foster and I make my home in

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1 Columbia Heights where I serve my community
2 as the treasurer of Advisory Neighborhood
3 Commission 1A and as a board member of the
4 North Columbia Heights Civic Association.

5 Since moving to the District in
6 2005 to attend Georgetown University, I've
7 had the pleasure of living in Foggy Bottom,
8 Georgetown, Capitol Hill and Columbia
9 Heights, among other places in Maryland and
10 Virginia.

11 I also identify as a millennial,
12 the segment of our population who, according
13 to the 2010 census, lists our District as the
14 most popular destination to make their home
15 and advance their career.

16 Why? We have a booming economy,
17 a vibrant culture and a multimodal transit
18 system that rivals the cosmopolitan
19 destinations of Europe and provides us with
20 what we seek, a walkable, sustainable,
21 community-oriented home.

22 Unfortunately the popularity of

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1 our area, combined with a finite supply of
2 housing and the outdated nature of our zoning
3 code, makes our District extremely expensive
4 for almost anyone, but especially those in my
5 generation who want to buy a home and raise a
6 family here.

7 A quarter of a million dollars
8 for a 500- or 600-square-foot one-bedroom
9 condominium, that's cheap, creates a barrier
10 for many of those who I would like to be my
11 neighbors, especially when a considerable
12 portion of that purchase price goes towards
13 paying for a mandatory parking space that
14 they will never use.

15 Consequently, tonight I would
16 stress the importance of and express my
17 strong support for removing the minimum
18 parking requirements, not only for downtown
19 but along major transit corridors throughout
20 the District.

21 Now, as a real estate
22 professional, I can tell you I don't plan to

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1 give up my car anytime soon because I depend
2 on it to earn a living and because most of my
3 older clients expect me to have one.

4 But as a private citizen and a
5 millennial, I can tell you that every moment
6 of my personal life is spent on foot or on my
7 bicycle.

8 Furthermore, I can also tell you
9 that the vast, vast majority of those clients
10 in my generation are car-free and come to me
11 seeking walkable, transit-oriented housing
12 that they can afford.

13 It is this last component,
14 affordability, that they have the most
15 trouble with and it is also the problem that
16 this body has the greatest opportunity to
17 alleviate through the elimination of parking
18 minimums.

19 Simple laws of economics dictate
20 the cost of housing, but zoning codes dictate
21 the minimum number of required parking
22 spaces.

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1 By doing away with parking
2 minimums, you permit developers, small and
3 large, to devote valuable spaces and
4 resources towards creating vibrant urban
5 living areas rather than wasteful and
6 undesirable concrete slabs.

7 And in doing so, together with
8 the other measures proposed in this zoning
9 rewrite, you create an opportunity for not
10 only more reasonably priced housing and a
11 more accessible community but you have the
12 opportunity to position D.C. to be prepared
13 for the inevitable car-free future. Thank
14 you.

15 CHAIRMAN HOOD: Thank you. Next.

16 MR. FITTIPALDI: My name is
17 Gerald Fittipaldi. I live in Ward 4. I'm
18 here to voice my support for eliminating
19 parking minimums downtown.

20 There are two problems we're
21 trying to solve. Number one is wasted space
22 and number two is wasted time.

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1 Regarding wasted space, we are
2 trying to prevent developers from building
3 excessively large parking garages. When too
4 much parking is built, valuable space is
5 wasted.

6 I'm going to give a local
7 example, albeit one outside of the downtown
8 area. This comes from Jeff Speck's recent
9 landmark book, Walkable City.

10 DC USA in Columbia Heights, which
11 includes Target, Best Buy and Bed, Bath &
12 Beyond, was built a few years ago. D.C.
13 zoning laws called for a minimum of 2,000
14 parking spaces to be built. The District
15 allowed this to be cut in half.

16 Now I'm quoting from Speck, "The
17 designers predicted that this would still be
18 too much parking. The project went ahead
19 with a \$40 million taxpayer-funded
20 underground garage holding 1,000 cars. What
21 happened? The stores are thriving and the
22 garage is empty, so empty its managers

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1 routinely shut off one of its two levels
2 completely, an unvisited \$20 million
3 underground air museum," end quote.

4 The second problem of wasted time
5 relates to traffic congestion. D.C.'s roads
6 are already clogged. We need to provide
7 incentives to get people to consider not
8 driving solo.

9 When too many people drive
10 themselves to work, everyone else suffers.
11 Bus riders must endure unnecessarily long
12 trips, while pedestrians and bicyclists face
13 much stress, risk to their safety and exhaust
14 fumes.

15 When we let the free market
16 decide how much parking should be provided
17 downtown rather than one-size-fits-all zoning
18 codes, many things will follow.

19 Instead of building excess
20 parking in residential areas, developers will
21 be allowed to build more units of housing,
22 helping to lower rental costs.

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1 Owners of office buildings as
2 well as employers will seek out creative ways
3 to incentivize employees to travel by
4 alternative modes to lower parking costs.

5 I'm now quoting from Alan
6 Durning, executive director of Sightline
7 Institute. "Freeing cities from parking
8 quotas or minimums also stimulates sharing.
9 Office buildings, which need daytime parking,
10 can partner with condo towers, which need
11 nighttime parking. Stores, daytime, and
12 theaters, evening, can team up, as can
13 schools, weekdays, and churches, weekends."

14 I'd also like to iterate the
15 importance of improving our current system of
16 on-street parking to achieve the goal of
17 reducing congestion. Thank you.

18 CHAIRMAN HOOD: Okay, thank you
19 all for your testimony. We greatly
20 appreciate it. Very informative.
21 Commissioners, any questions of this panel?
22 Any questions? Commissioner Miller.

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1 COMMISSIONER MILLER: Thank each
2 of you for your testimony. Ms. Miller, very
3 thoughtful and it's very useful to have. Ms.
4 Miller, looking at your written suggestions,
5 I think they're very constructive and we will
6 be discussing those with the Office of
7 Planning, seeing if we can incorporate some
8 of those into the rewrite. Have you
9 collaborated with the Penn Quarter
10 Neighborhood Association on these?

11 MS. MILLER: I have, of course,
12 been in communication with Jo-Ann, also with
13 many of my neighbors, but just due to the
14 timing, I wasn't really in a position to
15 represent them, you know, officially.

16 And we have definitely been
17 talking about what we think we might be able
18 to do and also with some of the members of
19 the former Downtown Neighborhood Association
20 that has kind of gotten absorbed into our new
21 ANC, which we're happy to say that we now
22 have really tight representation.

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1 COMMISSIONER MILLER: Right. So
2 the record remains open, at the moment kind
3 of indefinitely, because we haven't set a
4 closing date so you should encourage those
5 associations.

6 I'm sure they're already planning
7 to submit something endorsing. It would just
8 give more weight to your constructive
9 suggestions.

10 MS. MILLER: Yes, and I would
11 actually be happy to detail out this a little
12 bit more. That might be a little bit more
13 constructive.

14 COMMISSIONER MILLER: Okay, thank
15 you. Thank you all.

16 CHAIRMAN HOOD: Any other
17 questions? Vice Chair.

18 VICE CHAIR COHEN: Thank you, Mr.
19 Chairman. Mr. Flynn, as a broker, and I
20 presume a lot of your clients are
21 millennials, I have a couple questions that
22 are sort of related. Because of

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1 affordability issue, do you find them more
2 willing to live in smaller units, such as
3 maybe 400/500 square feet?

4 MR. FLYNN: Yes.

5 VICE CHAIR COHEN: And, I mean,
6 this is probably out of the ballpark kind of
7 question. Feel free to, you know, say I
8 can't answer that.

9 But based on their incomes,
10 because you know that, and, you know,
11 basically a range, what can they afford for
12 that on a square-foot basis, would you say,
13 for 500 square feet? What do you think is --

14 MR. FLYNN: What could they
15 afford to pay?

16 VICE CHAIR COHEN: Yes. You
17 know, they're starting out in their careers
18 and many of them, you know, haven't reached
19 seniority so can you give an estimate? I
20 guess you can't.

21 MR. FLYNN: I would say something
22 more along the lines of the \$200,000 range

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1 would be --

2 VICE CHAIR COHEN: \$200 a square
3 foot?

4 MR. FLYNN: Oh, I thought you
5 were saying total cost for that square
6 footage, so whatever \$200,000 divided by --

7 VICE CHAIR COHEN: Okay, for
8 sale, okay. Thank you.

9 MR. FLYNN: Does that answer your
10 question?

11 VICE CHAIR COHEN: Yes, it is.
12 Sort of.

13 CHAIRMAN HOOD: Are you finished?

14 VICE CHAIR COHEN: I am finished.

15 CHAIRMAN HOOD: Okay.
16 Commissioner May.

17 COMMISSIONER MAY: Thank you.
18 Ms. Miller, nice to see you in a slightly
19 different circumstance.

20 I do have a question. I mean one
21 of the things that I find most interesting
22 about your neighborhood in particular and,

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1 you know, in my experience, I can't say
2 living in places like that but going to
3 hotels in downtown areas and things like
4 that, is the noise issue.

5 And, you know, I've been in your
6 neighborhood and there are times and places
7 where it's very, very noisy and it's very
8 hard for me to imagine living a normal,
9 peaceful life in a unit.

10 Is there extra protection in the
11 construction of the apartments to reduce any
12 of the noise? Ms. Neuhaus, I appreciate your
13 feelings about this but I would like Ms.
14 Miller to answer the question without my
15 having to --

16 MS. MILLER: It's a very good
17 question. Actually I will also say that I do
18 real estate sales part time and just in the
19 Penn Quarter neighborhood. I didn't bring
20 that up because it's not something I focus
21 on.

22 But I've been in most every

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1 building in the neighborhood and I can say my
2 building is probably one of the best
3 constructed and we have pretty good
4 insulation, but the noise is unbearable. I
5 sometimes can't --

6 COMMISSIONER MAY: Really? How
7 far up are you?

8 MS. MILLER: I'm on the sixth
9 floor and I sit back from the intersection
10 and if it is someone playing a trumpet
11 without an amplifier you hear it and it's not
12 that bad.

13 But what's happening is that I've
14 lived there now for eight years or more,
15 little bit more than that, is that they've
16 started out with boom boxes, to small
17 amplifiers, to large amplifiers.

18 And I actually have on my phone,
19 I wish I had it ready, a little app you can
20 download that will give you, it's not
21 scientific I'm sure, but it gives you an
22 indication of the loud noise, and it goes up

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1 to 80 to 90 decibels.

2 And I'm not talking about it's
3 traffic that moves back and forth and it's
4 loud for a minute and then it dissipates.
5 That is perfectly acceptable. What's
6 unbearable is that it's that loud for two to
7 three to five to eight hours at a time.

8 I call 911 probably five times a
9 week to complain about the noise. I mean I'm
10 actually getting kind of emotional because I
11 love where I live, I love my lifestyle, but
12 the noise is unbearable.

13 And we've tried to work with the
14 councilman's office and we're told if you
15 don't like it, move. And I really find that
16 disturbing in the fact that the city is
17 trying to encourage us to live downtown.

18 And I can count, I don't have
19 enough fingers on my hands to tell you about
20 the good neighbors I have lost who have sold
21 their units because they got tired of the
22 noise, not having any loading, very just

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1 daily activities that we really need to count
2 on to live a quality life.

3 And that's not to even mention
4 the bright lights from the billboards, which
5 I know is a different issue and I will not
6 bring up tonight. But it's hard, so thank
7 you for asking though. I appreciate --

8 COMMISSIONER MAY: I appreciate
9 it. I mean, you confirm the concern that I
10 would have. And, I mean, you know, I think
11 we all deal with occasional instances of
12 having, you know, that really loud party next
13 door or, you know, when I was staying in that
14 hotel room and it was, you know, five floors
15 up from the 24-hour Waffle House with benches
16 outside and, you know, all night long people
17 were going.

18 And I imagine you just have to
19 deal with that all the time. I really do
20 appreciate how difficult that could be. I'm
21 not sure what we can do about it.

22 MS. MILLER: I get that. I do

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1 have two suggestions. Well, first of all,
2 one of the issues, and I'll go silent on this
3 issue, but one of the issues is that it's
4 unpredictable.

5 If I knew, I could, like, make
6 plans to spend the night away from home. I
7 would. Or if I knew that I could have a
8 dinner party or have a friend over for dinner
9 who just lost a loved one and console them
10 without that kind of racket, it would be
11 great.

12 But I think there's distance
13 requirements. If those guys want to be down
14 there playing in front of the Verizon Center,
15 more power to them. If they want to sit and
16 dance out in front of the apartment building,
17 that's great. Just turn it down.

18 And I do think that there are
19 ways to control it but I know that it's a
20 tough thing for the city to bite off because
21 of the civil liberty laws, but I kind of
22 think we have civil liberties too.

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1 COMMISSIONER MAY: Right. So, I
2 mean, is it mostly the amplified sound?

3 MS. MILLER: Yes, and drumming.

4 COMMISSIONER MAY: It's entirely
5 --

6 MS. MILLER: And drumming.

7 COMMISSIONER MAY: And drumming,
8 right. So, I mean, it's not just normal
9 conversation --

10 MS. MILLER: No.

11 COMMISSIONER MAY: -- of people
12 and things like that. Okay.

13 MS. MILLER: And it's not even
14 guys who play the guitars on the street.

15 COMMISSIONER MAY: Okay. All
16 right, thank you.

17 COMMISSIONER TURNBULL: Mr.
18 Chair, part of this could be a building code
19 issue and that's an expense but, I mean,
20 developers are going to realize after a while
21 that they're going to have to invest more
22 money in better-quality walls and window. I

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1 mean, it's that upgrade.

2 But, I mean, in an urban
3 environment like this, I mean, at some point,
4 someone's got to acknowledge that, you know,
5 if you're going to attract people, you got to
6 build a quality building.

7 So, I mean, that's getting more
8 into a building code issue and requirements
9 for building in an urban area, but it's a
10 tough one.

11 What do you do if, your loading
12 issue, if you have something coming to you, a
13 piece of furniture, and you can't get into
14 your loading dock? What do you do?

15 MS. MILLER: Well, you can
16 usually schedule during the day the loading
17 dock, like way in advance.

18 But if I have to unload my
19 groceries, I have to park in the bus lane and
20 then there's a camera that takes a picture
21 and then I get \$100 ticket in the mail and
22 that's happened on multiple occasions.

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1 And sometimes we have to walk
2 down the street and carry very heavy packages
3 because there's really just not a way to
4 unload those. It's the daily stuff. It's
5 not the big stuff.

6 COMMISSIONER TURNBULL: Yes.

7 MS. MILLER: It's just the daily
8 stuff.

9 CHAIRMAN HOOD: Thank you. Mr.
10 Flynn, do we have a copy of your testimony?

11 MR. FLYNN: You do not, but I'd
12 be happy to provide one.

13 CHAIRMAN HOOD: I would
14 appreciate it. With your permission,
15 depending upon how we move, I want to use
16 some, I wouldn't tell your name, but I want
17 to use some excerpts in your testimony, and
18 I'm not picking on you, to read and get
19 reactions as we try to do some other things
20 in the city. I just want to get some other
21 reactions. This is part of my own exercise
22 in balancing this whole situation.

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1 MR. FLYNN: Sure.

2 CHAIRMAN HOOD: If you don't
3 mind, with your permission. I will not
4 mention your name.

5 MR. FLYNN: By all means.

6 CHAIRMAN HOOD: You may want to
7 come to one of them if we do it and just see
8 the reaction.

9 MR. FLYNN: Sure, sure.

10 CHAIRMAN HOOD: Okay, because I
11 think I'm going to get some reaction. All
12 right. Any other questions? Okay, thank you
13 all very much and I appreciate it. And if
14 you could do that, I would greatly appreciate
15 it.

16 Okay, we're going to do ten-
17 minute rounds. I think tonight I'll start to
18 my left. I've already been given
19 instructions from my right. Okay, who wants
20 to go first? Mr. Turnbull.

21 COMMISSIONER TURNBULL: I feel
22 honored. I wish I could raise up higher.

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1 Well, I guess in looking at, I mean we had a
2 lot of input tonight from a lot of different
3 people.

4 A lot of similar aspects and I
5 think we've gone through some of these with
6 the Office of Planning previously, I think in
7 the first night.

8 We're still hearing from West
9 End/Foggy Bottom. A lot of issues were
10 raised.

11 The other thing that came up
12 tonight was viewsheds. I think Ms. MacWood
13 talked about the heights, the modeling
14 effect, and that some of the things which she
15 sees OP proposing are taking away a lot of
16 the aspects that are present in the current
17 plan, the current neighborhood.

18 Barbara Kahlow talked about the
19 Neighborhood Conservation Area and I think
20 that there's just this concern that, and I
21 think you said before, well, some of that's
22 already in the area now, but will you be able

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1 to come back and address those issues for us?

2 I mean maybe we need to see your modeling.

3 MS. STEINGASSER: The modeling is
4 a merging of issues that we have been very
5 deliberate to keep separate. The Height Act
6 discussion is something that Congress asked
7 the Office of Planning to work on with NCPD.

8 There has been a very deliberate
9 attempt to keep that separate from the zoning
10 issue, to the point where you will not see
11 any of us at the Height Act meetings because
12 we don't want those issues to be conflated in
13 any way.

14 COMMISSIONER TURNBULL: Well, I
15 guess part of my concern is that there's a
16 lot of people feeling that what you're
17 proposing is tainted or is sort of being
18 steered by some of the things that Ms.
19 Tregoning has proposed.

20 MS. STEINGASSER: But I guess we
21 would say they're not. The zoning is very
22 separate and that's why we have proposed a

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1 height certain so that it would close that
2 gap so there would not be this appearance
3 that there's an open-ended height, but that
4 it would be 20 feet plus the right-of-way,
5 you know, as is now currently allowed, so
6 that there would be some assurance.

7 COMMISSIONER TURNBULL: Jumping
8 ahead to one of the other, I mean, I guess
9 what is your goal with the credits, I guess
10 just going back. I mean we've talked about
11 this before, but I wonder if you could just
12 go back and talk about your viewpoint on
13 where we're going with the credit system.

14 MR. COCHRAN: The credit system
15 is at least an attempt to simplify what are
16 now two separate systems and make them into
17 one unified system and enable better tracking
18 and more transparency about how many there
19 are and what's on the open market, et cetera.

20 Right now a lot of that is very hidden.

21 The credit system's primary
22 purpose is also to incentivize housing by

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1 expanding the ability -- you'll notice that
2 no commercial use has a greater FAR in our
3 proposed zoning than it does now. The only
4 way that you get additional density is by
5 either providing housing or getting credits.

6 COMMISSIONER TURNBULL: But
7 there's no provision, at least IZ is exempted
8 from this.

9 MR. COCHRAN: IZ is currently
10 exempted from downtown. Downtown boundaries
11 would expand by approximately what people
12 have said, two or three times. All of that
13 expansion area would be subject to IZ, just
14 as it is now.

15 COMMISSIONER TURNBULL: Okay,
16 because I think there was some --

17 MR. COCHRAN: There were some
18 misunderstandings that made their way into
19 testimony.

20 COMMISSIONER TURNBULL: Right. I
21 think the understanding was that there's no
22 IZ included in the expansion. I mean I heard

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1 people --

2 MR. COCHRAN: That's completely
3 incorrect.

4 COMMISSIONER TURNBULL: All
5 right, so IZ is included in the expansion
6 area?

7 MR. COCHRAN: Yes.

8 COMMISSIONER TURNBULL: Oh, good.
9 I mean I had sort of assumed that when we
10 talked about that before. I think we had
11 mentioned it, but I wanted to get it on the
12 record for tonight. Okay.

13 The PDRs, and we heard a lot of
14 concerns about the setbacks and if they're
15 enough and you mentioned that, you know,
16 there's some things, we don't want to overlap
17 with another agency who has requirements.

18 And I guess my concern is would
19 we still have PDR areas that are in trouble
20 as far as the environmental effects from
21 these areas, fumes, noise, sound, and are
22 these really not significant enough to make a

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1 difference for the separation?

2 MS. STEINGASSER: Well, I'm not
3 sure exactly what you mean by significant
4 enough. The Department of the Environment,
5 that's part of their primary mission --

6 COMMISSIONER TURNBULL: Right.

7 MS. STEINGASSER: -- is these
8 protections, and then the regulations that
9 they now administer are much stronger and
10 much more detailed than the standards of
11 external effect.

12 In the zoning regulations right
13 now, these standards of external effect apply
14 only in the M zones. We're proposing that
15 through the Department of Environment that
16 they be applicable to all zones.

17 But we have heard Chairman Hood's
18 concerns multiple times about making that
19 clear and that it being understandable and
20 that's why we think it'd be better to have at
21 least a reference in the zoning regs that let
22 people know they're not removed.

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1 You know, you still need to deal
2 with air pollution, water pollution,
3 remediation, brownfields, leaching, noise
4 especially.

5 Most of the regulations have to
6 do with noise and the noise ordinance is much
7 stronger than what's in the zoning
8 regulations and it puts it in the hands of
9 the environmental inspectors as opposed to
10 the zoning inspectors so we think it's in the
11 right place.

12 But I definitely hear the
13 Commission's concern that there be some way
14 that it's signaled and so we think we can do
15 that.

16 We could call it out
17 individually, we could make a general
18 statement, but somehow I think that reference
19 is going to be needed just to give everybody
20 the comfort that it's still applicable.

21 COMMISSIONER TURNBULL: Okay. I
22 forget who made the comment about, right now

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1 we've got a cap on some areas in the historic
2 properties and raising the heights on it. I
3 think you've got a cap in the neighborhood
4 for doing that, and I forget who said that.

5 MS. STEINGASSER: I believe that
6 was Ms. Shiker --

7 COMMISSIONER TURNBULL: Yes, it
8 was Ms. Shiker.

9 MS. STEINGASSER: -- speaking for
10 the DCBIA and the historic properties.

11 COMMISSIONER TURNBULL: Right.

12 MS. STEINGASSER: We have met
13 with Ms. Shiker and she's raised some of
14 these issues and we are looking into how we
15 can clarify, you know, that there is
16 development value there that could be
17 transferred.

18 COMMISSIONER TURNBULL: Right,
19 but there's still, and your concern is
20 respecting the historic properties that are
21 there also so that they're not overpowered?

22 MS. STEINGASSER: Absolutely

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1 correct. Yes, sir.

2 COMMISSIONER TURNBULL: Okay. I
3 guess then the only other thing, getting back
4 to the West End, Ms. Kahlow made a point
5 about the statutory language and that the
6 Neighborhood Conservation Area, she sees that
7 now as being made commercial. Am I
8 understanding this wrong, the mapping of
9 this?

10 MR. COCHRAN: Excuse me. Again,
11 there is no increase in the commercial
12 density allowed as a matter of right --

13 COMMISSIONER TURNBULL: That's
14 what I --

15 MR. COCHRAN: -- in any of the
16 areas. We're actually trying to expand the
17 concept of the living downtown --

18 COMMISSIONER TURNBULL: Right.

19 MR. COCHRAN: -- into the
20 additional areas by using the tools in
21 downtown to promote additional housing
22 outside of the current downtown. Perhaps the

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1 use of the word downtown raises some flags,
2 but the concept of downtown is changing.

3 Downtown is, since 1984, becoming
4 more and more of a mixed-use area, as we've
5 heard by the people who live down there and
6 are concerned about the noise. It's the
7 central area. It's what the Comprehensive
8 Plan refers to as the Central Washington
9 element.

10 Just because it's downtown does
11 not mean that it's an office precinct. That
12 hasn't been OP's concept, at least since the
13 1980s.

14 COMMISSIONER TURNBULL: Maybe
15 it's just some clarity on that, but I think
16 it's the confusion on that. Thank you.

17 CHAIRMAN HOOD: Okay.
18 Commissioner Miller.

19 COMMISSIONER MILLER: Thank you,
20 Mr. Chairman. So one of the areas that's
21 come up two different ways in two different
22 areas this evening is this issue of

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1 residential zones, when the code reverts to
2 residential zones versus residential uses and
3 the distance requirements that are associated
4 with other somewhat objectionable uses,
5 whether it's the sexually oriented
6 establishments downtown, which I guess that's
7 the way the current code reads. I mean it's
8 zones and there are no zones so there are no
9 distance requirements downtown, right?

10 MS. STEINGASSER: That's correct.

11 COMMISSIONER MILLER: And then
12 it's come up in your proposal for the
13 industrial zones where you're creating
14 buffers and setbacks and it applies to just
15 whether it's adjacent to residential zones.

16 You don't use the term uses and I
17 think that would be one fix there that would
18 be, because I think the Comp Plan language
19 actually uses the word in the case of the
20 industrial. At least in the industrial
21 buffering case they use the term uses and
22 that's what we're trying to protect.

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1 MS. STEINGASSER: I think we
2 could do that and in the industrial zones
3 residentials not permitted so it's assumed.

4 But you're right. It could be a
5 residential building in a commercial zone
6 that's adjacent to an industrial and then
7 those buffers would not be triggered, so we
8 could definitely talk about residential uses.

9 COMMISSIONER MILLER: And where
10 did the 25 and the 15 come from?

11 MS. STEINGASSER: Those came from
12 the Langdon Overlay. They're what have been
13 in place currently and so we've brought those
14 forward and applied them to all residential
15 adjacency.

16 COMMISSIONER MILLER: And so, you
17 know, we had testimony from Ms. Gates and
18 Commissioner Jones that it needed to be up to
19 1,000 feet. I don't know what the right
20 number is but there's a big difference
21 between 25 and the 1,000 feet.

22 MS. STEINGASSER: There is and I

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1 would have to go back and look at the
2 legislative record. I wasn't at the Office
3 of Planning when the whole lawsuits over the
4 solid waste licensing facilities.

5 But there are licensing
6 requirements and there are zoning
7 requirements and the stronger always applies,
8 so we can just make sure that they're at
9 least the same distance.

10 COMMISSIONER MILLER: Yes. And I
11 think we also, I think Ms. Gates might have
12 been the one or I don't know who, or maybe it
13 was Commissioner Jones or maybe they both
14 did, said in addition to the residential
15 uses, school uses.

16 There should also be some
17 protection for the school, you know, some
18 buffering distance or setback from schools as
19 well because I think somebody mentioned that
20 there were several schools located near these
21 industrial uses. I think it was Commissioner
22 Jones.

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1 MS. STEINGASSER: It was
2 Commissioner Jones and I think it's an
3 excellent idea. We can do an easy fix right
4 now in the ZRR.

5 The industrial land
6 transformation study that's going on for Ward
7 5 is currently asking a more fundamental
8 question, which is should schools even be
9 allowed in the industrial zones? So there's
10 those that are around and then especially the
11 charters that tend to go in there. So
12 they're looking at that issue so we will
13 probably be coming back even with a more
14 comprehensive in the future on that.

15 COMMISSIONER MILLER: So in the
16 ZRR we currently allow the schools in
17 industrial --

18 MS. STEINGASSER: We brought them
19 forward from the current regulations.

20 COMMISSIONER MILLER: As a matter
21 of right?

22 MS. STEINGASSER: Yes.

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1 COMMISSIONER MILLER: Okay. Just
2 moving on since I have a limited amount of
3 time here, if you could look at, well, you're
4 going to look at all the recommendations but
5 I would encourage you to look at Elizabeth
6 Miller's suggestions for whether any of them
7 are appropriate to add into the zoning.

8 Some of them seem easy,
9 noncontroversial. Some of them are parking
10 and transportation, DDOT issues, not zoning
11 issues, but --

12 MS. STEINGASSER: I think some of
13 them are public spaces use but I think her
14 ideas about requiring, not just permitting,
15 but actually requiring the sharing of loading
16 spaces --

17 COMMISSIONER MILLER: Right.

18 MS. STEINGASSER: I think that's
19 a really good idea.

20 COMMISSIONER MILLER: The car
21 share spaces.

22 MS. STEINGASSER: The car share,

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1 yes, we're always good for that.

2 COMMISSIONER MILLER: Okay. The
3 0.5 FAR requirement in NoMa for retail, so we
4 had some testimony about how that has,
5 because of the large lots and then only some
6 of it is fronting on 1st Street, that this is
7 creating -- so are you looking at that or is
8 --

9 MS. STEINGASSER: We are. We
10 are. We have met with both Skanska and JBG
11 on those issues and we are looking at how to
12 define that so that you don't end up with
13 this --

14 COMMISSIONER MILLER: I mean we
15 could just simply require the ground floor on
16 1st Street to be retail and not make it an
17 FAR requirement?

18 MS. STEINGASSER: We could. The
19 problem is these buildings have to draw their
20 height from North Capitol so the ground floor
21 can be extremely large so that's why they're
22 trying to, how far off 1st do they need to be

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1 until --

2 COMMISSIONER MILLER: And they
3 were saying 72 feet.

4 MS. STEINGASSER: Right. So
5 we're looking at those dimensions with them.

6 COMMISSIONER MILLER: Okay. Can
7 you come back to me for my -- I need to
8 gather my notes here.

9 CHAIRMAN HOOD: That's fine.
10 That's fine.

11 COMMISSIONER MILLER: Okay, thank
12 you.

13 CHAIRMAN HOOD: Okay. Vice
14 Chair, you going next?

15 COMMISSIONER MAY: She wants me
16 to.

17 CHAIRMAN HOOD: Oh, she wants
18 you. Okay, Commissioner May. Yes, she's
19 running the show. Can I go after him or you
20 --

21 VICE CHAIR COHEN: Sure.

22 CHAIRMAN HOOD: Okay.

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1 COMMISSIONER MAY: All right so,
2 first of all, in response to one of the
3 topics that came up earlier, I honestly do
4 believe the Height Act study is being treated
5 completely separate. I mean that's been my
6 experience and I've been at the table for
7 both things and this is very separate.

8 I think there are some, you know,
9 accidental circumstances in the language of
10 the zoning regulations that triggered
11 concerns and I think that you're moving to
12 address those by including the minimum, but I
13 do think it's been a completely separate
14 discussion.

15 You know, a lot of the testimony
16 that we heard today is that what we are
17 doing, you know, seems to indicate that
18 people are concerned that what would be done
19 with these changes to the downtown zones is a
20 lot more change than you are describing to
21 us.

22 MS. STEINGASSER: Yes.

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1 COMMISSIONER MAY: And, I mean,
2 it seems fairly straightforward when you
3 describe it to us that it's basically, you
4 know, renaming, remapping, you know what I
5 mean? I mean not remapping but changing the
6 designations of certain zones but carrying
7 over basically what's there now with a few
8 exceptions.

9 But somehow it's triggering a lot
10 of other concerns that other things are
11 changing, and maybe some other things are
12 changing simply because the translation isn't
13 a very exact science. I don't know. I mean
14 I assume that you would agree with that
15 assessment first of all.

16 MS. STEINGASSER: Yes, yes.

17 COMMISSIONER MAY: Okay. Toward
18 this end, I think it might be very helpful in
19 the downtown zones where things are pretty
20 darn complicated to actually do kind of a
21 side-by-side comparison of some of these
22 zones, saying, you know, this is the way it

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1 was zoned and this is what it meant and this
2 is, you know, the new designation and this is
3 what has changed.

4 MS. STEINGASSER: I think it's
5 absolutely reasonable and that was one of my
6 notes here because I think it, this
7 Commission is very different from the Zoning
8 Commission that started this process and then
9 there was two or three other members in
10 between. Well, no, not you, Commissioner May
11 or Chairman Hood or, I think even Mr.
12 Turnbull was here.

13 But some of the questions that
14 were asked and answered in 2008 or 2009, this
15 Commission may not feel the same way, either
16 through time or, you know, like I said, some
17 of the issues you've said you were interested
18 in seeing what we came back with but you were
19 not necessarily committed one way or another
20 and this is one of those questions.

21 You know, are the boundaries
22 where they all should be? We followed the

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1 Comprehensive Plan map for high density.
2 That's what was referenced when we first
3 started and that's the direction we've always
4 gone, but there's nothing wrong with asking
5 that question now. Is that still the right -
6 -

7 COMMISSIONER MAY: Right. Well,
8 and I think even, you know, when we've done
9 some of our prior discussions, it's also been
10 sort of zooming in on real close-ups and now
11 we're looking at the entire picture and
12 things might change when you look at the
13 bigger picture.

14 I know it's a lot of work and
15 we're asking for a lot of, you know,
16 explanations of explanations but it is
17 helpful for us.

18 So one particular thing, the
19 viewshed protection issue at 16th Street, my
20 recollection is that has been addressed. Is
21 that incorrect or are you actually proposing
22 going up to 130 feet on 16th?

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1 MR. COCHRAN: We are not. It has
2 been addressed. It is limited to 90 feet. I
3 can give you the reference to the section but
4 it's incorporated in the historic
5 preservation section.

6 COMMISSIONER MAY: Okay. That's
7 great because, I mean, I looked for that
8 because I'm sitting at the table on both
9 things and I thought I had seen it.

10 MR. COCHRAN: 306.1.

11 COMMISSIONER MAY: Okay. So FBI
12 being mapped as the equivalent of C-4 versus
13 C-5. I don't know what the new designations
14 are.

15 MR. COCHRAN: Again, the setbacks
16 on that have been taken care of in Chapter 6
17 in the location-based regulations. It has
18 the same requirements for setbacks and height
19 that now exist. It's not in that zone
20 designation.

21 COMMISSIONER MAY: Right.

22 MR. COCHRAN: But it is in the

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1 subarea designation.

2 COMMISSIONER MAY: D-B-7-A or --

3 MR. COCHRAN: No, it's just
4 called Pennsylvania Avenue.

5 COMMISSIONER MAY: Okay, all
6 right.

7 COMMISSIONER MILLER: So can you
8 explain why it isn't in that new zone?

9 MR. COCHRAN: Because the new
10 zone covers more than that site and it covers
11 more than just Pennsylvania Avenue, but those
12 height restrictions and those height extra
13 permissions apply only along Pennsylvania
14 Avenue.

15 So as we've tried to explain,
16 there are zones and then there is location,
17 excuse me, zone-based regulations that apply
18 across many locations. And then there are
19 location-based regulations that apply across
20 several zones within that location.

21 So where the zone and the
22 location meet is only, and that height

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1 restriction applies is only the FBI building
2 so we included it in the Pennsylvania Avenue
3 locational restrictions. The rest of the
4 Pennsylvania Avenue location is in a
5 different zone. Sorry if that didn't --

6 COMMISSIONER MILLER: Thank you.

7 COMMISSIONER MAY: Thank you.

8 So, by the way, this is sort of a side note
9 but I'm just curious, in all of the other
10 zones we have a letter and a number and here
11 we kept that scheme that was originally
12 dreamed up.

13 MS. STEINGASSER: It's going to
14 be removed.

15 COMMISSIONER MAY: It's going to
16 be removed?

17 MS. STEINGASSER: It will be but
18 --

19 COMMISSIONER MAY: It's going to
20 be D-1-2-3 whatever through --

21 MS. STEINGASSER: The downtown
22 was kind of on an independent path in terms

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1 of how it was working and it's so uniquely
2 written that by the time we changed the
3 nomenclature so many people were already
4 working with it that we just took it --

5 COMMISSIONER MAY: Okay, so it'll
6 be a later change.

7 MS. STEINGASSER: It'll be a
8 regular.

9 COMMISSIONER MAY: All right.
10 Well, I kind of like the idea of the
11 structured numbering and naming because
12 that's the way I think but I understand why
13 it gets so complicated, particularly when I'm
14 looking at a four-digit code. I mean I just
15 can't cope.

16 So one of the things I am
17 concerned about with the downtown designation
18 in some of these areas that have been
19 primarily, or at least by the neighbors,
20 regarded as primarily residential areas is
21 the concern about, you know, the parking
22 minimums or the lack of parking minimums

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1 because that has the potential to affect
2 neighbors who rely on street parking and
3 there is some zoned parking in the, you know,
4 what we're mapping here as downtown.

5 So, I mean, what protection do we
6 have to make sure that new apartment
7 buildings are not built with zero parking and
8 everybody gets RPP and there's just
9 absolutely no place to park? I mean, this is
10 sort of a city-wide concern that I have with
11 spillover. I've said it before.

12 MS. STEINGASSER: And I think
13 that's something we're going to have to have,
14 when we discuss parking in general on
15 Wednesday with DDOT and we talk about their
16 RPP in there, enhanced RPP.

17 COMMISSIONER MAY: Yes okay,
18 because, I mean, I'm thinking that there has
19 to be some sort of automatic exclusion. An
20 area where there's no minimum parking, there
21 can't be large buildings built with RPP
22 eligibility.

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1 I mean, you know, or put it this
2 way, if you don't put in a certain number,
3 then you should not be eligible for RPP,
4 something like that. There ought to be a
5 trigger.

6 So I am really interested in the
7 Federal Triangle South and how that zone got
8 developed and how it will be mapped, I mean,
9 what restrictions that'll be put on it.

10 And I got the feeling in reading
11 it that it was not, I mean it might be
12 worthwhile doing, you know, a Special K zone
13 there as opposed to just mapping it with
14 another downtown zone. It's just something
15 worth thinking about.

16 You know, I think that you have
17 to, I guess I just have to be convinced that
18 just mapping it this way is the right way to
19 do it.

20 I also would like to see how the
21 credit system compares, specifically with the
22 TDRs and the CLDs because that whole thing

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1 gets very, very confusing.

2 You know, we're not living in
3 that world all the time and, you know, there
4 are many lawyers still in the room who do and
5 it just, you know, gets my head spinning.

6 I mean the credit system seems
7 very simple. It's just how does that compare
8 with what we had before? And maybe it can
9 only be done by sort of samples.

10 MS. STEINGASSER: Okay. And that
11 is one thing we've been really conscious of.

12 We want to make sure that everybody stays
13 whole, that the value of a CLD, which tends
14 to be higher than a TDR, that they don't
15 deflate each other in some unseen way.

16 COMMISSIONER MAY: Right, right.

17 I mean I am concerned about that potential
18 loss of entitlement but I'm mostly concerned
19 about how does it work, you know, and how
20 does it, I mean, how does it compare to what
21 we had before? Is it going to incentivize
22 the right things, for example? I mean in

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1 principle it sounds like it is, but it's hard
2 to know without knowing the particulars.

3 The last thing I would say is
4 that for all of the Special K zones, I just
5 have the question of -- oh, I have 58 seconds
6 -- is the areas where these zones are
7 different.

8 I mean I had mentioned it for the
9 downtown zones but I think spelling out
10 particularly, you know, this is what
11 Southeast Federal Center was and this is what
12 we are now proposing and if the only
13 difference is that there are no longer
14 parking minimums, then it's going to be a
15 pretty simple crosswalk.

16 But I think doing that for all of
17 these zones would be a helpful thing for us
18 to understand it, and that concludes my
19 questions for this evening.

20 CHAIRMAN HOOD: Okay. Vice
21 Chair.

22 VICE CHAIR COHEN: Thank you, Mr.

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1 Chairman. Actually to add on to Commissioner
2 May's concerns or questions about TDRs and
3 CLDs, I'm really, you know, out of my element
4 there.

5 And on your memorandum of
6 explaining downtown zones, Subtitle I,
7 Paragraph 4, Page 5-D, I need a further
8 explanation because I don't see how -- if you
9 maintain a relationship between TDRs that are
10 converted to credits to be used to meet
11 housing requirements, I'm not sure I
12 understand how that works. So if you could
13 explain that a little bit more clearly, I
14 would appreciate it.

15 Next, my crystal ball, this is
16 going to be maybe another 50 years before we
17 have a zoning rewrite. Is there anything in
18 this zoning rewrite that would prohibit
19 adaptive reuse of any buildings, such as
20 office to housing or institutional to
21 housing?

22 MS. STEINGASSER: There should be

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1 nothing that inhibits a use going to housing
2 in any zone.

3 There are limitations on uses in
4 residential zones and in certain zones going
5 the other direction, but as far as something
6 being able to become housing, there should be
7 no limitations.

8 MR. LAWSON: And just to add to
9 that, we've actually proposed --

10 VICE CHAIR COHEN: You're taking
11 my time.

12 MR. LAWSON: I'm sorry, but this
13 is answering your question. We have actually
14 added some provisions that would facilitate
15 the easier conversion of nonresidential to
16 residential if an applicant wished to, some
17 of the things related to lot occupancy for
18 example.

19 VICE CHAIR COHEN: Okay.

20 MS. STEINGASSER: Let me clarify
21 for the audience that that does not mean a
22 multifamily building could be converted from

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1 a church in a single-family detached
2 residence. The density issues would still be
3 --

4 VICE CHAIR COHEN: Thank you. A
5 lot of cities are finding that banks are
6 taking up too much frontage and, therefore,
7 it's just, you know, totally boring to walk
8 past them. Are there any ways to prevent
9 that in our current rewrite?

10 MR. COCHRAN: Yes, we already
11 have regulations that limit financial
12 institutions to 25 percent of the block face
13 in several areas. I would have to get back
14 to you on where we have limited those in the
15 expansion areas but they are limited in the
16 existing downtown. I just don't --

17 MS. STEINGASSER: And they're
18 also limited in several of the neighborhood
19 commercial mixed-use zones.

20 VICE CHAIR COHEN: Okay. This is
21 the arts use requirements. You've put in
22 parentheses something called "real arts uses

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1 be provided."

2 Can you elaborate on that because
3 I really find that our city lags behind many
4 cities in the United States and
5 internationally on really, you know,
6 sculptures.

7 Again, I mentioned this once
8 before, men on horseback is not a sculpture.

9 It's history lesson. So I want to see
10 beautiful things and I don't see many in our
11 city.

12 MR. COCHRAN: The aim of the
13 changes is to catch up with the times. When
14 we talked arts back when the living downtown
15 went in in the '80s and early '90s, things
16 were a little bit more desperate and eating
17 and drinking were considered to be art forms.

18 Maybe they are for some people, but now
19 they've been taken out. So it's not as
20 desperate a time so those are not considered
21 arts.

22 With respect to sculptures, that

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1 would be more the purview of a percent for
2 art requirement that some cities have, but we
3 don't have anything in the zoning.

4 VICE CHAIR COHEN: Why not?

5 MR. COCHRAN: Typically they go
6 in public space, which zoning in our city
7 does not control.

8 VICE CHAIR COHEN: Why not?

9 MR. COCHRAN: That I cannot
10 answer.

11 VICE CHAIR COHEN: Okay, because
12 that is a concern of mine, public space. I
13 believe that we have not optimized, again,
14 aesthetics in public space.

15 And I give you the example of we
16 now have a regulation to make those newspaper
17 boxes more stable and more aesthetic. They
18 are rather disgusting. You know, a city as
19 beautiful as Washington, D.C., they should
20 not be --

21 (Off microphone discussion).

22 VICE CHAIR COHEN: I hope so.

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1 (Off microphone discussion)

2 VICE CHAIR COHEN: I hope not.

3 MS. STEINGASSER: There is a
4 public space committee. The Zoning Act
5 limits zoning to private properties and
6 that's why the public space is regulated
7 separately.

8 But there is a public space
9 committee. We could always put your name in
10 if you're looking for more work during the
11 day.

12 VICE CHAIR COHEN: Yes, I don't
13 have enough to do.

14 I'm concerned about gun shops and
15 I know we're not supposed to call out any
16 particular retailer but, frankly, I find them
17 to be, and I know Heller exists. I know all
18 that.

19 But I believe that we should have
20 more restrictive guidelines on their
21 locations and I think that we're too flexible
22 and so can you, I mean, I don't want to be

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1 like Virginia where in every, you know,
2 shopping mall you can find one, or shopping
3 strip, but what's it, 600 feet now? It's --

4 MS. STEINGASSER: I believe it's
5 600 feet from residential, schools, churches,
6 places of assembly.

7 VICE CHAIR COHEN: I think it
8 needs to be looked at and be farther away.

9 MS. STEINGASSER: Okay, we're
10 happy to provide you, there's a long history,
11 civil --

12 VICE CHAIR COHEN: I know the
13 Heller case and stuff.

14 MS. STEINGASSER: -- and with the
15 Office of Attorney General and the Police
16 Chief so let me get you --

17 VICE CHAIR COHEN: Our hands
18 tied, is that what you're saying?

19 COMMISSIONER MAY: You know I was
20 here for all of those discussions. I think
21 we pushed it as far as we could, is what it
22 boils down to.

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1 And, you know, if we went much
2 further it would, I don't know, invite
3 litigation that would throw the doors really
4 wide open. So I think that everybody felt
5 comfortable pushing as far as we did, so.

6 VICE CHAIR COHEN: I mean it's
7 easier to open up a gun shop than a
8 veterinarian, you know. It really is, so.

9 On the industrial sites, agro-
10 farms will be allowed, which would include
11 the marijuana, not that I use it. I'm just
12 asking on behalf of other people.

13 MS. STEINGASSER: Medical
14 marijuana is a licensed activity but I
15 believe the zoning administrator considers it
16 an agricultural use, so in the industrial
17 zones.

18 VICE CHAIR COHEN: Okay. Well, I
19 can't give up two minutes. I was sort of
20 being very selective in my questions so I'm
21 going to go back.

22 All right, surface parking lots.

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1 They are a special exception in all downtown
2 areas, is that correct?

3 MR. COCHRAN: Yes.

4 VICE CHAIR COHEN: Don't
5 understand what I wrote there. Oh, and on
6 the time limitations of TDRs and CLDs, I
7 understood you will take a look at --

8 MR. COCHRAN: We've been working
9 very closely. It's certainly our intention
10 that no one lose their rights and we will
11 continue working on that language until
12 whatever problem that's perceived is solved.

13 VICE CHAIR COHEN: Believe it or
14 not, thanks to my colleagues who asked a lot
15 of questions -- oh, I know one. Fences, you
16 are specifically stating that fences have to
17 be, they're not going to be able to be chain-
18 link fences anymore because you want them to
19 be totally, I can't even remember the name.
20 I'm tired.

21 MS. STEINGASSER: In the
22 industrial?

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1 VICE CHAIR COHEN: Yes.

2 MS. STEINGASSER: Yes, they have
3 to be some kind of permanent, yes --

4 MS. VITALE: Solid.

5 MS. STEINGASSER: Solid, thank
6 you. Those big college words we can't
7 remember.

8 MS. VITALE: Solid wood or board-
9 on-board or you could substitute a brick or
10 stone wall.

11 VICE CHAIR COHEN: No, that's
12 good. Thank you.

13 MS. STEINGASSER: Solid.

14 CHAIRMAN HOOD: Okay. Ms.
15 Steingasser, let's revisit that external
16 effects because when I first got here counsel
17 told me, because that was one of the issues I
18 came in the door with, about external effects
19 actually applying to more than just M zone.
20 It was the C-M-1 zone, the C-M-2 zone, the C-
21 M-3 zone.

22 But let's go back. I'm not going

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1 to ask for a comment on everything but let's
2 revisit that. I may be wrong. It's been
3 some years ago, so let's revisit that.

4 The 302.5, which I like to call
5 the, when I was reading this I called the M&M
6 bill, the MITN and MAY bill or regulation,
7 302.5. Emergency shelter started off in
8 their other capacity as temporary.

9 Now I see here in the new zoning
10 rewrite, we have made this a permanent part
11 within the Langdon Overlay, and I thought
12 that was temporary.

13 And I don't understand how we can
14 do that and actually, and I'm not against it
15 because people need a place to stay and I've
16 always said that. But how now are we making
17 that permanent, especially in this address?

18 And I think what you did, what
19 you all have done, is you looked at the
20 specific areas on the overlay and what
21 already existed and incorporated into the
22 regulation and now this has become a

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1 permanent part in that community.

2 Now, the other issue is, and I'm
3 trying to do all this in ten minutes because
4 I'm going to have many more times to go back
5 and forth on this.

6 The Langdon Overlay, and I may
7 have missed it in the regulations, I only see
8 LO one time. I don't see it fully spelled
9 out, and it may be here. I've looked for it
10 so much that it may have hidden from me.

11 I don't see Langdon Overlay
12 spelled out but I understand the concept and
13 actually I think the concept is good but I
14 just don't see it spelled out, like we saw
15 Forest Hills, we saw Cleveland Park. I just
16 don't see it spelled. I know what LO means
17 but somebody else may not know what LO means.

18 MS. STEINGASSER: Well, the
19 reason it's not spelled out, because it's no
20 longer only for the Langdon neighborhood.
21 It's now for everybody in the city.

22 CHAIRMAN HOOD: So LO is LO.

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1 MS. STEINGASSER: LO,
2 everything's LO. It's now a city-wide
3 standard.

4 CHAIRMAN HOOD: Okay, I
5 understand it better. Okay. Now, as far as
6 use with, well, I'm going to say LO because
7 originally LO. Where in the uses would soil
8 remediation be covered? And I keep going on
9 that because that's a live experience.

10 MS. STEINGASSER: Soil
11 remediation is covered under the
12 environmental regulations under site
13 remediation and response. It's the D.C.
14 Brownfield Act. It's referenced in the
15 PowerPoint.

16 CHAIRMAN HOOD: Okay. It's in
17 the uses within Subtitle J. It's in those
18 uses, right?

19 MS. STEINGASSER: I guess I don't
20 understand. I mean I just don't understand.

21 CHAIRMAN HOOD: In Subtitle J we
22 have uses, right?

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1 MS. STEINGASSER: Yes.

2 CHAIRMAN HOOD: So I should be
3 able to go to those uses and find it, not
4 necessarily spelled out like that but it
5 should be interpreted in those uses?

6 MS. STEINGASSER: Are you talking
7 about the prohibited uses of the Langdon
8 Overlay?

9 CHAIRMAN HOOD: Let me see.
10 Again, this is why the tutorial may help me.
11 I just had it. No, it wasn't prohibited
12 uses. I'm losing time. I'll come back to
13 that.

14 MS. STEINGASSER: Okay.

15 CHAIRMAN HOOD: Mrs. Gates'
16 letter, those three recommendations, and I
17 heard what you said about the 1,000 foot. I
18 know there's some legislative case law out
19 there. I just can't remember what it was,
20 but let's look at it again, see what we can
21 do. I remember that whole issue. I was
22 involved with some of that.

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1 MS. STEINGASSER: I'm going to
2 ask the Office of Attorney General to prepare
3 that.

4 CHAIRMAN HOOD: Now, where do I
5 look at, I read this somewhere in the
6 regulations, solid waste handling facilities
7 or whatever it's called. I saw that
8 referenced somewhere and now, you know.

9 MS. STEINGASSER: It's now
10 considered its own use category, waste
11 handling.

12 CHAIRMAN HOOD: It spells it out.
13 It says it in these regulations somewhere?

14 MS. STEINGASSER: Yes, it does.
15 Yes, it does.

16 CHAIRMAN HOOD: Okay, solid
17 waste, okay. Now, also Ms. Jones, ANC
18 Commissioner Jones, can we look at whether or
19 not we can, and I think we might have looked
20 at this some years back. I can't remember.

21 Can we look at whether or not we
22 can do something with that structure where we

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1 have over-saturation of certain uses? And I
2 think we did that, at least under the, well,
3 in the area, across from waste management
4 some years ago when we got the first cement
5 plant and we started looking at others.

6 So I think that's something
7 viable. I don't know if we can do it. I
8 don't know what the case law says, but I
9 think it's something we should look at, over-
10 saturation.

11 MS. STEINGASSER: Yes, sir, I
12 think we can and I'll say that on the record.

13 CHAIRMAN HOOD: Okay. The sexual
14 establishments, can we look at that? Ms.
15 Neuhaus, she raised that issue and it may
16 have been asked and I go last so most of the
17 time it's probably been asked. And Mr.
18 Turnbull may have a follow-up on that.

19 100.2, not a PDR use, was that
20 answered? I don't necessarily need an answer
21 but let's make a response. I think Mr.
22 Collins mentioned that earlier.

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1 MS. STEINGASSER: Oh, 100.2.
2 That's in --

3 CHAIRMAN HOOD: 100.2b I think it
4 was. And, again, I guess they'll follow with
5 you all about the text amendment for the
6 pets. I just hope they're not waiting on
7 this process. Maintain entitlements, okay.

8 Actually I think that's it and I
9 have time to go. That's how it's done, Mr.
10 May. Okay. All right, Mr. Turnbull, did you
11 want to follow up?

12 COMMISSIONER TURNBULL: Yes.
13 When Ms. Neuhaus was talking about it, she
14 talked about the sexually oriented business
15 and it mentions a district, a residential
16 district. But if they're not in a
17 residential district but if there's
18 residences nearby and I think if we could get
19 some clarity on that that would, I think
20 she's worried about that. Got a house across
21 the street that's not in a residential
22 district and somebody could set something up

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1 across the street.

2 MS. STEINGASSER: Yes, sir. And
3 I think that was what Commissioner Miller was
4 also alluding to, that maybe we'd look at
5 replacing district with use.

6 COMMISSIONER TURNBULL: With use,
7 okay.

8 MS. STEINGASSER: Also, I don't
9 know how to involve this but the Department
10 of Consumer and Regulatory Affairs has a code
11 coordinator who is monitoring what we're
12 doing here with the building code, the noise
13 regulations and the sign regulations.

14 COMMISSIONER TURNBULL: Oh, good.

15 MS. STEINGASSER: Yes, she's
16 trying to pull those threads and look at how,
17 because a lot of these other regulations use
18 the zoning regulations as their defining
19 elements.

20 So now that we're changing our
21 nomenclature, theirs are going to change and
22 so she's pulling some really odd little

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1 threads through these things. But there is
2 somebody who can --

3 COMMISSIONER TURNBULL: So do you
4 have to reference them in the zoning code?

5 MS. STEINGASSER: We do not. We
6 tend to lead this pack.

7 COMMISSIONER TURNBULL: Okay.
8 The only other thing that May and I had was
9 Ms. McCarthy had talked about delaying on
10 2.13. She said it's coming out late and I
11 don't know how far along you are. We didn't
12 get into a big talk about that, but your
13 thoughts on that.

14 MR. COCHRAN: We're meeting
15 regularly on it. The outlines are very clear
16 I think at this point, and we certainly
17 anticipate working on it more and by the
18 time, I don't know what your schedule is like
19 but we would certainly be ready --

20 COMMISSIONER TURNBULL: I'm wide
21 open. I'm ready for anything.

22 MR. COCHRAN: -- with refined

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1 language by the time we have to get back to
2 you.

3 COMMISSIONER TURNBULL: Okay.

4 MR. COCHRAN: But we also would,
5 of course, be considering the other
6 Commissioner's notion that maybe it should be
7 considered as a special zone.

8 COMMISSIONER TURNBULL: Okay,
9 thank you.

10 MS. STEINGASSER: Could I clarify
11 one comment that Chairman Hood made? You are
12 right. The standards of adverse effect do
13 apply in the C-M zones.

14 I was reading from the M zones,
15 but they absolutely apply in all the current
16 industrial zones and so we'll make sure that
17 carries through as well.

18 CHAIRMAN HOOD: My memory's not
19 as bad as I thought it was, okay. All right,
20 Commissioner Miller.

21 COMMISSIONER MILLER: Thank you,
22 Mr. Chairman. I think I had four minutes

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1 left on my clock when I --

2 CHAIRMAN HOOD: No time shall be
3 ceded.

4 COMMISSIONER MILLER: No time
5 shall be ceded. You did say that. But I
6 don't think I'll need the four minutes
7 because many of my fellow Commissioners have
8 already asked the questions.

9 But one of the questions is about
10 this issue of encouraging housing in the
11 downtown zones. There are 11 zones now
12 proposed in this expanded downtown as I count
13 them and only two, I only see two of the new
14 ones in the expanded areas where IZ applies.

15 I mean I just went through it for
16 the third time where in the beginning of each
17 zone it says "shall not be subject to" or "is
18 subject to." I only saw "is subject to" in
19 two of the zones. So if you could just
20 identify what the number, yes.

21 MR. COCHRAN: Five zones.

22 COMMISSIONER MILLER: Five you're

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1 saying. So maybe we could see a little more
2 --

3 MR. COCHRAN: As of tonight, I
4 understood the source of some confusion.

5 COMMISSIONER MILLER: So, I mean
6 I went through --

7 MR. COCHRAN: There is one zone
8 where the zone table and everything else
9 refers to IZ but --

10 COMMISSIONER MILLER: Are you --

11 MR. COCHRAN: -- a typo. It says
12 at the beginning that IZ, it should have said
13 IZ applies to the zone or does apply to this
14 zone and the word "not" was simply copied
15 from another one and I just noticed that
16 tonight, but the rest of it --

17 COMMISSIONER MILLER: Okay, I saw
18 it nine times, I saw the "not."

19 MR. COCHRAN: I'd be --

20 COMMISSIONER MILLER: Now, are
21 you including in your five the housing
22 priority areas because that's a separate --

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1 MR. COCHRAN: No, the D-2-B-2 has
2 IZ. The D-3-B-1, the D-4-B-1 --

3 COMMISSIONER MILLER: Wait, wait.
4 Could you go through that again?

5 MR. COCHRAN: Sure. D-2-B-2.

6 COMMISSIONER MILLER: D-2-B-2. I
7 don't even have that on your list.

8 MR. COCHRAN: D-3-B-1.

9 COMMISSIONER MILLER: Okay.

10 MR. COCHRAN: D-4-B-1, D-6-B-1
11 and D-8-B-1.

12 COMMISSIONER MILLER: So five of
13 the zones are subject to inclusionary zoning?

14 MR. COCHRAN: Yes.

15 COMMISSIONER MILLER: Okay, and
16 then the others we have preferred uses and
17 you can use the additional --

18 MR. COCHRAN: The others are in
19 downtown and as part of the basic principle
20 of not essentially messing with entitlements
21 or land values we kept the downtown
22 requirements as they are.

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1 In the areas that have housing
2 priority areas where you must provide a
3 certain amount of housing, we made those
4 separate zones and then continued to require
5 that minimum amount of housing.

6 COMMISSIONER MILLER: Right.

7 MR. COCHRAN: But in the areas of
8 the existing downtown where housing is not
9 required, it would not be required. And just
10 as now, in those same areas IZ does not
11 apply, nor would it apply in the future.

12 COMMISSIONER MILLER: In the six
13 downtown zones, and my last question, my last
14 question, the six downtown zones where IZ is
15 not required, are we giving additional FAR or
16 height in any of those zones that doesn't
17 exist today? So there, I mean --

18 MS. STEINGASSER: It should just
19 reflect the existing DD Overlay and the
20 receiving zones, the TDR receiving zones.
21 Those are the ones that it would not.

22 MR. COCHRAN: Excuse me, there is

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1 actually additional height in the by-right
2 base height in some of the existing downtown
3 zones, but not additional FAR.

4 COMMISSIONER MILLER: Okay. I
5 think I just might, as we go forward, my
6 concluding thought, Mr. Chairman, is, I mean,
7 I --

8 (Off microphone discussion)

9 MR. COCHRAN: We'll do that as
10 part of -- of course.

11 COMMISSIONER MILLER: How housing
12 is being encouraged and why, if additional
13 entitlement is being given why we aren't
14 getting maybe something additional back, or
15 if we are, what that is.

16 VICE CHAIR COHEN: I agree.

17 MR. COCHRAN: Excuse me, but let
18 me emphasize that there's the base zone.
19 Generally it's 6.5 commercial is allowed by-
20 right.

21 To get above 6.5 to the maximum
22 FAR you can fit on a site or whatever the

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1 zone might allow for height, you have to do
2 either housing or preferred use or buy
3 credits. That's just sort of a given across
4 almost every zone.

5 COMMISSIONER MILLER: Thank you.
6 That's a helpful explanation.

7 MR. COCHRAN: That's how we're
8 trying to encourage housing.

9 COMMISSIONER MAY: I just want to
10 point out additional height and additional
11 FAR are such completely different things
12 because additional height without additional
13 FAR theoretically is an incentive or would
14 encourage more creative design of buildings
15 and shaping of buildings and such --

16 MR. COCHRAN: That's the
17 intention.

18 COMMISSIONER MAY: -- as we have
19 done on Southeast, Southwest Waterfront and
20 Union Station North, right?

21 VICE CHAIR COHEN: I just got
22 permission to ask a quick question. Is there

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1 any way that we can write into the code any
2 type of design standards to improve parking
3 garages? I just really find them to be,
4 again, un-aesthetic.

5 MS. STEINGASSER: We can
6 certainly take a stab at that.

7 MR. COCHRAN: As you know, right
8 now even, we don't allow, because of your
9 recent decisions, we don't allow above-ground
10 parking within 20 feet of a property line so
11 that's discouraged it somewhat but it doesn't
12 address people who choose to give up their
13 FAR for above-ground parking inside of 20
14 feet.

15 VICE CHAIR COHEN: Yes, but there
16 may be ways for covering, you know, which
17 we've attempted to do as well with PUDs, but
18 I'm just talking in general, any --

19 MS. STEINGASSER: I think that's
20 something we can look at. You know, we're
21 still looking at how to address big box and
22 whether there are some impact design issues.

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1 It's kind of the same structural features so
2 we can look at that.

3 CHAIRMAN HOOD: Okay, I just got
4 permission to make three quick comments. Ms.
5 Hemberger, I'd ask that we respond to her
6 letter. Well, not necessarily respond to her
7 letter, especially where she says I'm being
8 asked, well, we're being asked to sign a
9 whole book of such blank checks. Those kind
10 of statements make me very nervous.

11 I just need some assurance, well,
12 as we go through this process I'm sure it'll
13 evolve to the point, whether I am or not, but
14 just, if you can just comment, especially on
15 the last paragraph.

16 And the other issue for me is
17 where does the Zoning Commission examine the
18 modeling studies to evaluate potential damage
19 to historic use from by-right increased
20 heights before you approve the expansion of
21 downtown, because I don't want any of this to
22 lead to, downtown needs to be more than tall

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1 office buildings and it shouldn't be the
2 neighborhood for the rich.

3 So these are some of the things
4 that I'm going to make sure that we are not
5 actually going down this road.

6 So, anyway, I don't necessarily
7 need a response tonight. But those are some
8 of the things we're going to talk about as I
9 evolve and continue to learn myself about the
10 regulations.

11 Let me just commend, I'm going to
12 tell you, as I get into these regulations,
13 I'm learning them and I'm becoming more
14 familiar. The question was whether or not
15 the old regulations which I was used to and
16 these regulations, I find these very easy.
17 The content I think is pretty consistent.

18 But, now, if I have a case going
19 back and forth, then I'm going to have to
20 learn that. That's why I asked for that
21 tutorial but, as you mentioned, the Office of
22 Zoning's going to put something out that may

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1 be able to help us. But I'm finding this a
2 little easier.

3 But I also want to make sure the
4 folks that don't do this all the time find it
5 easier, because that was the intention and
6 the goal that we set out early on.

7 MS. STEINGASSER: And that's why,
8 we keep talking about the crosswalks and I
9 really encourage everybody to use them. They
10 walk you through section by section where
11 things are.

12 COMMISSIONER MAY: I mean it's
13 really just a cross-reference though.

14 MS. STEINGASSER: It's a cross-
15 reference.

16 COMMISSIONER MAY: Something you
17 used to find in this section you now find in
18 this section, right.

19 MS. STEINGASSER: Yes. It's
20 different than what you're talking about in
21 terms of what's changed.

22 COMMISSIONER MAY: Right.

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1 CHAIRMAN HOOD: Right, it's a
2 difference, yes.

3 MS. STEINGASSER: That's
4 something else we're doing.

5 CHAIRMAN HOOD: That's a whole
6 different issue.

7 MS. STEINGASSER: But in terms of
8 finding something, if you want to find where
9 it is, it'll tell you where it is.

10 CHAIRMAN HOOD: Right, and I
11 think this is a little easier, but then
12 again, I want to hear from the public. But
13 I'm finding it a lot easier for me.

14 COMMISSIONER MAY: That assumes
15 we knew where it was in the first place.
16 You'd have to go looking for it, so.

17 CHAIRMAN HOOD: But let me just
18 say this. Let me commend everyone. I think
19 these discussions -- I'm sorry, I forgot
20 Tuesday night. But these discussions have
21 been very helpful.

22 I think we're going to have

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1 something eventually. I think hopefully the
2 whole city, well, the majority of the city
3 will embrace. I don't think you ever get
4 everybody as we move forward. We got a lot
5 of work ahead of us to continue. We're going
6 to try to do some things as the Commissioner
7 mentioned earlier.

8 Maybe we may go to them. Since
9 we can't get everybody down here,
10 Commissioners, we may go to them but we'll
11 discuss all that on December the 8th. Oh,
12 the 9th, I'm sorry. Oh, the 8th is a Sunday,
13 so anyway. So we won't be on the 8th. So
14 anything else, Ms. Schellin?

15 MS. SCHELLIN: No.

16 CHAIRMAN HOOD: All right, I want
17 to thank everyone for their participation
18 tonight. This has been very helpful. This
19 hearing is adjourned.

20 (Whereupon, the hearing in the
21 above-entitled matter was concluded at 10:26
22 p.m.)

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