GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

ZONING COMMISSION

PUBLIC HEARING

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IN THE MATTER OF:             :

TITLE 11, ZONING REGULATIONS : Case No.
COMPREHENSIVE TEXT REVISIONS  : 08-06A
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Thursday,
April 4, 2014

The Public Hearing of Case No.
08-06A by the District of Columbia Zoning
Commission convened at 6:00 p.m. in the Jerrily
R. Kress Memorial Hearing Room, 220 South, 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
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)
The transcript constitutes the minutes from the Public Hearing held on April 24, 2014.
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CHAIRMAN HOOD: Okay. Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia for Thursday, April 24th, 2014.

My name is Anthony Hood. Joining me Vice Chair Cohen, Commissioner Miller, Commissioner May. We're also expecting to be joined by Commissioner Turnbull shortly.

We're also joined by the Office of Zoning Staff Ms. Bardin, our Director, Ms. Sharon Schellin and Ms. Zee Hill.

We're also joined by the Office of Planning Staff Ms. Steingasser, Mr. Lawson and Ms. Vitale.

This proceeding is being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room including display of any signs or objects.
Notice of today's hearing was published in the D.C. Register and copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in accordance with provisions of 11 DCMR 3022 as follows: Any preliminary matters and tonight, we're only taking testimony from the public of those who we have not heard from.

The following time constraints will be maintained in this hearing: Organizations 5 minutes and individuals 3 minutes. The Commission intends to adhere to the time limits as strictly as possible in order to hear the case in a reasonable period of time.

As noted in the Notice of Public Hearing, testimony will be limited to individuals, organizations and associations that have not previously testified before the Commission on this case.

Persons who have previously testified, but still want to provide the
Commission with additional comments may do so by submitting comments in writing.

The only exception to testifying again would be from ANC Commissioners since they represent many District residents.

We do ask if any ANC Commissioner has previously testified and is going to provide additional testimony this evening that they confine their comments to new subject matter that they have not yet presented.

All persons appearing before the Commission are to fill out two witness cards. These cards are located to my left on the table near the door. Upon coming forward to speak to the Commission, please give both cards to the reporter.

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

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

In addition, there should be no direct contact whatsoever with any Commissioner concerning this matter be it written, electronic or by telephone. Any materials received directly by a Commissioner will be discarded without being read and any calls will be ignored.

The staff will be available throughout the hearing to discuss procedural questions.

And this was mentioned at the budget hearing that this is a legislative case and you actually be able to talk to a Commissioner, but I want to make it known that this Commission has
asked not to do it. While you can, this Commission has asked that we not be engaging in conversation.

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

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

At this time, the Commission will consider any preliminary matters. Does the staff have any preliminary matters?

MS. SCHELLIN: No, sir.

CHAIRMAN HOOD: Okay. I'm going to go with the list that I have in front of me. Okay. Let me go with -- let's start with Jay Smith, Mr. George Clark, Charles Robertson, Justine Kingham, Rick Busch, Richard Houghton, Bill Crews, Chrissy Martin, Frank Staroba.
I called nine names and I think we have eight chairs, but I don't think -- do we have -- okay. All right. Somebody might have to wait. Oh, no, we have enough. We have enough. Come forward. We have enough. We must have nine chairs. That was eight. Okay.

All right. We're going to start to my left/your right. You may begin. If you could just be mindful of the clock.

If you can identify yourself and your address and you may start. Thank you.

MR. SMITH: Good evening. My name is Jay Smith. I live at 5415 42nd Street, N.W. D.C. in Friendship Heights.

I've lived in D.C. since the mid-1980s on Capitol Hill, in Georgetown, at Van Ness and now at Friendship Heights.

I'm an attorney, but I've come here today to express my own personal views.

In January of 2013, the Office of Planning promoted the ZRR with a summary that declared "about 90 percent of regs unchanged!"
No property being rezoned!"

Hearing those statements you might think nothing important was changing. But, that's not true.

For example, the ZRR does, in fact, rezone property downtown. The ZRR will in many cases allow neighbors to open new businesses in residential zones without needing a variance from the BZA and giving their neighbors a chance to object. The ZRR will make substandard lots throughout D.C. buildable as a matter of right. The ZRR will expand commercial uses in residential zones and will allow the conversion to apartments as a matter of right in R-5-A zones. This will erode single family houses stock D.C. should try to preserve.

Now, before D.C. revised the Zoning Code in the '50s, it did land use and infrastructure studies. OP has just skipped this step.

Today, on issues like parking minimums, other major cities like New York and
Portland do detailed studies concerning what the impact will be. You can find these on the web. OP has done nothing of the kind.

OP has also not given the public or the Zoning Commission a manageable document and the chance to focus on the changes being made. The ZRR is poorly crafted and 200 pages longer than the existing code. You cannot easily see what's changing. OP is telling the Commission and the public two things: Trust us and take it or leave it.

But, if 90 percent of the regulations are not being changed, this process can and should be simplified.

I understand the Commission does not have the resources to rewrite the code, but you can improve matters. The Zoning Commission should tell OP that it wants to see the proposed changes submitted in the form of amendments to the existing Zoning Code and then the Commission should take those amendments, group them by topic and hold hearings that are
focused on those specific topics be it ADUs or parking minimums or other subjects.

You have the power to do this and you've already done it for the green area ratio issue and the rules for measuring building height.

The benefit of this approach is that you will be able to make progress on the ZRR, but you will not let the public be railroaded on the parts of the ZRR that are just not ready yet.

Thank you for your consideration.

CHAIRMAN HOOD: Okay. Thank you.

Next.

MR. CLARK: Good evening. My name is George Clark. I live at 4525 28th Street, N.W.

And I had the privilege and distinction of sitting on the Zoning Review Task Force which meant that I don't know how many dozens of meetings I went to between that and the working groups. Sometimes I thought it
was at least 100. Who knows.

But, I had a chance to see this develop from the inside and if we can all remember how this started. I think Commissioner Miller was there sitting next to Chairman Cropp when I first testified that we ought to spend some money on this and I think I got a little bit of a look askance at that. But, eventually, that's what happened.

And in this room when it was smaller, we had hearings talking about what we needed to do to fix problems and Chairman Hood, I know you remember me saying let's not kill the goose that laid the golden egg with respect to this. Commissioner Parsons saying we don't need to rewrite this whole thing. We need to revise parts of it.

And as the previous witness just said, we've gone from 700 pages to 1,000. We have maybe 70 pages of changes according to the Office of Planning. I don't know why we need to have new words to say what it is that we said
before.

I'm a lawyer. I'm not a zoning lawyer, but I can guarantee that when the words are different and OP says they mean the same, some applicant, some lawyer will be here saying oh, no, they don't and we're going to decide these cases that this Commission has had all over again. That's where we're going.

Really I mean the question is, you know, why do we have 930 pages of new text which is suppose to mean what it said before? Why did we change it?

Chairman Mendelson asked for a red line. We couldn't get that.

What happens to all these old decisions? Why did OP do this? What could possibly have been gained?

I have given you a color attachment that takes the OP slides that were distributed to my ANC, ANC 3F, but which are similar to those in other ANCs throughout the city to talk about some of the things OP says about the changes to
the public as opposed to what they are.

Use permissions, nothing's changing except getting rid of penny arcades and ice sales and telegraph offices.

Well, I don't know if you think retail is a Walmart as opposed to that little shop in Cleveland Park that sells vacuum cleaner bags, but they're both retail under this. That is a change and certainly a change for a neighborhood serving retail.

When we come to uses, many home occupations are allowed now. Would be allowed 7:00 a.m. to 10:00 p.m. Eight clients an hour. No parking for clients.

Barbara Zartman, the late Barbara Zartman, when she was on the task force said "Well, what we would allow under entertainment is the recreational masseuse." I don't know how many times I've said that in the task force meetings, but we still have it.

I don't have time to go into these any further, but they are explained very simply
and I'd be happy to respond to any questions from the Commission.

CHAIRMAN HOOD: Okay. Next.

MR. ROBERTSON: I'm Charles Robertson and live at 1516 T Street, N.W. in the Dupont Circle neighborhood.

Citizens were promised a streamlined, easy to understand zoning rewrite. After eight years, we have a bloated document 300 pages longer which is confusing, extremely difficult to use with ambiguities and contradictions that will likely lead to a welter of court cases.

Georgetown -- uneven treatment in neighborhoods, Georgetown was apparently surveyed in meetings between representatives and planners. The residents there had full input in the process and got special consideration resulting in regulations that comported with many of the desires of the residents.

Despite eight years it took to
produce the zoning rewrite, the changes do not reflect the character and needs of the various regions of the city because there was little or no survey work done except reportedly in Georgetown.

The document is at odds in many respects with the Comprehensive Plan. A plan which derived from much citizen participation.

Simply producing a new comprehensive plan to comport with this zoning rewrite will not correct a thorough lack of research. The major zoning documents from 1920, 1938 and 1958 were all the result of careful citywide surveying.

There are a number of cases permitting housing to be replaced in residential zones. This at a time when the city claims it needs more housing.

For instance, the permission by special exception to allow nonprofits to invade buildings over 10,000 square feet in R-4 would make entire apartment buildings at risk of
having its residents displaced. Particularly threatened are Logan Circle and Capitol Hill which have interspersed apartment buildings.

In R-5, the vague reference to art usage can subject rowhouses to converge into offices or arts organizations, dance classes, recording and production studios and art galleries to name a few inappropriate intrusions under special exception. In this case, controlled only by proof of a loading berth. At least 95 percent of special exceptions are granted.

The Zoning Administrator is given too much discretion. The end of a number of sections gives the Zoning Administrator discretion to make determinations.

In a document so full of ambiguities, this is extremely dangerous. The result could be cases that should be advertised to go before the BZA or Zoning Commission, but are not. Thus projects that need review by zoning bodies could begin construction without
any public notice or input.

The extension of downtown by 30 percent westward is a rezoning and should be treated as a contested case not as a text or administrative case. Parties should be permitted to cross examine and appeal to the Court of Appeals.

The solution is to return to our present regulations and make changes that are driven by thorough surveys and sound reasons.

MR. BUSCH: Mr. Chairman, Commissioners, my name is Richard Busch. I live at 1520 Caroline Street, N.W. in the District.

I'm a long-time resident of the City and I'm speaking tonight on behalf of the Dupont Circle Citizens Association.

To save time, you all have a copy of my testimony. I'm going to not go over the first three paragraphs, but I'm going to start the second paragraph from the bottom.
the Zoning Commissioners, when you omitted
corner stores from R-5 zones last years due to
testimony about our residents' easy walking
distance to commercial strips, A Street, 17th,
Connecticut Avenue, U and 14th Streets.

However, since we lost some 118
buildings amounting to 236 dwelling units
through wholesale approvals by BZA of office
uses and special zone -- special purpose zones
which we protested in hearings and because we
have so many intrusions of chanceries and
nonprofits in residential zones, we are
desperate to retain our housing units. No
other neighborhood has been as decimated as
ours.

Since the aim of the City is to
create more housing, it is incumbent on you to
avoid eliminating -- elimination of existing
housing in these new regulations. But, that is
exactly what the proposals do. Eliminate
housing.

To rectify this change and to
promote efforts of the City's environmental goals such as tree cover and water absorption, the regulations need changing in the following manner.

Clarify the confusion in arts uses in R-5 zones in order to preserve housing. First -- in the first proposed regulations, arts uses such as offices, dance studios, recording studios are allowed in special -- by special exception on the first floor. These are completely inappropriate in rowhouses and apartments and it appears that they may have been eliminated in the September version, but in the new version, studios, ceramics and other craft studios, photographic studios, music recordings are listed simply as arts and listed below art galleries. In the definition section, arts is described as including all and more of these inappropriate uses. Ambiguity reigns.

Two, Dupont Circle is close to the 14th Street Arts Zone and therefore, these uses
belong there. Simply eliminate arts under R-5 uses and the loss of housing is avoided.

Promote not eliminate housing.

R-4 eliminates -- in R-4 eliminate nonprofit offices and buildings over 10,000 square feet.

In C-2-A and C-2-B, do not expand commercial FAR use on the second floor. The policy of mixed use should be strengthened as well as the need for more housing. Mandate housing components, inclusionary zoning, FAR in downtown zones.

Do not permit the Zoning Administrator to waive the housing requirement in special purpose zones as he does now. A BZA hearing is required for use and waiver of housing.

Promote light, air, grass, flowers, trees and backyards in rowhouse and apartment zones. Eliminate R-4 through R-5-E, the excessive re-housing unit provision for backyards. Many of our neighbors grow fruit trees, vegetables or flowers there. Promoting 20-foot-high buildings in such narrow spaces would make these uses impossible due to shadow
patterns and encouraging the cutting up of houses and further erode our green canopy which is still in need of expansion.

Keep the present floor area ratios for these zones. In C-2-A, C-3-B and C-2-B, do not expand the lot occupancy to 100 percent. Most of our restaurants and small businesses have no alley separation from adjacent residential housing. The noise from late-night bars and restaurant is already intolerable especially on weekends. With 100 percent lot occupancy, there is no place for dumpsters with most of our modest few alleys 12-feet wide. A 15-foot setback with or without an alley will not suffice.

Many of these problems I believe are due to lack of surveying and the deficiency of knowledge of our neighborhood which has 11 different zones. The old zoning which is -- we attained through Herculean effort is in many areas effaced by proposals in the zoning rewrite. A rewrite which would do much damage
to Dupont Circle.

CHAIRMAN HOOD: Thank you. Next.

MS. MARTIN: My name is Chrissy Martin. I live at 1601 Argonne Place, N.W.

I had originally come here today to testify in support of the update to the 1958 Zoning Code. Especially to urge the Zoning Commission to move forward with reduced parking minimums, easing restrictions on accessory apartments and allowing corner stores to promote an inclusive and walkable D.C.

But, I am going to instead focus today on the fact that I've learned the -- last week you acted to further delay this delayed process. As has been mentioned, it's been going on for seven to eight years and has included a significant amount of deliberation and resident input.

I'm disappointed in the Zoning Commission's decision to further delay this process and move forward towards completion.

I very much appreciate the effort
that the Office of Planning and Zoning Commission has made to include the public in this discussion and I do not agree with those that claim that the hard-working officials are not taking the time to work with D.C. residents.

Over the past few years, there have been multiple opportunities for public involvement including 81 public working groups, 42 task force meetings, 59 public hearings, eight meetings in each ward in both December 2012 and January 2013, over 100 ANC community group meetings and special interest groups and the series of open houses that was held in March by the Office of Planning.

Meanwhile in D.C., housing prices continue to spiral out of control. My husband and I have been renters in D.C. for four years now. We both have good incomes and good credit and yes, we're in the housing market right now to buy. We're increasingly unsure that we will be able to stay in the District because we simply cannot find a home that we can afford and
can imagine raising a family in.

Increasingly, D.C. is losing the battle to create a diverse city that can accommodate people of a diverse income. This is something that the zoning update could help to address by easing the creation of more affordable housing options.

So, I urge today to consider the fact that residents have participated in this discussion over the past 17 years in good faith expecting consideration and a timely resolution.

Thank you.

CHAIRMAN HOOD: Thank you. Next.

MR. HOUGHTON: Richard Houghton, 930 Kearny Street, N.E.

Much has been made of the time that has passed since the last rewriting of the Zoning Regulations for the District.

While it is assuredly true that there's a need for updating, clarifying and coordinating the code to reflect 21st century
conditions, it is also true that the zoning
environment that has developed over the past 50
years has produced a stability that has served
the community well and created what one
contemporary urbanist has characterized as
street after street of excellent urbanism.

As we debate the ZRR, the District
is experiencing a redevelopment renaissance
that is the envy of many a city. Surely, we
must be doing something right.

As the City considers rewriting the
Zoning Regulations, I'm concerned that
development pressure will continue to urge more
and bigger and denser projects and I am
concerned that the stability that the Zoning
Regulations through its function as a social
contract between a people and their government
is being undermined.

A number of residents and community
organizations have spoken about neighborhood
issues.

Today, I would like to bring to the
Commission's attention several points about
the downtown portion of the rewrite which among
other provisions gerrymanders the boundaries
and enlarges downtown by a factor of three,
unduly complicates through proliferation the
zoning categories and subcategories, makes no
provision for parks and open space in the new
downtown areas, allows full lot occupancy and
no FAR restrictions for residential
development and has inadequately addressed
historic resources, does away with parking
minimums and most importantly creates a
checkerboard development pattern in which the
first development out of the box reaps the
economic value of the upsetting while
neighboring owners sit on under-utilized or
vacant land.

NCPC and OP are joint planning
agencies, but there's no indication that OP and
NCPC have been coordinating efforts.

NCPC is in the midst of revising the
Federal elements and adding an urban design
elements guideline. Because there cannot be inconsistency between the Federal and local elements, prudence suggests that the Commission take a measured approach on wholesale changes under NCPC is substantially further advanced.

A recent Wall Street Journal article has noted that to gain public acceptance, plans and their accompanying public investment must be part of a compelling vision and an agreed upon public agenda.

Based on the outcry from citizens and an examination of the downtown provisions, OP has not achieved an agreed upon agenda. Therefore, I urge the Zoning Commission do not accept the zoning rewrite in its entirety as presented by OP.

Two, use those pieces of the ZRR that can be properly vetted and justified to amend the existing code for clarity and consistency and to bring it into the 21st century.
Three, adopt a transparent mechanism for citizen input in the amendment process. 

And four, utilize an independent third party to undertake the vetting process. 

Thank you. 

MR. STAROBA: Chairman Hood and Commission Members -- 

CHAIRMAN HOOD: You want to make sure your microphone is on. You can pull it down so we can hear you. 

MR. STAROBA: Chairman Hood and Commission Members, my name is Frank Staroba. I'm a Professor Emeritus from the University of the District of Columbia. 

My wife, Arden, and I own 4503 MacArthur Boulevard, N.W. and have lived there since 1968. 

Our house was built in 1898. The first in a row of five houses that have all been extensively remodeled and are now the most beautiful part of the first block of MacArthur
Boulevard. Our block is zoned R-5-A.

I am here to urge you to reinstate Section 353 of the current Zoning Regulations into Subtitle F, Chapter 2, Apartment Zone - Group 1 of the ZRR.

This provision would retain the requirement to get a special exemption from the BZA for a change of land use from single family to multifamily. This provision works to the benefit of both single family owners and developers. It achieves two essential benefits.

First, it promotes communication between the parties to make sure that proposals do not have a negative impact on neighboring properties.

Second, it promotes harmony of land use and architecture in the neighborhood.

I based this recommendation on my experience with two proposals to replace detached houses with apartment.

The first was just a year ago in 2013
by Hashim Hassan for a four-unit apartment at 4529 MacArthur Boulevard. The BZA approved this application.

The second was this year by A.S. Kashani for a five-unit apartment on the adjacent property 4527. This application is still under review.

CHAIRMAN HOOD: Let me stop you. Is this a case that's coming in front of the BZA?

MR. STAROBA: Yes.

CHAIRMAN HOOD: Okay. I would like for you to skip that part and not talk about that part because one of us will be sitting on that. Okay.

So, if you can just go straight to something else and not be case specific, that would be most appreciated.

MR. STAROBA: I can oblige.

CHAIRMAN HOOD: You can get your point over when you come to the BZA on that issue. Okay.

MR. STAROBA: My point is larger
than that, Chairman Hood.

CHAIRMAN HOOD: But, you're talking about a live case.

MR. STAROBA: All right. I will --

CHAIRMAN HOOD: Here's what I can do. I'm actually going to be sitting on that case. I can hear it now and recuse myself on Tuesday or you can go around it. It's up to you.

MR. STAROBA: I'll go around.

CHAIRMAN HOOD: Okay.

MR. STAROBA: Mr. Hassan in 2013, a case that has been terminated, was eager to meet with the neighbors, give us a tour of the existing house and agreed to several changes that we urged upon him. Specially, reduced the height, change the exterior from stucco to brick and change the white trim to black. He has yet to raise and build that house.

This is an example of cooperation forced by the requirement to gain special exception from the BZA.
My point with this example is that none of these improvements would have been made without the requirement to seek a special exception. Moreover, there should be no negative impact on neighboring properties and the neighbors should have input through the ANC to be given serious weight by the BZA. Up to now, the neighbors and the City have benefited from this consultative process at the minimal cost of less efficiency.

But, the new regulations under consideration omit the special exception requirement. Developers will be able to do whatever they please as a matter of right as long as the structure meets the other zoning requirements.

This means that the single-family homeowners in the area are denied influence on the changes in our neighborhood.

The ANC is likewise out of the loop.

That is an unacceptable outcome.

I urge you to include Section 353 in
the new regulations. The requirement to seek special exemption for change of land use benefits both developers and homeowners in a beautiful mixed neighborhood like ours.

CHAIRMAN HOOD: Okay. Next.

MS. KINGHAM: I'm Justine Kingham. Sorry for my voice. I represent the Dexter Street Coalition which is a collection of neighbors who have bonded together primarily over zoning changes.

And we are very concerned about three aspects of the ZRR.

One, the very nature of the Berkley and similar neighborhoods we believe will be undermined by the proposed changes to the R-1-A zoning and loss of what limited overlay protections we enjoy.

We choose not to live in rowhouses or apartments in Georgetown, Capitol Hill or other denser neighborhoods and the OP and Zoning Commission has, in the past, supported the value of single-family detached zoning
through multiple sections of the Comprehensive Plans and through the Wesley Heights and 24 other overlays.

This wholesale rewrite of the Zoning Code automatically up-zones one-family areas to two-family accommodation. Thereby, doubling the density and destroying the intent of the Wesley Heights Overlay.

Two, the community risks being further undermined by the proposed nonresidential uses that are to be allowed without ANC review or special exceptions.

We are not the only district to make these two points as you've heard, but we want to add our voices to those elsewhere in the City. Please reconsider these two aspects of the ZRR.

Our third and greatest concern, however, is the lack of meaningful slope and tree protection throughout the City. Berkley has experienced repeated and worsening destruction of natural terrain.
First, there was a construction of a 30-foot wall at 4825 Dexter Terrace in order to create a level backyard. Federal parkland was damaged and the owner is now removing the wall under a court order.

Having lost all of the original contours and vegetation, the City has approved plans to create a ziggurat of set-back walls. A series of four-foot high walls every four feet back into the property until the original grade height is reached.

While this may stabilize the hillside and control water and sediment runoff, it does nothing to reinstate that natural habitat for wildlife, trees and plants.

OP told me in an open-house meeting that they find such wall setbacks acceptable in a TSP Overlay District.

Nearly every source of responsible forestry management will say that artificial contouring is not as successful or environmentally sound as the original slopes,
underbrush and trees which can be reinstated. Just drive to Dulles and you'll see what the Federal Service has -- Federal Parkland and Transportation Department has done to stabilize steep slopes.

Forty-Eight Twenty-Five Dexter Terrace sparked copycats and in the last five years, others moving into Berkley got the same idea to level slopes and remove trees. Three other instances, a 16-foot wall at 4801 Dexter Street -- well, in my testimony, the addresses.

And now, the fifth and most recent destruction of slope and trees is occurring at 4833 Dexter Terrace undertaken without a permit and only limited intervention from the City. Look at the pictures of what happened in three days. It's attached to the back of my testimony.

The new landfill rises halfway up the height of many of the trees burying the trunks with up to 20 feet of dirt. The trees will not survive. The dirt is not stabilized.
The next picture shows the results in before and after shots of a koi pond at the bottom of that hill.

The OP didn't consult Wesley Heights on the proposed changes to the TSP Overlay. However, we hope that the Zoning Commission will consider adding tree and slope protections across all zones of the City.

Dexter Street and Dexter Terrace are poster children for why this is an important protection, but unfortunately, it does not apply to them. They live on the other side of Battery Campbell Park which is protected by the Chain Bridge Overlay Tree and Slope Protection.

Had the TSP been applied throughout the City instead of neighborhood by neighborhood, the City would be in a much stronger position to protect and enforce the purpose of the overlay.

In responding to the loudest, most organized voices of neighborhoods, OP is losing sight of the forest in terms of its policy for
overlay protections.

We can define slope to mean any gradient greater than 30 percent, pick your number and protect our terrain, habitat, park-like settings and residents.

Thank you.

CHAIRMAN HOOD: Thank you. Next.

MR. CREWS: Good evening, Chairman Hood and Members of the Commission. My name is Bill Crews and I come before you today as the leader of Save D.C. Zoning, a grassroots organization dedicated to insuring D.C. zoning fulfills the purposes of land-use regulation not inconsistent with the Comprehensive Plan.

I also served as a member of the Zoning Regulations Review Task Force. I served as Zoning Administrator of the District of Columbia from October 2005 through June 2007. I also served as an Advisory Neighborhood Commissioner for ANC 6C from January 2003 through September of 2005 and again from January 2009 to December 2010. I
previously served as the Marshall County, Iowa Zoning Administrator for four and a half years in the early '90s. I also served as the mayor of a small city in Iowa for 14 years before relocating with my husband to Capitol Hill.

I have to say up front that based upon the operation of the Zoning Regulations Review Task Force by the Office of Planning which I understand you have heard much testimony about including here tonight, I stopped attending meetings as being unwilling to be lead around by OP.

I have great admiration for those task force members who continue to slog it out, but based on my experience with District Government over the 15 years I've been a resident of the District, every aspect is a bumpy road.

However, I have been asked to get back engaged as the process moves forward. I understand that while tonight is the last scheduled public hearing, the record will
remain open for some time.

It is this additional comment period that I intend to utilize in order to review the proposed revisions and provide the Commission with advice from the perspective of not only a resident and property owner, but as an experienced zoning administrator.

As a preview of the type of comment you might expect to receive from my review, let me give you an example. This example involves the Zoning Administrator's duty to interpret and enforce these proposed new Zoning Regulations. It involves the difference between and among a repair garage, a gasoline service station and an automobile laundry.

The current Zoning Regulations when listing allowable uses have provisions indicating the similar uses were allowed or are allowed. This gave some interpretive power to the Zoning Administrator. That was because the Zoning Administrator needed to determine where the line between gasoline service station
and repair garage was drawn.

In the case of the Van Ness Auto Repair on Connecticut Avenue, N.W., my predecessor developed a new category of use, automotive service center and allowed it in a zoned district as similar to a gas station. In fact, it was a heavy-duty repair garage, engine block rebuilds, transmission tear downs, et cetera. It took arresting the operator and a BZA ruling upholding my interpretation and revocation of the certificate of occupancy to shut down this illegal use that was having a very negative impact on the neighborhood.

In the proposed regs, it appears even more open ended. I didn't find either uses specifically mentioned although I have not read all 900-plus pages. I see transportation infrastructure, but not in the definitions' chapter.

Second, automobile laundry is not defined in the definitions' chapter.

And I thought this was an update. I
guess maybe telegraph office has been removed.

Maybe not. Maybe.

As well, this revision was suppose to use plain language. Wouldn't plain language call this a car wash?

On a positive note, while I do not support the expansion of corner stores, I'm happy to see that all trash and waste is suppose to be on private property and not public space.

I will conclude for now, but I look forward to providing additional written advice for your consideration.

Thank you.

CHAIRMAN HOOD: Thank you. Let me ask a question of you, Mr. Smith.

You mentioned about the -- when the ordinance was written in 1958, did you research that or did you -- you know somebody that participated?

MR. SMITH: Pardon me.

CHAIRMAN HOOD: Turn your microphone on. I'm just curious. Because one
of the first questions I asked, who was still around who had anything to do with the '58 writing and I was trying -- I was searching it. Do you know someone or --

MR. SMITH: No, but really through research on the web you can see descriptions of what was done.

There actually was very thorough land-use surveying. There were studies done concerning what type of development was desired. Really detailed study of the infrastructure. I mean there was an individual who was hired for this very purpose and spent a substantial amount of time doing groundwork before the rewrite.

CHAIRMAN HOOD: Well, let me just ask you this. Did it say how long it took? And I hear people say we've been working on this since 2007. As Mr. Clark knows, we started talking about it in 2003.

I'm not even concerned about the time. I just want to make sure we do --
whatever we do we do it right. Because I want to make sure whatever this Commission does or the Zoning Commission does that it stands the test of time just like the '58 ordinance did.

MR. SMITH: I don't believe it took as long as they've already taken. I mean it's not something that needs to take eight years and it's the sort of thing that, you know, should be done as a whole, but there's also pieces of this that you might be able to move ahead on and others that take more time. So, you don't have to do the whole project.

CHAIRMAN HOOD: Yes, I realize all that. I'm just -- since you mentioned '58, I wasn't going to insinuate that you helped -- participated in that.

What I was trying to find out is one of the questions I asked early in the process. Was there anybody still around who could come down and tell us -- so, it's nothing new under the sun. We don't have to reinvent anything. Tell us what you all did. That's what I've been
searching for.

MR. SMITH: Yes. I don't know the name of an individual.

CHAIRMAN HOOD: Okay. All right.

But, I appreciate your comments.

Mr. Clark, you've been here from the inception as some of us up here have or a number of us on this dais.

I want you to kind of finish your testimony. I want to give you -- you said you didn't have time. I want you to kind of finish because you've been here since 2003 or however long. Two thousand seven when we started.

But, I want you to kind of finish some of your testimony point.

MR. CLARK: Thank you, Chairman Hood and what I would refer to is the attachment.

And the reason for this is that because of requests from this Commission and from the Council for OP to tell the ANCs what was going on, the part that's in the black and
white is what OP sent around and then in the color, I think is what an accurate analysis is and I talked a little bit about use permission. So, I'll skip by that and accessory uses. But, there are some things that I don't know if they're intended this way or not.

Minimum lot sizes for new subdivisions. I think that's page 10 or it was slide 10 in the ANC presentation. The minimum lot size is only new subdivisions. I'm not sure if that means that in R-1-A the 7500 is still there or if there's a 5600-square-foot lot next to a 7500 one that now that can be built on because it's not a new subdivision.

There are some things that are up in the air like that that I don't -- maybe unintended consequences and quite frankly, that's a little bit of what has me concerned. This is not a specific example of it, but when the words change or when overlays get broken up and scattered around ten different sections of the Code do we really know
what thing means any more? That is the problem and OP will tell you how many instances we changed the words, but it means the same. Well, why did you change them? I mean there's no reason to have done that.

On building height, a subject near and dear to my heart because that's the first time I was in front of the BZA. Was on a four-story house in a three-story zone.

But, the issue there is telling everybody when, in fact, heights may be five foot less now. Well, it may not be true. In fact, because of peak throughs, in fact, heights may be higher than they're allowed now.

And again, if that's what the rule's going to change to, that's fine, but don't tell the citizens that it's different. Don't say well, heights will be less when it's not less. Let everybody know what it really is and then we can judge it.

COMMISSIONER MAY: Can I -- before you move on, can I just -- I don't understand
why you think that heights can be higher. Can you explain that further?

MR. CLARK: Well, heights can be higher because there's a ten-foot -- you get to put up a --

COMMISSIONER MAY: You can have an 18-foot penthouse now.

MR. CLARK: Yes, but not in -- but not necessarily in a 40-foot residential zone.

COMMISSIONER MAY: Yes, you can.

MR. CLARK: I don't know if we see that anywhere.

COMMISSIONER MAY: No, we don't. But, I'm not sure why we would see ten-foot penthouses.

I mean right now, we see occasionally a ten-foot or up to ten-foot kind of stairway access to a roof deck because you can't have an occupiable space there. Right?

So, I mean that's not the only thing I ever recall seeing in a residential district, but there's not -- I mean right now, the limit
is 18-6 for a penthouse in all districts.

MR. CLARK: Yes, but an 18-6 penthouse is going to have to have certain set-back requirements as well.

COMMISSIONER MAY: Absolutely and that would happen with a ten-foot penthouse.

MR. CLARK: Well, but we're not talking about a penthouse here. What we're talking about is an increase in the roof height I mean even if the space underneath it is totally unoccupied.

COMMISSIONER MAY: No, I don't think so. I mean this diagram is pretty clear that the height is likely to be less because of the ability to measure from the -- you know, the midpoint of the slope of a slope roof as opposed to the ceiling of the top floor.

MR. CLARK: Well, what someone's likely to do as maybe being less doesn't mean what the regulation would allow. I mean that's not the way I read it and that's -- maybe that's one of the things that's unclear.
COMMISSIONER MAY: Well, that's what I'm trying to -- I'm trying to understand how you're reading it because I'm reading the same things and coming to a different conclusion.

MR. CLARK: Let me -- I'm trying to go to my other text that has this here.

COMMISSIONER MAY: Um-hum.

MR. CLARK: Let me come back to that, Commissioner, because I know I've got it.

COMMISSIONER MAY: Okay. And if you want to submit something else, you know, in writing as well, that's fine.

MR. CLARK: We know there's time.

COMMISSIONER MAY: Right.

MR. CLARK: You've heard an enormous amount of testimony about parking and I want to talk about something else here that Mr. Houghton referred to briefly and I think is important and that is that we live in -- according to the Office of Planning, the second most walkable city in the United States. We
have an increased use in bicycles. We have the second highest number of people riding on public transportation every day and we are told that our Zoning Code is such that people won't walk and that people can't use public transit and that we need to change things to encourage that. That's really the focus of what is the bias here.

I think people in the City should have the right to say if I want to walk, that's great. If I want to drive a car, that's great. If I need to park my car downtown or some place else, we should have adequate parking especially for those neighborhoods serving retail operations who need that.

CHAIRMAN HOOD: Mr. Clark, let me ask you a question about that.

MR. CLARK: Yes, Chair.

CHAIRMAN HOOD: And I kind of wanted you to finish because I wanted to ask you this specific question.

MR. CLARK: Yes, sir.
CHAIRMAN HOOD: It doesn't say which way this Commission is going or anything of that notion. I just want to ask you this.

As part of the regulations which we had proposed, do you see it being inclusive?

Case in point, you mentioned about the parking and the cars, the vehicle trips and the walkable city that we're trying to get.

Now, this is not like Katy, Texas where you have to have vehicle.

This is -- do you see the prescribed proposal from the Office of Planning as trying to include some of those areas like -- well, I'm not going to talk about that particular case. Let me stick with cars.

Do you see them trying to include making more accessibility and adding how some of the -- I would say the folks who really believe in smart growth and what they believe in as far as moving forward, being able to walk to certain things, being able to use public transportation, being able to use a Car2Go as
being included in the Code and not doing away with the way the Code is written now or do you see it trying to -- or do you see that element trying to be inclusive in the Code if you understand what I'm saying?

MR. CLARK: I think I do in one sense, but these things have all developed under the current Code and that's what kind of baffles me about all this. We've done all this under the current Code. Yet, we're told that the current Code can't accommodate it.

CHAIRMAN HOOD: But, we --

MR. CLARK: I think we're missing the choice.

CHAIRMAN HOOD: Right, but yes, and that's key because I think without getting too much into it you brought up a good point. Certain neighborhoods may be like -- well, I'm not going to say Katy, Texas. I'm not going to use that example, but certain neighborhoods may need a desirable car for certain things that they do. So, I'm just trying to figure out the
Because I've heard the argument, I've heard the story about bicycles and walking and I'll say it again. At some point in time when you get a certain age, I've heard some young people tell me when they get 70, that they will not be able to drive and that's scary because in 20 years I'll be 70 and I'm hoping I'll be still able to drive. I'm sure I won't be on a bicycle. I'm not in as good shape as Commissioner May. So, I'm sure I won't be on a bicycle. I still might be playing basketball. But, again, it's about choices.

So, I'm trying to figure out how do we balance that. Because I think it's -- like you say, it's about choice.

MR. CLARK: Well, I'm a lot closer to 70 than you are. But, it reminds me of a statement made one night. It was during the Comprehensive Plan and that was encouraging bicycle use and one of the Comprehensive Plan Task Force Members said, you know, my mother's
in her 80s and she can't ride a bike and the response was well, in Europe they do.

I mean we're all individuals and people. You know, we can't just say -- to lump everybody together.

There are certain parts of this City and many parts of this City where car use is important and we get into the car use thing I think as much by parking as anything else. When people are worried that if we eliminate parking in multi-unit buildings, if we reduce the requirement down to nothing, certainly that will disincentivize any builder from putting it in. Not in all buildings. I think a class A office building downtown is still very likely to have parking, but it will be reduced in other places.

And I do think the spill-over effect into neighborhoods is a real thing. It does happen.

I say that I may be in one of the three or four blocks in the City isn't going to
fall within what is not called a transit zone,
but which is, for all practical purposes, a
transit zone because I'm just far enough away
from the Metro Station as the crow flies, longer
by foot.

But, the situation is that we can't
just say -- we have people have who have cars.
We have people who drive few miles, fewer than
anybody else and so, for this reason, I don't
understand why we think that we need to reduce
the opportunity for parking so there will be
fewer cars. I mean we're already at the bottom
of the heap or the top depending on which way
you're looking at it.

So, why do we need to do that? I
haven't heard any study that says we need to do
it and that's really the concern.

And with your question to Mr. Smith,
I mean there was a detailed study put out by the
Lewis Commission for the 1958 Zoning Rewrite
which you certainly have available to you and
there were -- there was analysis that was data.
One of the things that we've had in this rewrite and I've seen it in so many meetings and forgive me for mentioning -- I'm going to talk about accessory uses for a moment, but in the working group meeting on ADUs, I'll never forget that night because there was a consultant brought in from the outside and he said well, we ought to have ADUs available everywhere in the low-density residential zones.

He talked about that for awhile and at the end of it, his presentation, I said well, you say that people are doing this all over the place. Where are they doing it? And his answer was in Aspen, Colorado, they've changed the zoning regs to allow for 125 temporary, part of the year, ADUs in the city and because of that, we think we ought to have them everywhere in Washington?

I mean I guess I was a little dumbfounded when I heard that.

But, that has been the level of some
of the analysis that we've seen here.

CHAIRMAN HOOD: Okay.

MR. CLARK: AUDs within homes, you know, if we have proper regulation, I'm not very upset about that.

CHAIRMAN HOOD: Mr. Clark, let me cut us both off. I don't want nobody to say this is the George Clark/Anthony Hood show.

MR. CLARK: Yes, I've gone on too long.

CHAIRMAN HOOD: Because I will get Tweeted and accused of that, but let me just also say this, that Anthony Hood will be attending bike day this year. So, whoever's Tweeting about me make sure they Tweet that, too.

And, Mr. Crews, I appreciate your point.

COMMISSIONER MAY: Are you going to ride your bike there?

CHAIRMAN HOOD: Mr. Crews, I appreciate your point.
I'm actually going to try to win the raffle again. That's my goal so I can have a bike to ride.

But, I appreciate your point about the laundry -- automobile laundry.

Okay. Commissioners, let me open it up. I just wanted to get us -- I have a question for the young lady, but my time is up. I think someone else should ask. Mr. Turnbull.

COMMISSIONER TURNBULL: Thank you, Mr. Chair.

Mr. Clark, I want you to -- if you'd go back and look at your -- how you're looking at the height question. Because, as you know, we all rotate on and off the BZA and we've all had a number of cases where we come up -- where the Height Act or the height of certain areas, we've all had troubling cases and I think OP picked up on that and has tried to address that in this here.

Now, as Commissioner May was saying, we think we've tried to pinpoint it such
that we do control the heights in those areas, but please, if you see anything, please let us know. If you see something in there that you think can be misread, please let us know.

MR. CLARK: I will. Thank you.

COMMISSIONER TURNBULL: And by the way, 70 is the new 50. That's my viewpoint anyway.

CHAIRMAN HOOD: Let me also acknowledge we've been joined by Ms. Bushman. I didn't acknowledge you earlier. I didn't see you down there Okay.

Anybody else? Any questions? Vice Chair.

VICE CHAIR COHEN: Thank you. Thank you, Mr. Chairman.

I have a question for Mr. Busch. With regard to your desire to preserve an expand housing in Dupont Circle, I really appreciate that, but I wanted to just ask you about your desire to preserve housing. Are you saying that what exists today, a very
diverse mixture of galleries as you mentioned in your testimony and art studios, are you suggesting that they not be grandfathered or they could be grandfathered in an R-5 zone?

MR. BUSCH: If they're already existing, then I guess they could be grandfathered.

VICE CHAIR COHEN: Could or should?

MR. BUSCH: I'll only go as far as saying could now.


Young lady, what's your name again? I'm sorry.

MS. MARTIN: Chrissy Martin.

CHAIRMAN HOOD: Martin. Ms. Martin. Now, you kind of -- I'm not going to say impatient, but you're saying okay, Zoning Commission, you all have heard enough and let's -- you were kind of taken aback by us extending the time.

So, let me ask you. How long have you been watching us work on this? Has been for
the whole four years?

MS. MARTIN: I would say two of the four.

CHAIRMAN HOOD: Two of the four.

What made you get engaged? How did you hear about what we were doing? I'm just curious.

MS. MARTIN: I am interested in the idea of promoting walkable cities. I think -- as I said, I would say that my interest came a bit from starting to look at buying and seeing the state of the D.C. housing market and as someone that really wants to live in an urban environment and is very passionately committed to not commuting, I was very frustrated and so, I started to look around and I got in touch with Smarter Growth DC who introduced me to some of their stances and do some research on my own.

I certainly am not as much of an expert as I see everybody else at the table is and I'm impressed with the depth of knowledge and I do understand I'm also by far the youngest, but hopefully, that provides some
additional viewpoint.

CHAIRMAN HOOD: Okay. And that's why I wanted to ask you that question. Thank you.

Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. I didn't have any questions. I just wanted to thank each of the witnesses for their thoughtful testimony and we are going to be getting Office of Planning responses to each of the specific recommendations that folks have made as well as the concerns and there will be opportunity now for folks to respond to their responses as well.

But, and when we get to deliberations, we'll be able to make a determination how we address those concerns and recommendations.

So, I appreciate all of your testimony. Thank you.

CHAIRMAN HOOD: Any other comments? Okay. We want to thank this panel.
We appreciate --

MR. ROBERTSON:  Excuse me.

Chairman Hood, may I ask a question about dates? I've read and published that the record will be kept open until September of 2015 and also 2014.

CHAIRMAN HOOD:  Let me correct that. Let me correct that. It's going to be September 15, 2014. If it goes to 2015, I will not be here. But, it's 2014. None of us will be -- you know, 2014. That was a typo. I saw that. Okay.

Oh, yes, I probably will still be here. Okay, '18 is my term.

But, anyway, no, it's 2014. I think you can follow us. We'll be talking about this some more at our next meeting which I think is Monday. So, stay tuned and see what we're going to do as we proceed. Okay.

Thank you all very much. We appreciate it.

Okay. I have a list somewhere.

Okay. Didn't mean -- over to the new list.

Okay. Is there anyone else in the audience who would like to testify?

Okay. So, if you are here and you'd like to testify, just come to the table.

Anyone else who'd like to testify?

Okay. So, we will end with the two young ladies we have here. We'll start to my left. You can introduce yourself and you may begin.

MS. MITCHELL: Hi, my name is Kimberly Mitchell. I am a Ward 7 resident. Also, too, I am a member of the United Federal Commercial Workers.

I live in Eastland Gardens which is off of Kenilworth Avenue which is surrounded and secured by the Federal Government because it is in a Federal park which is -- which houses the lily ponds.
I would hate to see what would happen if that was not the case if big box retailers were able to come into my community without any of the community's say.

I am here to ask that the Zoning Commission enacts a special exemption to make sure that big retailers have to secure a special exemption to come into our neighborhoods.

The District already requires a special exemption for certain commercial land which has a less affect on the community than the big box retail stores.

For example, community-based institutions. Community based, yes, which come into the community to help the community have to apply for a special exemption.

The District is the only government within the Washington Metropolitan Area that does not provide a special exemption for big box retail stores such as Walmart. I think that we should at least consider some circumstances for this policy.
Now, is the time for the Zoning Commission to enact meaningful reform to secure big box developers to make sure that they do not move into the City and do what they want when they want to.

Thank you.

CHAIRMAN HOOD: Thank you. Next.

MS. NICHOLS: Good evening. I am Abigail Nichols. I live at the Palladium Condominium at 1325 18th Street, N.W. Which is located currently in an SP-1 Zone. It's just south of Mass Avenue close to the downtown area -- Connecticut Avenue area.

I am also the Commissioner for Advisory Neighborhood Commission Single-Member District 2B-05.

So, in my single-member district, there's a good deal of land that is either zoned SP-1 or SP-2.

I speak in opposition to allowing drinking in the renamed M-2 and M-16 Zones.

Please will someone tell me that I have
misunderstood and that the rewrite does not allow alcohol establishments in Zone M-2 and M-16. I will step down and say no more.

Have I misunderstood this?

CHAIRMAN HOOD: Let's get an answer right now for you.

MS. NICHOLS: Thank you.

CHAIRMAN HOOD: So, if the answer -- if you misunderstood it, then that's the end of the testimony. Right? Or I'm just curious.

MS. NICHOLS: Well, I can tell you -- I mean I can say where I got this. It's from the Zone A use page G-57 by right of uses Zone Group A, eating and drinking. There's a C there, but I could not find what the conditions were.

Well, let me go on then.

CHAIRMAN HOOD: Okay. Yes, I want you to.

MS. NICHOLS: Since -- because this is something --
CHAIRMAN HOOD: But, I do want to try to get an answer for you, but go ahead.

MS. NICHOLS: I have been on the periphery of discussions of the Zoning Rewrite for maybe three years, Dupont Circle Citizens Association meeting, a briefing by the Office of Planning and at one of your hearings and I never heard this come up until two weeks ago.

Okay. And I am here as an individual. My ANC supported the Zoning Rewrite. I can't believe they discussed this provision that I think I've found because I think there would have been a lot of discussion. I was not able to participate.

My request is this. Do not make it easier through zoning for there to be alcohol licenses in new areas of the City.

It's been explained to me by Ms. Tregoning that alcohol control is separate from zoning, but you do have a chance now as to how many zones are going to have it and in my judgment, alcohol licensing is not under the
kind of control people think it is.

   The structure looks as if the Alcohol Beverage Regulation Administration can deny or restrict licenses where inappropriate, but this is a false assurance. They cannot take their own initiative. They depend on this horrible protest process. Any disapproval of a license or restriction of hours or service including music in outdoor areas or other conditions of service are only achieved if achieved at all through an incredibly burdensome process which falls to the residents most affected by the change.

   Residents cannot always rise to this challenge. If they do spend hours and hours trying, they may achieve nothing.

   I know because I've been trying to protect myself and my neighbors at the Palladium from excesses related to alcohol service since 2008.

   First, we spent six years, eight different voluntary agreements to minimize
damage to our peace, order and quiet as new 
alcohol establishments came in. Eighteenth 
Street's narrow, two lanes and a parking lane. 
There's offices converted to bars. Cleaners 
converted to bars. A lunch space converted to 
a bar. These are located in a commercial zone. 
We're SP. Connecticut Avenue.

It's where that wedge if you know. 
Eighteenth Street crosses Connecticut Avenue 
at an angle. So, you have businesses at the 
lower end which face Connecticut. They have 
Connecticut Avenue addresses. Their back 
doors are on big wide sidewalks where they have 
obtained public space permits to serve alcohol.

We managed to restrict the hours of 
patio service, but on a Sunday afternoon, we get 
a lot of noise.

Since last fall, we have taken on a 
new challenge. Trying to reduce the 
disturbance that amplified music from roof 
decks in the commercial zone to the south of the 
Palladium is causing both the Palladium,
Jefferson Row Condominium and now in the same SP Zone, N Street Ventures. You probably are aware that there is a condo development. Mr. Bender was before you before. This is a big project. Seventy condos coming into our neighborhood.

But, we are being blasted by roof deck music and we are finding it very hard to figure out how to stop this. There is the D.C. Noise Control Act, the alcohol legislation itself has some noise provisions and we so far have gotten nowhere.

There is a website in my testimony where our efforts are being documented if you'd like to see this.

The process of protecting residents under existing alcoholic beverage control law, regulations and procedure is exhausting an ineffective. Do not expand the threat to residents by opening up our own blocks to the possibility of alcohol licenses.

If I read this right, the whole 16th
Street corridor is open. My block, I can see some nice old mansions that would make a great club, but I don't want it and my neighbors don't either. It's not me.

And there's a feeling that restaurant are a non-problematic amenity. Restaurants, themselves, if they meet a minimum food service at lunch and supper, can legally morph into a nightclub atmosphere at night.

I appreciate what you and the Office of Planning have done to inform the public about the process. Getting ready for today, I studied the brochure that was sent out to every ANC Commissioner. It does not mention this alcohol thing. That's why I'm trying to get this straightened out.

But, until now, I've been to preoccupied with alcohol license applications and renewal to look at what is proposed for the SP Zones.

And as I've just said -- anyway, as I said, I have not heard this come up before.
I would bring it to your attention for careful study. I think it's a terrible idea.

Do not allow this. Tell me it is not happening. Thank you.

CHAIRMAN HOOD: Thank you. Do we have an answer to help with any clarity on that, Ms. Steingasser?

MS. STEINGASSER: Yes, and we thank you, Ms. Nichols, because I was one of -- I have given a presentation to you and I'm very aware of who you are and what your issues are from other members of the staff.

There is a mistake and it should not be allowed in the SP-1 Zone. So, you're right. That whole use category is missing and we'll make sure that it gets in as not being permitted.

MS. NICHOLS: I mean it's not missing here. It's added.

MS. STEINGASSER: Well, it's in the table, but the conditions are missing from the condition list below it. So, we'll make sure
it reflects the current status of the SP-1 Zones.

MS. NICHOLS: Which is no conditions?

MS. STEINGASSER: Which is no -- it's not permitted.

MS. NICHOLS: Not permitted.

MS. STEINGASSER: Right.

MS. NICHOLS: Okay. Great. That's good news. People have been reading. You can tell people have been reading your -- reading things carefully.

MS. STEINGASSER: And it's exactly what -- the kind of help and insight that we're looking for.

MS. NICHOLS: And what about SP-2? That should be the same. Shouldn't it?

MS. STEINGASSER: SP-2, the Zoning Commission did a text amendment about three years ago that allows certain types of retail including eating and drinking by special exception only and so, we'll make sure that that
reflects that.

MS. NICHOLS: And that there's no change in what it takes.

MS. STEINGASSER: I'm not sure what you mean by that?

MS. NICHOLS: Well, you could say -- you're saying now it's by special exception.

MS. STEINGASSER: And we meant --

MS. NICHOLS: Won't make it easier.

MS. STEINGASSER: We meant to keep it by special exception only in the SP-2 equivalents.

MS. NICHOLS: Okay. Thank you. Thank you.

CHAIRMAN HOOD: Great. Thank you and that's what this is all about. We got something resolved tonight. I appreciate it.

Ms. Mitchell, I would ask do we have your testimony?

MS. MITCHELL: No, you do not.

CHAIRMAN HOOD: Okay. If you can send us a blurb.
MS. MITCHELL: Okay.

CHAIRMAN HOOD: We do.

MS. MITCHELL: No.

CHAIRMAN HOOD: Okay. Could you provide it to somebody else besides Commissioner May because I think he says he has it? Do you have? No. No.

VICE CHAIR COHEN: Just Abigail's.

CHAIRMAN HOOD: Ms. Mitchell. Oh, okay. I was going to say. Okay. All right. So, I think it would be helpful if you'd just give us a blurb. So.

MS. MITCHELL: Okay.

CHAIRMAN HOOD: Okay. Thank you. Commissioners, any other questions of the -- Commissioner Miller.

COMMISSIONER MILLER: Thank you, Mr. Chairman. Thank you both for your testimony. It's very helpful and Ms. Mitchell, the issue that you raise is one that we are going to consider when we get to our deliberations. I think there is some validity
to your point to look at the adverse affects
from a zoning standpoint of big box retail.
So, we will get to that point eventually to
consider that.

MS. MITCHELL: Thank you so much.

VICE CHAIR COHEN: I have a
question.

CHAIRMAN HOOD: Okay.

VICE CHAIR COHEN: Again, Ms.
Mitchell, did I hear you say though that the
other metropolitan areas do have a requirement
that there be a special exemption to allow big
box?

MS. MITCHELL: Actually, Maryland
has it. It is different. As you know, Bowie
and different -- they're broke down in zones.
So, it's up to the certain zone to implement
that law if they want to have, but some of the
neighborhoods in Maryland do actually have that
law. The big box. That they have to secure a
special exemption.

VICE CHAIR COHEN: Could you submit
your testimony and that information? Because when I think of Metropolitan Area, I think of big box land and so, I was a little put back. I thought I didn't hear her right. So, if you can submit that for the record, that would be very helpful. I appreciate it.

MS. MITCHELL: Okay. Thank you.

CHAIRMAN HOOD: Any other questions or comments?

All right. I want to thank this panel. We appreciate your testimony.

I want to thank everyone for coming down tonight.

Ms. Schellin, do we have anything else?

MS. SCHELLIN: That's it.

CHAIRMAN HOOD: Okay. I would encourage everyone to watch us on Monday. If you don't, watch the replay. Don't watch it too late at night. You may go to sleep, but watch us on Monday. We're going to be talking about some very -- how we're going to start
laying some things out. So, it will be very interesting.

Okay. Anybody else?

All right. I want to thank everyone for their participation tonight and this hearing is Adjourned.

(Whereupon, at 7:23 p.m., the hearing was adjourned.)