

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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

Monday,
September 8, 2014

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

The Public Hearing of Case No. 08-06A by the District of Columbia Zoning Commission convened at 6:04 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)
ROBERT MILLER, Commissioner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
STEVEN COCHRAN
ELISE VITALE

The transcript constitutes the
minutes from the Public Hearing held on
September 8, 2014.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

T-A-B-L-E O-F C-O-N-T-E-N-T-S

CASE No. 08-06A ALTERNATIVE LANGUAGE TO
CERTAIN ADVERTISED TEXT-TITLE 11, ZONING
REGULATIONS COMPREHENSIVE TEXT REVISIONS

Preliminary Matters 8

Office of Planning - Ms. Steingasser 11

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

T-A-B-L-E O-F C-O-N-T-E-N-T-S
C-O-N-T-I-N-U-E-D

Testimony of Public

Allen Seeber	12
Linda Schmitt	16
Alma Gates	22
Michael Kroopnick	27
Jeff Wetzel	30
Sue Hemberger	32
Marilyn Simon	37
Lindsley Williams	42
Susan MacKnight	48
Brian Levy	51
David Alpert	55
Abigail Zenner	60
William Gallagher	62
David Frankel	65
Tim Hampton	69
Alex Hanson	73
Susan Kimmel	85
Steven Beller	88
Brian Cohen	91
John Wheeler	98
Benedicte Aubrun	100
William Spencer	105
John Peters	111
Stephen Crim	113
Willie Baker	117
Andrea Rosen	121
Cheryl Cort	125
Ryan Donahue	130
Sonia Conly	133
Steven Cook	137
Chris Ottan	140
Rosalynn Duggett	145
Alex Posorshe	156
Patricia Howard-Chittams	160
Donna Rosen	166
Thomas Hutchinson	169
Adjournment	177

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

6:04 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the public hearing of the Zoning Commission for the District of Columbia for September the 8th, 2014.

My name is Anthony Hood. Joining me this evening are Vice Chair Cohen, Commissioner Miller and Commissioner Turnbull.

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

Also, we're joined by the Office of Planning Staff Mr. Lawson, Ms. Vitale and Mr. Cochran.

This proceeding is being recorded by a court reporter and it's also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 room including display of any signs or objects.

2 Notice of today's hearing was
3 published in the D.C. Register and copies of
4 that announcement are available to my left on
5 the wall near the door.

6 The hearing will be conducted in
7 accordance with provisions of 11 DCMR 3021 as
8 follows: Tonight, we'll be taking testimony
9 from the -- well, we will hear from the Office
10 of Planning on the revised alternative text.
11 Then we will hear from the public on the revised
12 alternative text. Any other reports of other
13 Government agencies, any reports of the ANC,
14 organizations and persons in support and
15 organizations and persons in opposition.

16 The following time constraints will
17 be maintained in this hearing: I'll leave that
18 open to the Office of Planning and then again,
19 organizations 5 minutes and individuals 3
20 minutes. The Commission intends to adhere to
21 the time limit as strictly as possible in order
22 to hear the case in a reasonable period of time.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 All persons appearing before the
2 Commission are to fill out two witness cards.
3 These cards are located to my left on the table
4 near the door. Upon coming forward to speak to
5 the Commission, please give both cards to the
6 reporter sitting to my right before taking a
7 seat at the table.

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

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

22 The staff will be available

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 throughout the hearing to discuss procedural
2 questions.

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

6 We've also been joined by Ms.
7 Steingasser with the Office of Planning.

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

11 MS. SCHELLIN: No, sir.

12 CHAIRMAN HOOD: Okay. As a
13 preliminary matter, I want to ask the Office of
14 Zoning at the Commission's next meeting which
15 is September the 15th to identify four October
16 meeting dates and times for the Commission to
17 go through the outstanding issues in this case.

18 In addition, I'd like the Office of
19 Zoning to provide us a list of the outstanding
20 issues in the decision-making order and then
21 separately broken down by design meeting dates.

22 The Commission then can look at what

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we have in front of us, at the list, and decide
2 whether issues need to be corrected, taken off,
3 added or reordered.

4 The Commission will also decide
5 whether to identify the issues that will be
6 discussed at each meeting or whether to make
7 much progress each night through a single list
8 of issues.

9 And what we did was try to capture
10 how we're going to move forward. So, I would
11 like for the Office of Zoning to identify the
12 dates and also come up with a listing for us to
13 be able to discuss at our meeting which will be
14 one week from tonight.

15 Is that understood?

16 MS. SCHELLIN: Yes, sir, it is.

17 CHAIRMAN HOOD: Okay. Now, we
18 have a list here and I know we advertised for
19 four nights and I'm going to say this at the very
20 beginning. We're going to try to get through
21 this list and I think that if we finish tonight,
22 at the end, I'm going to see how it is, we will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 cancel the rest of our meetings tonight. No
2 more than tomorrow. Because apparently we
3 have not gotten the volume that we thought we
4 were going to get.

5 I know this has been going on a long
6 time and I think people have felt like they have
7 already articulated their issue. They're
8 probably ready for this Commission to start
9 doing something with it.

10 So, again, the goal is to finish
11 tonight. If not, we're going to tomorrow night
12 and then probably from what I've seen here, we
13 won't have anything other than tonight and if
14 need be, tomorrow night.

15 The instructions were we had asked
16 people to sign up for the hearings for this week
17 and we just haven't had the volume of interest.
18 I guess people have said they have expressed
19 their interest to us and their position.

20 So, we will proceed in that fashion
21 tonight and I will update that as we get close
22 to the end of the witness list.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Okay. So, anything else, Ms.
2 Schellin?

3 MS. SCHELLIN: No.

4 CHAIRMAN HOOD: Okay. Let's go to
5 the Office of Planning. Ms. Steingasser.

6 MS. STEINGASSER: Yes,
7 Commissioner Hood, Commissioners, we have no
8 presentation for this evening. We're standing
9 on the record for the alternatives that have
10 been presented.

11 CHAIRMAN HOOD: Okay. All right.
12 Let's go right to the witness list. Allen
13 Seeber.

14 MR. SEEBER: Here.

15 CHAIRMAN HOOD: Judy Jones, Linda
16 Schmitt, Alma Gates, Michael Kroopnick, Sue
17 Hemberger, Marilyn Simon, Lindsley Williams.
18 I called eight people.

19 Judy Jones is not here tonight.
20 Okay.

21 And let's go with Jeff Wetzel.
22 Jeff Wetzel, you can come forward.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Also, let me acknowledge that one of
2 our colleagues Mr. May will be participating.
3 He's actually watching live. We want him to
4 get well quick.

5 As we get older, some of the things
6 we continue to do when we were younger sometimes
7 we can't do and our body sometimes doesn't hold
8 up like it used to.

9 So, we want to wish him a speedy
10 recovery and tell him to join me in the pool.
11 Maybe volleyball may not be it, but pool would
12 be a much easier sport. So, Peter, if you're
13 watching, join me in the pool.

14 Okay. So, we have everyone.
15 Okay. Let's start to my left, your right and
16 you may begin.

17 MR. SEEBER: All right. My name is
18 Allen Seeber. I've owned a home on 39th
19 Street in Chevy Chase for four decades.

20 Three minutes require that I not
21 only be brief, but blunt. Some Zoning
22 Commissioners would allow WMATA to alter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 parking regulations in our neighborhoods
2 without public comment at the time changes are
3 made by reinstatement of Section 1902-1(d) and
4 Subtitle C of OP's ZRR.

5 That provision asserts that WMATA's
6 mere designation of a high-frequency local or
7 regional bus corridor automatically affects a
8 50 percent reduction in already slashed minimum
9 off-street parking requirements a quarter mile
10 in any direction from the designated bus route.
11 Whether there is actual bus service is
12 irrelevant.

13 As a practical matter, addressing
14 D.C. zoning concerns to WMATA in any discussion
15 of bus corridors will result in a blank stare.
16 More importantly such regulatory relegation to
17 WMATA is likely illegal and is most certainly
18 terrible public policy.

19 Section 1902-1(d) must not be
20 reinstated in the ZRR.

21 The Commission's manipulation of
22 minimum parking regulations in the context of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 D.C. traffic problems is confusing. We have
2 four sources of D.C. traffic congestion in
3 order of severity: commuters, service,
4 visitors and local residents.

5 The latter own cars however much
6 they drive. The logical approach would be to
7 store those cars underground while leaving
8 roadways of storage demand at the curb.

9 Instead, some Commissioners want to
10 make car ownership onerous in a city with a
11 marginal mass transit system that mandates
12 automobile usage by relieving developers of the
13 need to produce off-street parking.

14 In addition, there is a serious
15 problem with proposed Subtitle D
16 matter-of-right treatment of accessory
17 dwelling units and accessory buildings as
18 distinguished from ADU interior to the main
19 structure. Special exception treatment
20 allows for neighborhood notice and comment.

21 I bought into an R1 Zone for
22 single-family residences. MOR ADU accessory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 buildings alters that regulatory status. It
2 is no longer R1.

3 I would make one other quick
4 observation. That is that the discussion in
5 Ward 4 about pop-ups illustrates the
6 significance of a three story plus a 35- foot
7 restriction.

8 Thank you.

9 CHAIRMAN HOOD: Okay. Thank you
10 and I appreciate that, Mr. Seeber.

11 Let me just stop right here. Due to
12 the list that I have in front of me, which is
13 not very reflective in the audience, but the
14 first time that you hear, you have -- after you
15 hear the first one, you have one more minute
16 left and then the second chime you hear, I'm
17 going to have to stop you. Okay. Wherever you
18 are.

19 So, do me a favor. I don't want to
20 be rude. Help me out. Help me not to look like
21 the bad guy. I've been the bad guy all day.
22 So, help me look like the good guy tonight. So,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the second chime, just stop and if you haven't
2 -- if you provided your testimony -- if you
3 haven't provided it, please make sure we get it
4 before the full team. Okay.

5 Ms. Schmitt, you may begin.

6 MS. SCHMITT: Hello. My name
7 is --

8 CHAIRMAN HOOD: You want to turn
9 your mike on.

10 MS. SCHMITT: Hello. My name is
11 Linda Schmitt. I represent Neighbors for
12 Neighborhoods, a citywide grassroots coalition
13 organized around zoning.

14 Tonight, I focus on the alternate
15 text regarding accessory dwelling apartments.
16 The big picture is that OP's changes not only
17 fail to address our concerns, but intensify
18 them.

19 Let me begin with two rules we think
20 we should apply to any ADUs internal or
21 external. First, these units must require a
22 certificate of occupancy. The certificates

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 will assure renters that a unit is legal and has
2 passed inspection. It will enable D.C.
3 Government to enforce text compliance and
4 manage its housing stock with accurate data
5 about locations, rents, numbers of units, et
6 cetera.

7 Second, we believe occupancy of
8 ADUs should be limited to no more than two
9 adults and one minor child who is related to one
10 of the adults. Again, this limit should be
11 applied to internal and external.

12 In general, we respect the
13 diversity within the R Zones which enables D.C.
14 to provide a range of different neighborhood
15 and housing types. We don't see the purpose of
16 essentially eliminating single-family
17 neighborhoods by allowing two households on
18 every lot.

19 With respect to internal ADUs, we
20 seen no reason to reduce the required house
21 standard to 1200 square feet. Given owners of
22 smaller homes have the option of sharing the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 expenses with either roommates or boarders.
2 We see no public policy rationale for turning
3 already small single-family homes into two
4 apartment-sized units, 840 and 360 square feet
5 respectively. Doubling the number of major
6 appliances required.

7 The R4 Zones exist to accommodate
8 flats and does not force one home to be
9 significantly smaller than the other or an
10 occupant of one to be the owner of the other.

11 As for external ADUs, we're opposed
12 to owning them citywide. Not only do they
13 significantly impact neighborhood character
14 more so than internal ADUs, it seems anything
15 an external accessory apartment can do some
16 other apartment or shared housing arrangement
17 can do better.

18 External units don't make sense
19 from an affordability perspective. They're
20 significantly more expensive to create and as
21 a result, are more likely to get built in high
22 rent areas or by speculators trying to raise

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 market prices in the area.

2 Not only are accessory apartments
3 unlikely to be rented at below market rates,
4 they are a substantial investment designed to
5 yield income. They also have an adverse impact
6 on the affordability of the single-family homes
7 on the lot.

8 Judging from the experience in
9 Vancouver, if the most lucrative use of a large
10 lot is two separate residential units rather
11 than one, the price of the property increase is
12 far above that of a single-family home.

13 External ADUs don't make sense from
14 a sustainability perspective. Seriously, why
15 make tiny single-family detached homes when
16 they could be incorporated either into existing
17 homes or created as a part of a larger
18 multifamily building.

19 If we want to increase our tree
20 canopy, retain our pervious surfaces, we
21 shouldn't be encouraging the construction of
22 more and larger accessory buildings on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 single-family lots.

2 We see no reason to allow two-story
3 accessory buildings as a matter of right.

4 As an approach to aging in place, an
5 apartment above the garage or a unit that
6 requires a second story to provide more than 450
7 square feet of living space is not a space
8 that's likely to be or to remain senior
9 friendly. If the goal is an on-site caregiver,
10 housing the at-risk senior and caregivers in
11 separate buildings on the same lot don't make
12 sense.

13 As a solution for shrinking
14 household size, external ADUs are nonsensical.
15 Some policymakers say houses are too big for
16 empty-nesters or a widow or a couple. How does
17 adding another 900 square foot in the backyard
18 solve that problem?

19 If the goal is to provide small
20 starter homes, then external ADUs don't fill
21 that need. They don't allow ownership
22 opportunities for their residents. The owner

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of an external unit is by definition someone who
2 can afford that unit and an entirely separate
3 single-family unit as well.

4 These units aren't green. They
5 aren't affordable. They don't help people age
6 in place or by an inexpensive first home. They
7 aren't a best practice. They're an intriguing
8 project for architects and a potential boom for
9 speculators.

10 OP hasn't presented you with data on
11 experience elsewhere. Vancouver, the one city
12 where significant number of cottages have been
13 built, remains a city with as one commentator
14 put it Reno wage rates and Manhattan real estate
15 prices.

16 There's no comp plan mandate for
17 these units. OP has not done the planning work
18 to offer a convincing case that these units
19 would be beneficial.

20 In Toronto where planners actually
21 took the time to --

22 CHAIRMAN HOOD: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We have your testimony. Next.

2 MS. GATES: Good evening, Members
3 of the Zoning Commission. I'm Alma Gates.

4 We've shared many evenings on the
5 ZRR Text Amendments which continue to evolve
6 into social engineering policies and promotion
7 of an ideology rather than a review of the
8 current Zoning Regulations.

9 I'm uncomfortable that the public
10 review period is coming to closure without
11 benefit of a completed draft. The text
12 revisions that are the subject of tonight's
13 hearing are out of context with their subtitles
14 as well as the entire ZRR and in addition to the
15 ZRR, the OP cornucopia continues to spill forth
16 new text amendments including the recently
17 proposed penthouse text which would have
18 significant impact on every zone and every
19 neighborhood and as such should be considered
20 in the context of the ZRR.

21 The Commission should carefully
22 review the testimony delivered last Tuesday

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 evening by residents in the east end of the
2 City. They told the story about a quadrant of
3 the City that is about to undergo significant
4 change. They warned of gentrification, lack
5 of affordability and that the City lacks a
6 transportation system that supports their
7 needs. They warned that what is being proposed
8 will have serious consequences for them and
9 further impact their quality of life.

10 There's some additions to three
11 subtitles which were also addressed in the
12 previously submitted testimony. This is in
13 addition to, but not instead of that testimony.

14 Under definitions, on December
15 28th, 2013, a letter suggesting the need for a
16 definition of the term of abut was submitted to
17 the record. However, a definition has not been
18 included in the revised definitions although
19 the term was significant enough to be a focus
20 of two BZA cases.

21 OP is correct that clarification is
22 needed for the definition of Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Administrator or so, it would be useful to have
2 the OAG provide additional guidance on the
3 authority of the Zoning Administrator as it
4 pertains to interpretation of the Zoning
5 Regulations.

6 Green area ratio. This past
7 weekend the National Triathlon was short-
8 circuited by a sewage spill into the Potomac
9 River which cancelled the swimming
10 competition. While GAR doesn't apply to
11 residential zones which feed the sewer outlet,
12 they are the source of the sewage spill.

13 Two new multi-acre housing
14 developments and large additions on the campus
15 of Georgetown, American and George Washington
16 Universities do appear to have had an impact on
17 the area's infrastructure.

18 The spill is an example of what is
19 meant by this statement: If not overdeveloped
20 and allowed to act as a natural filtration
21 system, the urban landscape can be a green
22 filter filtering pollution as stormwater

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 slowly sinks into the ground. Instead the
2 Potomac overflow illustrates that large areas
3 of the City act as gray funnels that allow
4 pollutants and toxins to be washed into the
5 local rivers and the Chesapeake Bay. There's
6 little undeveloped land, urban landscape left
7 in the City to perform the required hydrologic
8 cleansing necessary to meet that goal.

9 Has the Commission considered how
10 the tripling of downtown will affect the urban
11 environment?

12 If this new set of environmental
13 regulations is to prove effective, it must
14 contain provisions and insure delivery of
15 intended outcomes and a means to weigh the
16 relationship between cause and effect.

17 Currently, the GAR contains an
18 ounce of prevention, but lacks seometrics
19 necessary to measure infrastructure capacity
20 and insure future Potomac sewage spills don't
21 occur.

22 Accessory apartments. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 proposal to eliminate minimum lot size because
2 the requirement is too restrictive is a step in
3 the wrong direction. Given that some lots in
4 low-density residential zones do not meet zone
5 standards is no reason to give all substandard
6 lots a blank development check.

7 This proposal also appears to be the
8 prelude to lot subdivision for external
9 accessory units which is further indicated by
10 the use of the term property instead of lot.

11 This proposed change has the
12 potential for real unintended consequences.
13 Current minimum lot standard requirements
14 should be maintained consistently throughout
15 all subtitles of the proposed Zoning
16 Regulations.

17 The public process appears to be
18 drawing to a close. Although we have been
19 working on the ZRR for over six years, please
20 don't slam the door in the public's face when
21 the record closes on September 15th.

22 CHAIRMAN HOOD: Okay. Thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Next.

2 MR. KROOPNICK: Good evening,
3 Chairman Hood and Members of the Zoning
4 Commission.

5 I want to thank you for giving me an
6 opportunity to testify this evening. My name
7 is Michael Kroopnick on behalf of the Law Office
8 of G. Macy Nelson.

9 And we're here to commend the Zoning
10 Commission for requesting the large- format
11 retail provision in the alternative text and
12 we're also here to commend the Office of
13 Planning for including the large- format retail
14 provision in the alternative text.

15 As you're surely aware, this
16 provision would provide for a special exception
17 for large-format retail before they could
18 proceed with the development. This is sound
19 public policy.

20 Large-format retail relative to
21 other retail, smaller retail, tends to have
22 unique adverse effects in terms of affecting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 adjacent small businesses, traffic and whether
2 it's consistent with the character of the
3 neighborhood. So, having a special exception
4 process will facilitate careful consideration
5 of these effects and will help insure that these
6 effects are mitigated.

7 It will give the public an
8 opportunity to voice both their support or
9 concerns for a project in a transparent and
10 again, in a public way, that's currently
11 missing in the existing Zoning Code.

12 There is, however, one significant
13 problem with the text. Which is that it
14 provides an exemption for projects that are
15 subject to large tract review. Which would be
16 provision 206.9B. The problem with this
17 exemption is that nearly all large-format
18 retail would be subject to large tract review
19 and, therefore, be exempted under the proposal
20 which would basically render the proposal moot.

21 That being said, I've been assured
22 by the Office of Planning that if the Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission wishes to proceed with this
2 provision that this exemption would be removed
3 from the alternative text.

4 The other issue we found with the
5 provision is that it doesn't define what
6 secondary use means. So, you could have a
7 scenario where a large-format retailer, for
8 example, has a grocery component that's not the
9 primary use, but isn't the secondary use either
10 or doesn't neatly fall into a category of
11 secondary use. So, we propose as will be
12 delineated in our written comments a more
13 specific definition of secondary use.

14 Again, I want to commend overall the
15 Zoning Commission and the Office of Planning
16 for including this provision. We believe it is
17 sound public policy and we support it.

18 Thank you.

19 CHAIRMAN HOOD: Thank you. Next.

20 MR. WETZEL: Hello. My name is
21 Jeff Wetzel. My wife and I live in the 2000
22 block of Hamlin Street. That's about at 20th

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 and Rhode Island Avenue, N.E.

2 I would like to speak to, I guess,
3 three things today.

4 I'll start with the corner stores.
5 I greatly support the increased fresh food
6 requirement in them and hope that it will stay
7 in.

8 The Rhode Island Avenue is, I
9 believe, considered one of the major bus
10 corridors and I am opposed to removing the
11 parking minimums or the reduction in the
12 parking minimums along that. I live a block
13 away from it and while there's not a whole lot
14 of development out as far as I am at this time
15 looking at what's going on at Rhode Island row
16 and there's plenty of parking in there and will
17 continue to be so and would like to support
18 using the bus system and so, I am opposed to the
19 reduction and the cuts to the minimum.

20 And then accessory apartments. I
21 own a single-family home in R1 and I appreciate
22 the elimination of the minimum lot size. My

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 lot is -- I could put three of my houses on the
2 lot. It's a three bedroom and under the
3 previous rules, it would not technically meet
4 the requirements.

5 I would love to turn my basement
6 into a unit now that I could rent out and in the
7 future, looking at my parents coming back to the
8 City or my grandmother in the very near future
9 and being able to have more family around, but
10 I would like it to be a independent unit until
11 that happens.

12 I believe there's a lot of good
13 reasons to have an accessory dwelling unit. I
14 know I have -- a lot of people I know in the
15 neighborhood have. Many -- I have a neighbor
16 that introduces her son to people because she's
17 -- it's not really the son, but she doesn't want
18 to run afoul and I would love to have a legal
19 unit, but I'm not willing to put myself out
20 there and have a non-complaint unit the way this
21 City protects, and rightly so, protects
22 renters.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I've lived in one, in a non -- you
2 know, sticker of occupancy English basement and
3 I would like to be able to legally rent mine out.
4 So, I support the removal of the lot size.

5 Thank you.

6 CHAIRMAN HOOD: Thank you. Next.

7 MS. HEMBERGER: Hi. My name is Sue
8 Hemberger. I've lived in the City since the
9 mid-'80s. I'm not a native Washingtonian, but
10 this is my adopted city. The city I chose.

11 I'm here today to talk about
12 Subtitle 1. I was extremely disappointed to
13 see that OP's done almost nothing to improve its
14 proposals for downtown.

15 Among the issues, I identified were
16 undermining of historic preservation
17 protections downtown and I'll note here that we
18 still haven't seen an inventory listing of
19 potentially affected buildings.

20 Secondly, significant upzoning
21 with no quid pro quos. Giving an additional 40
22 feet and the elimination of restrictions on FAR

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 doubles the buildable density in many of the C3C
2 lots newly incorporated into downtown.

3 What do we get in return?
4 Absolutely nothing.

5 And as we're seeing with communal
6 recreational space, the things you give away
7 now are the things you end up trying to buy back
8 later. In general, getting rid of limits on
9 FAR in places where there's no lot occupancy
10 requirement is a really bad idea if you want
11 public space and/or good design.

12 Next, replacement of the PUD
13 process with a developer-controlled market and
14 density credits. So, instead of providing
15 public amenities, one developer cuts a check to
16 another. Bad policy.

17 Expansion of downtown exemptions
18 from inclusionary zoning, both in the area
19 south of the National Mall, the D8 Zone, and in
20 a few squares west side of South Capitol Street
21 that managed not only to get upzoning from C3C,
22 but apparently to extricate themselves from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 inclusionary zoning as well.

2 My written testimony previously
3 submitted tells that story through a series of
4 OP mappings.

5 In addition to my own testimony, I
6 heard eloquent appeals from residents in both
7 the west end and Penn Quarter on the importance
8 of quality of life issues. Downtown
9 neighborhoods face real challenges in
10 balancing the needs of residents with those of
11 businesses and visitors. Light, noise,
12 parking, the provision of schools, parks,
13 grocery stores, stormwater management,
14 affordability are all significant issues that
15 must be addressed if we want to build
16 sustainable, diverse and attractive
17 neighborhoods downtown.

18 You're being asked to do
19 significant upzoning here without even the most
20 basic infrastructural studies in front of you.

21 After all this public testimony,
22 about the only thing OP found that needs to be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 fixed in Subtitle 1 was the three-year time
2 limit on converting TDRs and CLDs to density
3 credits. Apparently, the speculative market
4 and density won't be truly free unless
5 developers are given the right to choose
6 indefinitely between what they originally
7 bargained for and whatever new incentive scheme
8 OP might develop in the future.

9 Clearly, the desires of real estate
10 lawyers and their clients commend more
11 attention than those of D.C. residents.

12 We've got a beautiful downtown
13 because we have parking requirements. It's a
14 downtown that showcases our historic building
15 because we have strong historic protection.
16 That's a delightful place to walk. Why are we
17 putting that at risk?

18 Is this really what you want your
19 legacy to be? Because the bucks stops here.

20 Harry Tregoning has left the
21 building. Mayor Gray has never been eager to
22 claim ownership of this project.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Do you want to be the Commission
2 that abandoned two centuries worth of excellent
3 planning and turn this nation's capital over to
4 developers and speculators? Because that's
5 what you'll be doing if you adopt this code.

6 There's no urgency here. Take the
7 time to get this right. The stakes are too high
8 not to.

9 CHAIRMAN HOOD: Thank you. Next.

10 MS. SIMON: My name is Marilyn
11 Simon and I am speaking on behalf of Friendship
12 Neighborhood Association.

13 Tonight, I will address some of the
14 alternative language to the original parking
15 text. Some of which is characterized as being
16 responsive to our concerns.

17 The language offered by OP on
18 mapping the areas where the parking requirement
19 is reduced is a small first step towards
20 addressing only one of the concerns expressed
21 in our earlier testimony. It only addresses
22 the concerns about how WMATA would be

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 determining D.C. zoning requirements without
2 public input on relevant issues.

3 The alternative language fails to
4 address the fundamental concerns about OP's
5 failure to map transit zones consistent with
6 the Comp Plan.

7 Both proposals are inconsistent
8 with Order ZC 08-06C where the Zoning
9 Commission required OP to explain its mapping
10 and demonstrate consistency with specific Comp
11 Plan policies listed in the FNA comments on the
12 NPRM.

13 We would like to thank OP for
14 preparing the maps I requested showing how
15 minimum parking requirements are changing
16 under each of the proposals.

17 As you can see from the maps,
18 minimum parking requirements for multifamily
19 housing are being reduced citywide. With the
20 requirement along much of Wisconsin Avenue
21 being reduced from 50 spaces for a hundred-unit
22 building to 16 spaces for a hundred-unit

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 building.

2 This drastic reduction was made
3 without any evidence that the current
4 requirements are excessive or that the proposed
5 requirements are appropriate. The record
6 includes a significant amount of testimony
7 about the lack of empirical evidence to support
8 the lower requirements and the areas mapped for
9 further reductions.

10 OP's response to these comments was
11 to refer the commenters to OP's website and to
12 census data. However, census data indicates
13 that our current parking requirements are, if
14 anything, too low.

15 In D.C., vehicle ownership has been
16 steady at about .9 vehicles per household for
17 decades. Hardly a statistic to support a
18 recommendation to eliminate parking
19 requirements in some locations and reduce it to
20 less than one space for every three or six
21 housing units elsewhere. Especially, in a
22 city with limited on-street parking and a large

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 stock of pre-1958 housing.

2 When I reviewed the paper that was
3 cited as providing empirical basis for choosing
4 the minimum parking requirements, I found that
5 the paper provided absolutely no empirical
6 evidence supporting the choice of minimum
7 parking requirements.

8 It did, however, include one
9 telling quote. The consultant stated the
10 primary goal of the current project was to
11 identify zoning changes that would result in
12 reduced accommodation of parking at new
13 development in the District.

14 In other words, OP wasn't studying
15 or asking the consultants to study the
16 situation near various Metro stations and
17 propose appropriate off-street parking
18 requirements. Instead, OP asked the
19 consultants to figure out how to use the Zoning
20 Code to make car ownership and use more
21 difficult.

22 The change in the trigger for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 penalty for excess parking was proposed in
2 response to comments by FNA and others. The
3 record includes comments noting that given the
4 very low parking requirement and the proposed
5 trigger a responsible developer who chooses to
6 produce adequate parking for the users of the
7 project would be assessed a penalty.

8 Increasing the trigger begins to
9 address this concern. However, given the very
10 low basic requirement of less than one space for
11 every three units, a responsible developer will
12 still face a penalty for providing adequate
13 parking.

14 Consider a 350-unit building. The
15 proposed minimum requirement would be 58 spaces
16 and the developer would pay a penalty for excess
17 parking if he exceeds 234 spaces. A trigger
18 which is significantly lower than the 315
19 spaces that residents, on average, would need.

20 In closing, we urge you to review
21 the entire record including substantive
22 findings from earlier phases of the process to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 note what is in the record and what is missing
2 from the record.

3 After careful review, we expect
4 that you will find that support for many of the
5 more controversial policy changes is absent.
6 You are being asked to adopt policy changes that
7 have no Comp Plan mandate and where in many
8 situations the Comp Plan language explicitly
9 embraces a different goal.

10 These drastic reductions in minimum
11 parking requirements should be dropped as
12 recommended by Mary Shea, Jack Evans and John
13 Parsons.

14 We also ask that the parking
15 requirements be deferred until the ZC is
16 presented with recommendations that can be
17 supported by historical evidence.

18 CHAIRMAN HOOD: Thank you. Thank
19 you, Ms. Simon. Thank you.

20 MS. SIMON: Thank you.

21 CHAIRMAN HOOD: We have it. Thank
22 you. Next.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. WILLIAMS: Good evening,
2 Members of the Commission. My name is Lindsley
3 Williams, 3307 Highland Place, N.W. where I've
4 lived since the mid-'80s. I've been in the
5 City since 1970.

6 And my first remark is whew, this
7 has been a long saga and we're almost getting
8 to a point where it's coming to an end and I bet
9 everybody's looking forward to that.

10 A lot of my testimony tonight and a
11 lot of my interest in this case relates to
12 definitions and I'd like to thank OP for
13 preparing a chart that outlines what the
14 current regulations provide, what direction
15 they think it should go in. It helps clarify
16 things enormously and I'd like to build on that
17 through these remarks.

18 Essentially, what I've seen the
19 Commission doing in its review with OP in the
20 record is to move not only to study the
21 definitions for what they're doing, but to
22 encourage that they tease out the rules of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 measurement that apply to a given definition
2 when there is a measurement at issue.
3 Sometimes it's a use at something else.

4 But, when you have something that
5 says how high is high, where do you start from,
6 where does it end, all of those things need to
7 be understood clearly for the purposes of sound
8 administration.

9 And in this regard, I'd ask you to
10 re-look as part of your homework, not that you
11 don't already have enough, at ZC Order 08-06B.
12 Which was issued in a sort of an interim basis
13 a few years ago on the very subject of height.
14 It's an elegant order. It's really well
15 written, very well thought out and ignored by
16 ZC Order 12-11 which came somewhat later and has
17 two kinds of heights. One for resident's
18 districts and one for something else and there
19 may be nuances there that are important.

20 But, to my way of thinking, what the
21 Commission should be trying to do to get some
22 progress with this overall project is to move

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 as many definitions as possible in an amended
2 form into a three-part Section 199 of the
3 current regulations. Right now, 199 is all
4 definitions alphabetically.

5 What I think would help is for you
6 to put most definitions in A. Put the ones that
7 have to do with measurement, height, width,
8 this, that and the other, everything that's
9 measured in area or in distance into B.
10 Accompanied by, separate from the definition,
11 the rule of measurement if you've thought it out
12 and many of the definitions have a lot of that
13 in them.

14 And, Ms. Cohen, you in particular
15 have led the charge to get diagrams. Those are
16 enormously helpful. They clear up all kinds of
17 ambiguities and they need to be, it seems to me,
18 put together with everything else.

19 And then in part C, what I'd do is
20 put in all your use districts, your use
21 clusters. Excuse me. The use groups. Not
22 that they're going to be used right away, but

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 they'll be there as part of your vocabulary
2 going forward.

3 My testimony is there in the record.
4 I gave it to Ms. Schellin earlier.

5 You'll be getting a lot of details
6 about definitional issues from me before the
7 record closes, but my general point is to say
8 thank you for your good work. Let's get moving
9 and get it in place.

10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Commissioners, any questions of
13 this panel?

14 COMMISSIONER TURNBULL: I think,
15 Mr. Chairman, making one point. First of all,
16 that OP will be responding to all of these
17 questions, identifying all of your terms and
18 that will be in the record sometime after
19 closing I would assume. I'm not sure. Mr.
20 Chair, what timing would that be?

21 CHAIRMAN HOOD: Yes. We -- I know
22 that they had a thing they were working on to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 respond. So, I'm sure they'll probably
2 continue to respond at least in the alternate
3 text. Okay.

4 COMMISSIONER TURNBULL: All right.

5 CHAIRMAN HOOD: We also want to do
6 our own thing. So, you know, I appreciate them
7 responding, but we're also --

8 COMMISSIONER TURNBULL: We need --
9 we will later on.

10 CHAIRMAN HOOD: Yes. Yes. Sure.
11 Okay. Any other questions?

12 VICE CHAIR COHEN: I just want to
13 reassure Ms. Gates that I believe we all intend
14 to review the record very carefully and not
15 delegate it to the Office of Planning. They
16 will help us, but I know that we'll be reading
17 it again.

18 CHAIRMAN HOOD: Okay. Let me just
19 say this and I'm not trying to -- and I don't
20 want to deliberate. I don't know if they will
21 necessarily help this Commissioner. I think
22 what's going to help me is the information they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 provide us was the information we received from
2 the public and I'll just leave it at that.
3 Let's make sure we keep it on an equal basis.
4 I'll leave it at that.

5 Anything else? Okay. Thank you
6 all very much.

7 Okay. Thomas Hutchinson, Tim
8 Hampton, Laurie Leibowitz. Leibowitz. She's
9 not here. David Franklin -- Frankel, William
10 Gallagher. If it sounds close to your name,
11 just come forward. David Alpert, Brian Levy,
12 Susan MacKnight. Where did I leave off?
13 Susan MacKnight. Okay. Alex Hanson, Abigail
14 Zenner. Okay.

15 Did I call too many? Okay. That's
16 it. That's it. That's good. Okay. All
17 right. Thank you.

18 We will start to my right, your left
19 and we'll go the opposite way this time. You
20 may begin.

21 MS. MACKNIGHT: Good evening. My
22 name is Susan MacKnight. Sorry. Good

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 evening. My name is Susan MacKnight. A
2 native Washingtonian. I live in Friendship
3 Heights.

4 Tonight, I want to revisit the issue
5 of minimum parking requirements in the context
6 of the alternative language to the draft zoning
7 update text.

8 At the February Ward 3/Ward 4
9 hearing on this Zoning Regulations Review, I
10 criticized the advertised text proposal to
11 slash the District's already low minimum
12 on-site parking requirements for new
13 multifamily residential projects close to
14 public transportation.

15 This idea, I argued, ignores the
16 reality that a majority of Washington
17 households own a vehicle. A proportion
18 unlikely to change even as more condo and
19 apartment buildings go up near mass transit.

20 It is an exceedingly blunt tool for
21 regulating off-street parking in these
22 developments unmaintained.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The proposed alternative of freeing
2 new multi-household residential buildings near
3 WMATA priority bus corridors from the
4 requirement of deep cuts in on-site parking
5 spaces is a small step towards a more rational
6 policy. The Office of Planning says this
7 suggested change would extend to ten named
8 neighborhoods and portions of six heavily
9 traveled D.C. roads. However, condo and
10 apartment projects still could be developed
11 with inadequate or no on-site parking on land
12 along Upper Wisconsin Avenue home to two Metro
13 stations and on property around the City's many
14 other subway stops.

15 Going from one required off-street
16 parking space for every two housing units now
17 to one space for every six units, a whopping
18 two-thirds reduction, in my neighborhood and at
19 other similarly zoned locations close to Metro
20 without any analysis of prospective demand for
21 parking is not how sound public policy is
22 achieved.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I urge the Zoning Commission to
2 direct OP to rework the advertised text one size
3 fits all approach to minimum on-site parking
4 requirements for projects near Metro. Scaling
5 base parking numbers to estimates, however
6 rough, of future demand in the targeted areas
7 is necessary to prevent spillover parking in
8 adjacent low-density neighborhoods and other
9 unintended consequences of a poorly conceived
10 initiative.

11 Those figures might be the current
12 requirement or levels in between what the
13 advertised text provides and the present
14 minimums.

15 I also would add to OP's review
16 agenda the trigger for penalizing developers
17 that provide excess on-site parking. The
18 amended document proposal to raise the
19 threshold for mitigation to twice the required
20 amount is progress. Additional research no
21 doubt would show that the trigger should be even
22 higher around certain Metro stations.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you.

2 CHAIRMAN HOOD: Thank you. Next.

3 MR. LEVY: Hi. I'm Brian Levy and
4 I'm a District Ward 1 resident for the last 11
5 years.

6 I wanted to sincerely thank
7 everyone here, Office of Planning and the
8 Zoning Commission, for your really tireless
9 work over the last many years. This has been
10 an incredible process and I think a model one
11 that other cities could learn from.

12 Despite what everyone says up here,
13 I personally consider you all to be the good
14 guys. But, I do want to talk about a few
15 issues.

16 I work on developing a
17 micro-housing showcase here in the District.
18 We've had about 5,000 visitors just in the last
19 year and a half. Just weekends people come
20 out. People are fascinated and compelled by
21 small spaces and small housing. So, part of my
22 testimony tonight it to talk about accessory

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 dwelling units.

2 Regarding Subtitle D, I support
3 stronger language to allow the widespread
4 development of ADUs. I think there's
5 tremendous potential for backyard ADUs in D.C.
6 and I feel that expanding accessory dwelling
7 units in all forms is really, really essential
8 to increasing D.C. housing supply, expanding
9 affordable housing and also allowing aging in
10 place for D.C. residents.

11 So, I support the majority of the
12 latest changes that were just made on the ADUs.
13 This includes eliminating the minimum lot areas
14 and also reduction of the minimum house square
15 footage required to have ADUs. Those are all
16 positive changes.

17 However, I believe the latest
18 zoning rules on ADUs should keep what was
19 1602.2. This allows the residents to develop
20 ADUs by right without going through a costly and
21 time intensive special exception process.

22 So, specifically, support

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 retaining the matter-of-right provision for
2 accessory apartments to be located in existing
3 accessory buildings as originally set down in
4 September of 2013. The old rule.

5 In addition, I support deleting the
6 six-person aggregate maximum for the principal
7 and accessory apartment and the establishment
8 of a limit on -- only on the number of residents
9 in the accessory apartment. The latest
10 proposed change.

11 The second issue I wanted to address
12 briefly was this new camping in alleys
13 proposal. From my perspective, I don't think
14 we'll have a whole lot of people up here
15 testifying on this tonight, but anyone that
16 looks closely understands it was made in a very
17 untransparent fashion. There's zero public
18 comments on this issue over the summer of those
19 1100 comments.

20 It also appears somewhat
21 unjustified given that there's really no alley
22 squatter camps plaguing the City right now as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 far as I'm aware.

2 It also seems to be unequally
3 applied to private properties. Specifically,
4 it targets just alley lots.

5 It also appears to target a single
6 project which tends to violate a commonly held
7 principle of law.

8 But, most importantly from my
9 perspective it eliminates a potential source of
10 affordable micro-housing in D.C. We should be
11 working together to explore creatively what the
12 options might be. As I said before, there's a
13 ton of interest. So, I do implore the
14 Commission to explore this further.

15 Thank you very much.

16 CHAIRMAN HOOD: Okay. Thank you.

17 Next.

18 MR. ALPERT: Thank you very much,
19 Members of the Commission.

20 My name is David Alpert, a resident
21 of Dupont Circle in Ward 2.

22 You have, I believe, my detailed

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 testimony in my letter from July. So, I just
2 wanted to amplify a few particular points from
3 it.

4 On parking minimums, I support
5 continuing with the previous language as you've
6 advertised in the alternative for bus
7 corridors. Bus transportation is a very
8 important and valuable way to help people get
9 around and be able to live car light or car free
10 and to have a zoning that says that only rail
11 transit makes a place more eligible for a
12 parking reduction, I think sends the wrong
13 message and will discourage further
14 investments in buses.

15 We should actually be improving our
16 bus corridors in many places around the City and
17 if built right, we can make them places that
18 people can increasingly rely on for not having
19 to have cars and, in fact, many people already
20 do live near high frequency bus lines and don't
21 have cars.

22 On accessory apartments in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 accessory buildings, please retain the
2 language advertised in the alternative to allow
3 these buildings as a matter of right subject to
4 all of the conditions that had already been
5 discussed.

6 It's very important as you've all
7 talked about in your meetings for us to find
8 ways to add housing to this City that do not --
9 especially when they do not substantially
10 change the character of a neighborhood in terms
11 of the visible appearance of the built
12 environment.

13 Accessory dwellings -- including in
14 accessory buildings are actually a fantastic
15 way to achieve that goal. You let people use
16 existing space that they already have. Not
17 having to build more space.

18 Sue Hemberger said in her testimony
19 a few minutes ago that when some of the
20 densities are increasing downtown, she asked
21 rhetorically, what do people get? I would say
22 that one of the things that we're getting from

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 some of the places where there's targeted
2 development especially near transit and in
3 dense areas, we are getting housing which this
4 City needs. We are getting jobs and space for
5 the jobs which the City sorely needs.

6 And sometimes this debate about
7 development gets framed as all residents versus
8 developers. Essentially that neighborhoods
9 are fine and if nothing changes, everything
10 will be good. Certainly our neighborhoods are
11 wonderful places and people are very happy in
12 them, but there are a lot of people, people of
13 lower incomes, young people, seniors, many,
14 many other people who are finding it very
15 difficult to find places to live in the City and
16 we cannot simply say everything is fine and if
17 we don't change anything, you know, everything
18 will continue to be as good as it has been
19 before.

20 If we don't change anything, we're
21 going to get increasing numbers of displaced
22 people especially people of lower incomes and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I hope the legacy of this Commission is to make
2 sure that that does not happen at least in this
3 case in one very small way with this smaller
4 provision about accessory dwellings.

5 Finally, I wanted to just mention
6 something about -- talk about the theaters in
7 residential zones text because I think this has
8 largely been something that I'm the only one
9 whose been sort of bringing up a lot and then
10 you, on the Commission, as I appreciate, have
11 been carrying that forward.

12 OP, I very much appreciate OP
13 wanting to solve this particular problem of
14 theaters in residential areas and residential
15 areas not being able to find spaces or not even
16 able to continue in the spaces they're already
17 in and would just note as I say in my testimony
18 that they have written the rule too narrowly in
19 two specific ways.

20 First, that it requires -- it's now
21 written to only apply to non-theater spaces
22 that rent out space to theater groups and I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think -- as I know from the discussion at that
2 meeting that you had, I think many of you agree
3 we should make sure the rule is written so that
4 it allows theaters that own their spaces as well
5 and have neighbor support and can get through
6 a special exception process to be able to locate
7 in those zones.

8 And secondly, to insure that this
9 also applies in Subtitle F in the A Zones such
10 as the one where I live where we have such a
11 theater exactly on our block where this new text
12 would be, with this modification, very
13 appropriate.

14 Thank you very much.

15 CHAIRMAN HOOD: Thank you. Next.

16 MS. ZENNER: Thank you very much
17 for giving me the opportunity to speak today.

18 My name is Abigail Zenner and I live
19 in Glover Park in Ward 3 and I'm going to keep
20 it really short because I've said a lot of these
21 things many times before.

22 Basically, I support the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 alternative language, the update on parking
2 around bus corridors and accessory apartments
3 and carriage houses.

4 Easing parking requirements close
5 to transit will help create better walkable
6 neighborhoods and make new construction less
7 expensive.

8 I oppose the Office of Planning
9 proposal to change the Subtitle C parking that
10 removes bus priority corridors and I support
11 the alternative language in the hearing notice
12 to retain it.

13 Also allowing homeowners to rent
14 out an accessory apartment gives better options
15 for both aging adults and young people who are
16 just starting out. I oppose OP's proposal to
17 make accessory units and carriage houses only
18 through special exemption and I support the
19 alternative language in the hearing notice to
20 allow them by rights.

21 I support a Zoning Code that
22 reflects the reality of our lives in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 District and the alternative language does a
2 better job of doing so.

3 Thank you very much.

4 CHAIRMAN HOOD: Okay. Thank you.
5 Next.

6 MR. GALLAGHER: Hello. I'm Bill
7 Gallagher. I'm a native of Washington. I
8 grew up on a little street called Lexington
9 Place and I've lived here most of my life.

10 I'm supporting the changes in the
11 amendments which I think is very important.

12 I grew up at a time when the City was
13 quite based on pedestrians and mass transit,
14 the streetcar and I just see that there's a lot
15 of people that are opposed to what's going on,
16 but it's a generational thing and I guess I'm
17 in the wrong generation. But, I ride my bike
18 everywhere.

19 I just think that we do need to
20 restrict parking. I lived in Boston where
21 there was a parking maximum not a minimum and
22 anywhere where there's a corridor of mass

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transit, I think we need less parking.

2 I worked on Metro for many years.
3 So, I really appreciate the fact of how that has
4 really helped change the City and the bus
5 system.

6 As far as accessory dwellings, in
7 our house when I grew up, my great uncle lived
8 in the attic. Another roomer lived on the
9 second floor. My grandmother lived down the
10 street and if we'd had a carriage house in the
11 back, I'm sure my grandmother would have lived
12 back there.

13 I think that's a really important
14 thing for the City and we just have to deal with
15 the lack of affordable and multi-sized family
16 housing and this gives the opportunity for a lot
17 of people to move back into the City or live in
18 the City or house a lot of the people that are
19 on the streets right now.

20 There were no homeless people when
21 I grew up in the City. There was a huge variety
22 of building types. There were rooming houses.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 A lot of people rented out rooms. My parents
2 both worked for the Government, but they rented
3 out rooms.

4 My grandmother rented out rooms
5 until my father got tired of fixing her house
6 and after that, she moved from place to place,
7 apartment to apartment. But, if she'd had a
8 carriage house in our backyard, she would have
9 still been there.

10 I just think it's important for us
11 to look at the future. With the Zipcar and the
12 Go2 cars, we don't need to own all these cars.
13 We don't need to park all these cars.

14 And I think -- what I see actually
15 is almost a suburban-urban difference here.
16 Those of us that live in the downtown parts of
17 the City, the old townhouse parts of the City,
18 understand this and appreciate this and those
19 that live further out, haven't quite gotten to
20 this point yet.

21 But, I say all of you can give up one
22 or two of your cars and start using the Zipcar.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Which is what I do all the time.

2 I just think it's time to make the
3 transition back to where we used to be. This
4 is an urban place. We're becoming more urban
5 again. Which is a really wonderful thing.

6 And I support -- strongly support
7 these changes.

8 Thank you.

9 CHAIRMAN HOOD: Thank you. Next.

10 MR. FRANKEL: Good evening. My
11 name is David --

12 CHAIRMAN HOOD: You want to make
13 sure your microphone is on and you can start
14 again.

15 MR. FRANKEL: Good evening. My
16 name is David Frankel and I'm here on behalf of
17 the Tenleytown Neighbors Association to
18 provide TNA's input into the alternative
19 language the D.C. Office of Planning has
20 proposed for visions and amendments to Zoning
21 Regulations.

22 TNA was formed in 1999 and is a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 member of the D.C. Federation of Citizens
2 Associations.

3 TNA joins in the testimony
4 presented earlier this evening by Marilyn Simon
5 on behalf of the Friendship Neighborhood
6 Association.

7 Not long ago when the proposal came
8 before this Commission to develop the Babe's
9 Billiards site a 60-unit apartment building at
10 4600 Wisconsin Avenue, N.W. with no parking,
11 several of you applying common sense strongly
12 questioned that proposal. Ultimately, you
13 approved it, but with a caveat that it was a one
14 off and not a precedent for changing the
15 existing requirement of one parking space for
16 every two units.

17 Despite the fact that vehicle
18 ownership in D.C. is holding steady at 0.9
19 vehicles per household and continued
20 population growth is projected, it seems to be
21 the vogue to require no new parking in projects.

22 The Patterson Mansion project in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Dupont Circle is instructive. The developer
2 wants to market 92 units to people earning
3 between \$100,000 and \$125,000 per year from
4 microunits of about 350 square feet. The eight
5 units set aside in that project for below market
6 rate rents will be leased to singles making as
7 much as about \$61,000 per person -- per year.
8 Excuse me.

9 So, this is clearly not about
10 tackling the District's affordable housing
11 problem. A project of this size would
12 ordinarily require 23 parking spaces, but if
13 the developer has its way, will offer none.

14 Not all jurisdictions are succumb
15 to the no new parking mantra. Bethesda, for
16 example, is developing its lot 31 near
17 Wisconsin Avenue with 200 condo units and
18 40,000 square feet of retail. That project
19 will have 1400 underground parking spaces with
20 300 set aside for the 200 condo units.

21 Presumably, people with cars will
22 settle near Bethesda's Metro stop and those of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 us living in and around Tenleytown will be
2 enticed to shop more conveniently just a very
3 short drive across the District's border.

4 Portland, the city frequently cited
5 for smart growth, eliminated its parking
6 requirements in certain areas and what seemed
7 predictable occurred. Developers built
8 projects with no parking causing new residents
9 and business patrons to jam the nearby
10 neighborhoods with their cars.

11 Portland's elected officials
12 responded by reinstating the zoning
13 requirement to provide parking. Of course,
14 the damage was already done to some
15 neighborhoods.

16 The existing requirement of one
17 space for every two units along Wisconsin in
18 Tenleytown is already well below the consistent
19 demand of 0.9 vehicles per household. TNA is,
20 therefore, disappointed and perplexed that
21 OP's solution to increased motor vehicle
22 ownership is to provide fewer places to park.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I've lived in my Upper Northwest
2 D.C. house for 28 years. My neighbors and I
3 come in many configurations such as elderly,
4 disabled and families with children. We need
5 to purchase our groceries, go to the doctor and
6 take our kids to soccer practice. It's not
7 unreasonable for us to be able to park near our
8 homes.

9 We ask that you require that all new
10 projects provide sufficient on-site parking to
11 meet the demands of their commercial and
12 residential uses.

13 In TNA's view, the Zoning
14 Commission should be increasing on-site
15 parking requirements for new projects not
16 decreasing or eliminating parking.

17 Thank you for your attention. I'll
18 be happy to answer any of your questions.

19 CHAIRMAN HOOD: Thank you. Next.

20 MR. HAMPTON: Thank you for hearing
21 my testimony this evening.

22 My name is Tim Hampton and I love

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 D.C. as we all do here. I've lived here for ten
2 years. I met my partner at a block party and
3 we're raising two native Washingtonians.

4 I even wrote a song about how I love
5 D.C., but I won't sing it this evening.

6 I'm here in support of the updates
7 to the D.C. Zoning Code in general and
8 specifically, supporting the alternative
9 language used in the September update.

10 Our family of four is among the 40
11 percent approximately of D.C. households who do
12 not own a car. We live close to the 14th Street
13 buses. Which I think is one of the priority bus
14 networks.

15 Requiring parking along priority
16 bus lines is unnecessary and burdensome. It
17 drives up the cost of housing and it subsidizes
18 car ownership.

19 And I'm really grateful for the
20 people who made a Zoning Code before the 1950's
21 code. Because, otherwise, our house would not
22 have been able to be built with a backyard. It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 would have just been parking for the required
2 parking and I'm grateful that our -- the school
3 that my daughter rides her bike to, a D.C.
4 public school, it only has nine spots I think
5 for 450 kids plus staff. It would never get
6 approved today, but it's a hundred -- it's a
7 long time before that and so, it was approved
8 and the place where I work, my office predates
9 that. It doesn't have any parking, but still
10 works fine.

11 They're all on or near bus networks
12 and the bus networks are extremely important
13 not just Metro stops. So, I urge the
14 Commission to include the bus networks in
15 thinking about parking.

16 I also support matter of right
17 accessory dwellings without making homeowners
18 jump through hoops to get them. Obtaining a
19 special exception is a really onerous process
20 that discourages people from doing something
21 good for our City. Which is adding affordable
22 housing and that is really the biggest crisis

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 we're facing.

2 The crisis the City is facing is not
3 I can't park conveniently to my house and I had
4 to go too far or the crisis is not my neighbors
5 are putting in an accessory dwelling unit and
6 it bothers me. That is -- I know there are real
7 concerns, but I think that they're hugely
8 dwarfed by the affordable housing crisis which
9 is mostly a crisis of supply and demand. And
10 I work with people on a daily basis who are
11 experiencing the difficulty of getting
12 affordable housing.

13 It's interesting to me that our
14 Zoning Code has a maximum of how many housing
15 units we can put on a lot, but there's no maximum
16 of parking spots. What does that say about our
17 priorities?

18 And last, I just want to say that I
19 think everybody speaking here is a credit to
20 D.C. no matter where they are on this, but I just
21 want us to extra think about the people who
22 can't be here because they couldn't get a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 babysitter, because they're working two jobs,
2 because their schedule is difficult and they're
3 the people who we really need to think about
4 their needs and not just ours.

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

7 MR. HANSON: Good evening. My
8 name is Alex Hanson and I live in Logan Circle
9 in Ward 2.

10 I'm here today as a member of the
11 Sierra Club D.C. Chapter Smart Growth Committee
12 to testify in support of the original proposal
13 in Subtitle C to reduce or eliminate parking
14 requirements in transit-oriented locations
15 throughout the City including near priority bus
16 lines.

17 I also strongly support the
18 provisions in the Zoning Code update that seek
19 to permit the creation of accessory dwellings
20 in corner stores.

21 Both measures which will improve
22 quality of life by adding new housing and retail

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 options for residents of neighborhoods
2 throughout the District.

3 The District offers a wealth of
4 transportation options that connect
5 neighborhoods and communities, preserve the
6 environment and improve the health of the
7 City's residents.

8 The single most important
9 environmental decision most Americans make on
10 a daily basis is whether or not to drive a car
11 and the single largest determinate of whether
12 someone chooses to drive is whether or not they
13 have a place to park.

14 By reducing or eliminating parking
15 minimums, the District can enable
16 environmentally-friendly car-free and
17 car-light lifestyles and reduce its collective
18 ecological footprint immensely as the
19 sustainable D.C. plan requires. As such, the
20 Sierra Club supported the original proposal to
21 eliminating parking minimums citywide.

22 If Buffalo, New York can adopt a new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 zoning code that does away with the antiquated
2 practice of setting parking minimums,
3 Washington, D.C. should be capable of the same.

4 However, we still support the
5 Office of Planning's proposal to remove
6 minimums downtown and reduce minimums in some
7 neighborhood areas.

8 Because the District offers
9 residents so many transportation options,
10 increasing numbers of our residents and
11 visitors are already choosing not to drive. In
12 fact, nearly 40 percent of the District
13 households do not own a car and since 2010, that
14 number has grown by 12,612 accounting for 88
15 percent of the citywide growth. Put another
16 way, fewer than one out of every eight new
17 households in D.C. has a car.

18 So, given the dwindling demand for
19 parking and a growing demand for housing, it's
20 counter-intuitive that the Zoning Code reform
21 proposals have steadily increased mandatory
22 construction of car housing while cutting back

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 on proposals that would permit additional
2 people housing.

3 And any supposed undersupply of
4 free parking can be solved through other means.
5 The District already has several hundred
6 thousand existing parking spaces including
7 nearly a quarter million on-street and over
8 50,000 in public garages downtown.

9 Given the extremely limited road
10 capacity available to funnel cars and to said
11 parking spaces, the prudent course of action is
12 to limit new parking and encourage ways of
13 getting around that are more efficient both
14 economically and environmentally.

15 The Office of Planning's update
16 will help set our City on a path towards greater
17 sustainability, a healthier environment and
18 strong communities.

19 I urge the Zoning Commission to
20 adopt a progressive zoning update that will
21 make the nation's capital a better city for
22 generations.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you.

2 CHAIRMAN HOOD: Thank you.
3 Colleagues, any questions of this panel? Vice
4 Chair Cohen.

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

7 Mr. Hanson, do we have your
8 testimony?

9 MR. HANSON: Yes, I did turn that
10 in.

11 VICE CHAIR COHEN: Okay. I have a
12 question for Mr. Levy. Are you on the grid? I
13 mean do you have sewer connections and
14 electrical wire?

15 MR. LEVY: You're referring to the
16 studio at Barnyard Studios?

17 VICE CHAIR COHEN: Yes. Yes.
18 Yes.

19 MR. LEVY: Yes.

20 VICE CHAIR COHEN: I assume that's
21 where you're living now.

22 MR. LEVY: No. No, I live in Ward

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 1 in 1321 Florida Avenue, N.W.

2 VICE CHAIR COHEN: Oh. Okay.

3 MR. LEVY: Yes.

4 VICE CHAIR COHEN: So, no one's
5 living at the --

6 MR. LEVY: It's a showcase.
7 Right.

8 VICE CHAIR COHEN: Okay.

9 MR. LEVY: Yes. So, I have a
10 garden there and a workshop and I use the
11 structure as an office during the day
12 primarily.

13 VICE CHAIR COHEN: All right. So,
14 but, you're suggesting that these types of
15 microunits do tie into sewers and electric and
16 --

17 MR. LEVY: Right. In general,
18 that's -- I think that's the kind of -- the
19 discussion needs to happen. My particular
20 unit is solar powered. It's got rainwater
21 filtration. It's been kind of a
22 demonstration. Kind of off-grid.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 VICE CHAIR COHEN: Okay.

2 MR. LEVY: In terms of sanitation,
3 the joke is number one question is number two
4 and there's an incinerator toilet. It
5 actually heats up and incinerates the waste in
6 a safe and sterile fashion.

7 VICE CHAIR COHEN: Thank you.

8 CHAIRMAN HOOD: Any other
9 questions or comments? Let me go to Mr. -- I
10 just want to ask you a quick question. Second
11 to my left here. Your name, sir? Mr.? Let me
12 --

13 MR. HAMPTON: Tim -- Tim Hampton.

14 CHAIRMAN HOOD: Hampton. That's
15 it. Okay. Mr. Hampton, I really appreciate
16 your statement when you said people testifying
17 for people who cannot make it and I don't
18 necessarily have a question for you, but I have
19 one for the gentleman sitting -- the gentleman
20 over from you.

21 Your name again with the green and
22 black.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. GALLAGHER: Bill Gallagher.

2 CHAIRMAN HOOD: Mr. Gallagher.

3 Forgive me.

4 Mr. Hampton, I think though that
5 your statement is exactly -- you're right on
6 point and the way I look at this code is I'm
7 trying to do exactly what you're saying because
8 a lot of people you don't see and living in this
9 City's about choices and this goes to your
10 question.

11 You just turn around and ask two or
12 three people, and I'm not going to ask anybody
13 to raise their hand, you ask them to get rid of
14 two or three cars. But, that's about choices.
15 There are people in this City who have other
16 choices.

17 So, help me understand from a code,
18 how can we be inclusive and not ask them to give
19 away what they chose to do? Two or three cars.

20 You just turn around and ask a few
21 folks to get rid of their car. Now, I don't
22 want you to turn around and look and I'm not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 going to start anything and I want us all to
2 leave peacefully.

3 But, I think this code is about
4 being inclusive to all and making sure that we
5 were. Because there are some neighborhoods
6 that are more of the suburban-like and we've
7 heard testimony just last week on that from
8 someone who takes I think she said her
9 granddaughter to the nursery school and she has
10 bad knees and some other things.

11 So, help me understand your
12 statement in balancing a code for the City.

13 MR. GALLAGHER: Well, I can just
14 say my own experience which is I lived in the
15 City. I grew up in the City. I lived in the
16 suburbs for awhile in high school and I moved
17 back in the City after college and the first
18 time I went to the grocery store, I bought ten
19 bags of groceries and I was walking and I
20 realized that I had to change my lifestyle and
21 -- because I'm not driving to the grocery store
22 anymore and it was just a wake up for myself that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I don't need to drive to pick up all those
2 groceries. I just go more often, pick up less.

3 So, it's a matter of adjusting
4 habits and habits are hard to change.

5 But, I think -- I also lived in
6 Boston and I took a car to Boston and I ended
7 up getting rid of it because it was such a
8 nuisance and I think it's a matter of adjusting
9 your lifestyle.

10 Now, a lot of people don't need to,
11 don't want to, but as you think about other
12 people, the points you raised were just
13 terrific. About pollution and all the
14 traffic. All the issues that are caused by
15 cars and I just think that if we stop and think
16 about it, that there are better ways and you
17 don't have to do as much driving as a lot of
18 people do.

19 CHAIRMAN HOOD: I just -- I think
20 you answered my question, but it's just about
21 -- like you said, it's life in any city or
22 anywhere and life in general is about choices.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Did you want to add something?

2 MR. HAMPTON: Can I make a really
3 quick response?

4 CHAIRMAN HOOD: Sure. Since I
5 identified you, I singled you out, yes.

6 MR. HAMPTON: Just that I think
7 that choices are so important and I would love
8 -- no one is ever being prevented from building
9 as much parking on their lot as they want. It's
10 about someone is forcing me to do it even though
11 I don't want to and I don't own a car, but I have
12 to have it because it makes them feel better to
13 know that I have a paved 18 by 10 spot on my yard.

14 And I think that's -- I don't really
15 want to take away anybody else's car, but I
16 don't want someone to put a parking spot on my
17 land that I don't want.

18 CHAIRMAN HOOD: Okay. I can
19 realize that better than I can to turn around
20 and ask somebody to get rid of two of their cars.
21 Okay.

22 MR. HAMPTON: They can keep them.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Okay. All right.
2 I just wanted to make sure we're balanced across
3 the board. That's what this is all about for
4 me.

5 Okay. So, I saw another hand. We
6 don't want to get -- we can have a good dialogue
7 and we probably can go on forever and that's --
8 well, actually, we have been going on for awhile
9 and so, okay.

10 Any other questions up here? Okay.
11 We want to thank this panel. We appreciate you
12 all coming out and providing testimony.

13 MR. HAMPTON: Thank you.

14 CHAIRMAN HOOD: Okay. Susan
15 Kimmel, Janet Hughes, Brian Cohen, Steven
16 Beller, Jonathan Tomer, Rebekah Tomer, Michael
17 Forster.

18 Okay. I don't see that many people
19 moving. Let me call some more names.

20 John Wheeler. Okay. Benedicte
21 Aubrun. Thank you, Vice Chair. William
22 Spencer, Stephen Crim, John Peters, Willie L.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 -- that's it. I stopped at Stephen Crim.

2 Did I call the young lady here?

3 MS. SCHELLIN: Yes, she's fine. I
4 think that's it.

5 CHAIRMAN HOOD: Okay. Okay.
6 Let's start to my right. This young lady to my
7 right, your left and you may begin.

8 MS. KIMMEL: Good evening,
9 Chairman Hood and Honorable Commissioners.

10 My name is Susan Kimmel and I reside
11 in Ward 3 in Tenleytown.

12 I'm here to support restoring the
13 intent of the original zoning provisions as set
14 down in the September 9th, 2013 draft.

15 I've been a member of Ward 3 Vision
16 for the past five years or so and in addition,
17 way back in 2008 and 2009, I participated in
18 some of the work on the zoning revision by being
19 part of the task force on sustainability, the
20 working group.

21 I regret that the hearings to update
22 the D.C. Zoning Regulations have dragged on for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 so long, but I welcome the opportunity to
2 support the Commissioners who have pushed back
3 and wanted to take a second look at some of the
4 amendments that had been proposed during July
5 of this past summer. Because I think it's
6 important that we -- the provisions will
7 continue to enhance the type of multi-modal
8 transportation network in the City, provide
9 more affordable housing choices and provide
10 more availability of corner stores and other
11 commercial facilities in -- at the local level
12 in the neighborhood.

13 My written testimony covers several
14 of these issues, but this evening, I'll focus
15 my remarks on the accessory apartments.

16 Basically, we all realize how
17 accessory dwelling units are a good thing
18 because they do provide many more housing
19 options. They can provide a range of
20 affordable housing. Enables seniors to have a
21 source of income from their residence so that
22 it's easier to age in place. It provides

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 greater diversity by having multi-generational
2 and people of different socio-economic groups
3 within the community and perhaps the increased
4 density from some of these neighborhoods would
5 sustain more commercial facilities within
6 walking distance.

7 The proposals from the July 2014
8 draft have two that I think should be retained
9 and two to override if the goal is to increase
10 the overall number of accessory dwellings
11 units.

12 The ones to retain are to -- that the
13 two -- eliminating the minimum lot size and
14 secondly, to have different size house in the
15 different R-2 and R-3 Districts. Lowering
16 that to the 1200 square foot limit.

17 I think that you should reject the
18 proposal that would require a special exception
19 for accessory structures that would be
20 converted into accessory apartments. In other
21 words, carriage houses and garages should be
22 allowed to be converted as a matter of right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

3 MR. BELLER: Good evening. My
4 name is Steven Beller. I have lived at -- for
5 17 years at 4419 Chesapeake Street, N.W. in Ward
6 3.

7 Commissioners, thank you very much
8 for allowing me to testify again.

9 I am in favor of the attempts of the
10 Office of Planning to modernize the ZRR, but I
11 think the current draft by OP is not progressive
12 enough and I'm in favor of adopting the
13 alternative language proposed by the
14 Commission Members. Especially restoring the
15 reduction of parking minimums to a quarter mile
16 either side of bus routes as in OP's earlier
17 version of the ZRR.

18 Apartment buildings near
19 convenient public transit should not be
20 required to have as many parking slots as those
21 further away. I think that's fairly obvious
22 from a planning point of view.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Let me spell it out though. It's
2 best for D.C. that as population happily
3 increases extra demands on infrastructure be
4 minimized. Given how much cars burden the
5 infrastructure, the fewer new residents with
6 cars, the better.

7 So, if people can be persuaded to
8 live in D.C. without the expensive burden of
9 owning cars, this is for the City's benefit and
10 ironically to the car owners' benefit because
11 of less traffic. So, the fewer people who have
12 to pay for unnecessary parking because they can
13 use transit and other alternatives like Zipcars
14 we heard, the better for D.C.

15 Therefore, the ZRR should empower
16 residents to live in D.C. without paying for
17 parking they do not need. Preferably, there
18 should not be parking minimums near transit
19 routes, but at least as in the ZRR compromise,
20 they should be halved.

21 OP's latest draft ZRR took away this
22 recognition from bus corridors and in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Northwest, the area where I live along
2 Wisconsin Avenue, this dramatically reduced
3 the area where parking minimum reductions could
4 be implemented.

5 This bus corridor reduction of the
6 parking minimums should be restored. Why
7 should high-volume bus routes be disregarded as
8 effective public transit?

9 Now, final point, many think living
10 in D.C. without a car is impossible. Yet over
11 100,000 D.C. households manage without a car.

12 It is thought that old people cannot
13 live without a car, but there comes a time in
14 the life of many older people when they cannot
15 physically drive a car safely. Their eyesight
16 fails them or whatever. They need walkable
17 neighborhoods where there's enough retail and
18 enough transit for them not to need cars and
19 there are further ways to mitigate car
20 dependency: taxis, grocery deliveries,
21 neighborhood shuttled, et cetera.

22 It's quite possible to live without

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a car in D.C. These are exactly the kind of
2 neighborhoods with the -- that the reduction or
3 elimination of parking minimums would
4 encourage. These walkable neighborhoods.

5 The ZRR, therefore, is not taking
6 anyone's car away. So, we have the choices
7 that you wish, Commissioner, Chair. The ZRR
8 simply makes more attractive a car-free option
9 to some and a lower car-to-resident ratio is
10 good for D.C. in general.

11 Thank you.

12 CHAIRMAN HOOD: Thank you. Next.

13 MR. COHEN: I want to make sure I
14 get five minutes. I'm representing ANC 3B.
15 Thank you.

16 Good evening. My name is Brian
17 Cohen. I'm the Chair of Advisory Neighborhood
18 Commission 3B.

19 And on behalf of the ANC,
20 representing Glover Park and Cathedral Heights
21 in Northwest D.C., I urge you to oppose the July
22 10th alternate language and support the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 original zoning rewrite that retains the
2 priority bus corridors as an area eligible for
3 elimination of mandatory parking minimums as a
4 matter of right.

5 Doing so would have a direct and
6 significant beneficial impact on our community
7 which has no Metro service, but lies within the
8 Wisconsin Avenue Metrobus -- Wisconsin Avenue
9 priority bus corridor.

10 In February 2013, five ANC 3B
11 Commissioners unanimously supported a
12 resolution in support of the zoning rewrite.
13 ANC 3B continues to support this rewrite.

14 Our resolution spoke to the
15 problems caused by the mandatory parking
16 minimums. It said that these parking minimums
17 "undermine market forces, increase housing
18 costs, reduce incentives to use mass transit
19 and damage the historic and walkable form of
20 many neighborhoods."

21 This was true in Glover Park two
22 years ago. It remains true now. Indeed, in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the last two years, development or
2 redevelopment of numerous older existing units
3 into newer and more expensive condominiums has
4 only exacerbated the problems our community is
5 facing with the lack of affordable housing.

6 Eliminating parking minimums on a
7 priority bus corridor in our community would
8 represent a small, but significant step forward
9 in terms of reducing costs and making it easier
10 to produce more and more affordable housing in
11 our community.

12 To give you a real-life example of
13 how these minimums slow the growth of new
14 housing options, I'd like to tell you about 2140
15 Wisconsin Avenue in Glover Park. This was a
16 blighted property right on Wisconsin Avenue in
17 the middle of our community and it stood that
18 way for years.

19 A developer finally bought it and
20 was prepared to build four one-unit condos, but
21 was stymied by the fact that the lot did not have
22 the minimum number of parking spaces for these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 units. Providing these spaces would have
2 required costly construction and an unsightly
3 curbcut and surface parking at ground level
4 fronting Wisconsin Avenue.

5 Ultimately, the owner of the
6 building sought and received with ANC support
7 a zoning variance waiving these requirements,
8 but this caused months of delay, uncertainty
9 and expense and delayed this amenity in housing
10 that will benefit the community and the new
11 residents who will live in it.

12 I would also add that today's high
13 priority bus corridors are tomorrow's Metro
14 corridors with the new Metro coming to
15 Georgetown hopefully. The next step -- and I
16 recognize this is a step that may take decades,
17 but the next step would be to extend the Metro
18 up Wisconsin Avenue. This may, indeed, take
19 decades, but you should adopt a zoning code that
20 can envision and adjust to decades to changes.

21 I would remind you and you know this
22 better than I do that the current Zoning Code

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is over 50 years old.

2 That's why I urge you to support the
3 language from the original zoning rewrite that
4 would have eliminated the parking minimums or
5 that would have reduced the parking minimums in
6 high priority bus corridors.

7 I'd also like to speak out on a few
8 other issues in the July language.

9 The updated draft makes reasonable
10 allowances for local corner stores in rowhouse
11 residential areas including Glover Park and we
12 continue to support this intent. However, I
13 was a little bit -- I would urge you to clarify
14 language with regard to disallowing corner
15 stores on alley lots.

16 In Glover -- I wasn't quite sure of
17 the meaning of this language, but in Glover Park
18 every house abuts an alley. Rowhouse or corner
19 or non-corner house, that house has an alley in
20 back of it.

21 So, if the language -- one way to
22 read that language would be that at the same

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 time that you were moving to allow corner
2 stores, that language may inadvertently
3 disallow corner stores in every part of Glover
4 Park.

5 So, I hope you can clarify that
6 language so that our existing corner lots in
7 Glover Park that meet the other requirements
8 that happen to be on an alley are not
9 disallowed.

10 The zoning rewrite offers improved
11 options for homeowners to create accessory
12 dwelling unit. The neighborhoods positively
13 affected by these proposed changes include
14 Glover Park and Cathedral Heights.

15 We supported these changes and
16 continue to do so and I urge you not to establish
17 minimum lot or house sizes that would exclude
18 the vast majority of Glover Park houses from
19 containing ADUs. Many houses in our
20 neighborhood may be as small as 1,000 square
21 foot and many lots may be below 2,000 square
22 feet just because of the nature of our

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 neighborhood. But, in our community, those
2 houses should still be allowed to have ADUs.

3 I would also urge although we have
4 few carriage houses in our neighborhood,
5 there's no reason why these carriage houses
6 should not be able to contain ADUs and I hope
7 you'll revisit and include language that would
8 allow them to do so.

9 On behalf of ANC 3B, I thank you for
10 your time, your attention to these issues and
11 like you, I hope this process can be ended soon
12 and we can move forward with the new Zoning
13 Code.

14 CHAIRMAN HOOD: Okay. Thank you.
15 Next.

16 MR. WHEELER: My name is John
17 Wheeler and I live in Tenleytown.

18 I testified last year in favor of
19 lowering the off-street parking minimum
20 requirements that were proposed by the Office
21 of Planning in September of 2013. I still
22 support those requirements which I believe are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 reflected in the alternative language
2 provisions under consideration.

3 Requiring more parking spaces than
4 consumers want is wasteful and it makes housing
5 less affordable. Often developers build more
6 than the minimum requirements, but in certain
7 circumstances, they want to build less because
8 they believe consumers want less. I believe
9 they know their market.

10 Recently, you approved a
11 residential development in my neighborhood
12 that will have no parking. It's under
13 construction now and I expect it will be a
14 success.

15 I also support the alternative
16 language for accessory dwelling units. That
17 is another way to make housing more affordable
18 in D.C. I expect one common use of this type
19 of housing will be for adult children of
20 landowners where the children could not
21 otherwise afford to live in D.C.

22 And I just have a comment on the --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 getting rid of car issue. I don't -- it's
2 probably mostly not a zoning issue, but it just
3 irritates me that I have a neighbor with five
4 cars and three of which are just parked and
5 there's two drivers in that house and they're
6 paying practically nothing to do that and
7 they're -- that should be addressed by the City.
8 Probably not the Zoning Commission, but that's
9 an issue that should be addressed. It's not --
10 it's just not good for the City.

11 Thank you.

12 CHAIRMAN HOOD: Thank you. Next.

13 MS. AUBRUN: Good evening, Mr.
14 Chairman and Members of the Commission.

15 My name is Benedicte Aubrun and I
16 will be testifying on behalf of the Reed Cooke
17 Neighborhood Association about the Reed Cooke
18 Overlay District Subtitle K of the Zoning
19 Regulation Review.

20 I want to thank the Commission for
21 this opportunity.

22 We understand from the June 16, 2014

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Office of Planning memo that the RCO will be
2 reassembled and moved to Subtitle K, but no text
3 has been provided for the new overlay.

4 Our hope is that the text of the
5 existing overlay as currently embodied in D.C.
6 law will simply be added to Subtitle K with no
7 changes beyond renumbering provisions and
8 translating zone names. This will address the
9 detailed concerns we have previously expressed
10 to OP and that are submitted as written
11 testimony to you tonight in a ten-page
12 technical presentation.

13 What we do not want to see is the
14 previously proposed setdown text simply
15 reorganized and relocated rather than
16 substantially revised to give us at least the
17 same protections we have now.

18 In any event, we need to see what the
19 proposed text says and have an opportunity to
20 comment on its substance. It's not sufficient
21 for OP simply to say that the Reed Cooke Overlay
22 will be moved to Subtitle K and for you to assume

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that our concerns have been addressed without
2 actually providing us an opportunity to review
3 the actual text that will be included in the
4 code.

5 Subtitle K is devoted to spacial
6 purpose zone. Our Comprehensive Plan element
7 speaks specifically and very positively about
8 the purpose of the Reed Cooke Overlay. Policy
9 MC-2.4.5.

10 Reed Cooke area protect existing
11 housing within the Reed Cooke neighborhood,
12 mentioning heights and densities at
13 appropriate levels and encouraging small scale
14 business development that does not adversely
15 affect the residential community. However,
16 the ZRR as currently drafted undos and attacks
17 many of the safeguards that are in place to
18 protect the scale and the predominantly
19 residential character of our neighborhood.

20 The RCOD was established to fulfil
21 special purposes for the community. To
22 protect existing housing and provide the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 development of compatible new housing. To
2 protect and limit heights to 40 feet except in
3 C2B where greater height is permissible in a
4 building that creates affordable housing for
5 people with low-moderate incomes.

6 In exchange for extra height, this
7 overlay provision requires a higher standard of
8 affordability than IZ and this is an element of
9 the overlay we want to retain.

10 To restrict the PUD process and
11 insure that no project will exceed the
12 matter-of-right height, bulk and area
13 requirements of the underlying district. To
14 maintain densities at appropriate level. To
15 encourage small-scale business development
16 that would not adversely affect the residential
17 community. To insure that new or
18 non-residential users serve the local
19 community by providing retail goods, personal
20 services and other activities that contribute
21 to satisfaction of unmet social service and
22 employments needs in the Reed Cooke and Adams

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Morgan community.

2 To protect adjacent and nearby
3 residences from damage and traffic, parking,
4 environmental, social and aesthetic impacts.
5 To create a clear and accessible set of rules
6 for local development written in language that
7 both neighbors and developers can understand.
8 To anticipate conflicts between zones and the
9 overlay and provide rules for adjudicating
10 those conflicts.

11 The underlying rule is that the most
12 restrictive provisions win.

13 We clearly have a solid established
14 residential area and the overlay continues to
15 work well for us.

16 In addition, RCNA believes the
17 Zoning Administrator should not be able to
18 arbitrarily interpret the code without
19 neighborhood input. We prefer the current
20 overlay's explicit provision of certain uses to
21 the ZRR's proposed system of broader categories
22 and prohibition by omission.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 RCNA urges the Commission not to
2 approve the Subtitle K on the overlays without
3 reviewing the RCNA's technical presentation
4 attached to this testimony and giving RCNA a
5 chance to see and comment on the proposed text
6 of our overlay.

7 In general, we believe that
8 overlays are an important planning tool. They
9 are necessary and they make sense and should not
10 be abandoned.

11 Judging from the testimony of other
12 neighborhood associations who have testified
13 in support of their own overlays, we are not
14 alone in this belief. It is important to allow
15 the general users to understand what they can
16 and cannot do and make the text as explicit as
17 possible as to what is prohibited.

18 RCNA urges the Commission not to
19 proceed with any votes on the ZRR until the
20 Comprehensive Plan has had a chance to be
21 reviewed by residents and approved by the City
22 Council. This is the normal order. The

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Comprehensive Plan provides the foundation and
2 as such, precedes any review on Zoning
3 Regulations and this order should be honored.

4 Thank you.

5 CHAIRMAN HOOD: Thank you. Next.

6 MR. SPENCER: Good evening, Mr.
7 Chairman.

8 My name is Spence Spencer and I live
9 in the Palisades neighborhood and 49th Street.
10 I'm speaking on behalf of the Palisades
11 Citizens Association.

12 And I'm testifying because I think
13 one of the great things about the Palisades is
14 its low-density nature, high tree cover aspect
15 to our community and while revising a Zoning
16 Code that dates to the '50s as an admirable
17 goal, its provisions should safeguard and
18 reinforce what makes our neighborhood a great
19 place to live.

20 I'm going to address two concerns
21 and then a larger concern we have about the
22 review process itself.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Number one, accessory apartments.
2 Subtitle D discusses accessory apartments. We
3 appreciate the low density of our neighborhood
4 and note that the current text removes
5 significant protections including the
6 elimination of a five-year waiting period for
7 conversion of an accessory building and the
8 addition of provisions for roof decks, balcony
9 and projected windows.

10 In R-1-A and R-1-B Zones which would
11 likely be where these accessory apartments
12 would be located, a two-story unit could be
13 allowed on the same lot as the main dwelling.
14 Effectively turning single-family lots into
15 two-unit residential lots.

16 The Comprehensive Plan sets a
17 directive of protecting and conserving the
18 District's stable low-density neighborhoods
19 and instructs the Zoning Commission and the
20 Office of Planning to "insure that their zoning
21 reflects their established low-density
22 character."

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The Comprehensive Plan directs that
2 the Zoning Commission and the Office of
3 Planning "carefully manage the development of
4 vacant land and the alteration of existing
5 structures adjacent to single-family
6 neighborhoods in order to protect low-density
7 character, preserve open space and maintain
8 neighborhood scale."

9 The current proposed language is at
10 odds with the Comprehensive Plan and would
11 potentially change the character of our
12 neighborhood and not just ours, but other
13 primarily residential neighborhoods in our
14 City while also increasing lot density. It
15 would increase parking problems and, of course,
16 community infrastructure.

17 We recommend the proposed text be
18 removed and current regulations remain in
19 place.

20 On overlays, we want to join our
21 Reed Cooke neighbors now. We're also known for
22 our trees and our green spaces and the Wesley

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Heights and Cambridge Road University Terrace
2 Tree and Slope Overlays have been important and
3 vitally useful tools for preserving our tree
4 cover and stream beds as well as regulating the
5 scale and type of development proposed in a
6 number of decisions that have come before the
7 Board of Zoning Adjustment.

8 Subtitle K makes no reference to
9 tree and slope overlays and assurances that
10 tree and slope issues are addressed in other
11 parts of the draft are not sufficient. We have
12 relied on these overlays in the past and need
13 them completely preserved in a single place in
14 the zoning text. Currently, parts of the
15 overlays can be found in several parts of the
16 review.

17 Finally, this review will have
18 major and lasting impact on our City and we've
19 been disappointed by the lack of communication
20 our organization has had with Office of
21 Planning on this issue. We have repeatedly
22 asked OP to come to our community and discuss

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the process and what we've gotten have been
2 unresponded emails and, in fact, last minute
3 cancellations.

4 We do want to discuss this as a
5 community and have as broad-based a discussion
6 with OP as possible.

7 And like Georgetown, Palisades
8 would like to have an opportunity to be led
9 through a customization process before any
10 approval is given. We do not want to find
11 ourselves having to pursue the onerous process
12 of text amendments and zone modifications.
13 The Office of Planning assured the Commission
14 that customization would be an option for every
15 community and this option was reiterated by the
16 former OP Director at our ward meeting on zoning
17 review.

18 I am here to say that the community
19 is interested in some hands-on attention from
20 the Office of Planning sooner rather than
21 later.

22 We believe that any action on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 proposed zoning should be postponed until the
2 Council and the public have had a chance to
3 weigh on amendments to the Comprehensive Plan.
4 As things currently stand, the cart is way
5 before the horse.

6 Our new Mayor who is going to be
7 elected in less than 60 days needs to review the
8 final proposed text and complete his or her
9 appointment to the Office of Planning, Deputy
10 Mayor for Planning and other offices.

11 Mr. Chairman, citizens,
12 neighborhoods and their newly-elected leaders
13 should have their role and opportunity for
14 involvement in the process extended as they
15 will be the ones dealing with the immediate
16 implementation of this process.

17 For this reason, the Palisades
18 Citizens Association recommends postponement
19 of a final decision on the review until the
20 City's new leadership team has chance to
21 understand the proposed changes and how these
22 changes will affect each ward.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 It has been over 50 years since our
2 first Zoning Code was implemented. We can
3 certainly invest the time to give broader-based
4 consideration to this vitally important
5 process.

6 Thank you very much.

7 CHAIRMAN HOOD: Okay. Thank you.
8 Next.

9 MR. PETERS: Hi. My name is John
10 Peters. I'm here from Ward 6 in Capitol Hill.
11 I live at 9th Street, N.E.

12 I'm here to lend my voice in support
13 of apartments in accessory buildings and
14 garages and oppose any changes or alternative
15 language that would restrict that practice. I
16 have three points in support of that position.

17 The first one, the space for family
18 and affordable housing which we've heard before
19 from other folks who have testified. This
20 could be for parents or for adult children or
21 for nephews, interns on Capitol Hill.

22 The second one is that aesthetics.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The alleys on Capitol Hill, the kind of nice
2 alleys are the ones with dwelling units in them.
3 They have flower boxes and lights and people in
4 the window. The alleys without the units are
5 kind of reduced to bunker -- single-story
6 bunker buildings. You go through there. You
7 find -- so, aesthetics, I think is something.

8 Alleys is something that
9 Washington, D.C. has. Capitol Hill has.
10 Something that's under-utilized and could be
11 improved with the addition of apartments

12 The third one is safety of the
13 alley. If you put people in the alley, I think
14 that those are safer alleys than kind of the
15 bunker alley scenario.

16 I've been through alleys personally
17 on Capitol Hill where I live and just -- you
18 know, you find a discarded purse or handbag.
19 The wallet's been stolen. Because alleys are
20 a place you can get around without people seeing
21 you get around.

22 So, those three things.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Affordable housing, aesthetics and safety is my
2 reason for supporting that.

3 Thanks for the time to testify.
4 That's it.

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

7 MR. CRIM: Good evening. My names
8 is Stephen Crim and I'm a proud resident of the
9 Ward 2 neighborhood of Logans Circle at 1431 Q
10 Street, N.W.

11 Tonight, I am here to express my
12 strong support for the case before the
13 Commission this evening. Case 08-06A.

14 I urge the Commission to revise or
15 to accept a revised zoning code producing
16 parking requirements, relaxing limitations on
17 accessory dwelling units and allowing more
18 corner stores. All of which will help our City
19 to grow in a sustainable, inclusive way.

20 I have no lived in Washington for
21 very long, but I want you to know that unlike
22 many recent newcomers I decided to move to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Washington before finding a job here which I
2 believe is a sign of my love for this City.

3 My neighborhood and the District in
4 general are beautiful as they are now, but I
5 believe that we can always make improvements
6 and that we need to look towards the future and
7 the changes that it will bring rather than
8 clinging to old ways and laws simply because
9 they are familiar.

10 Turning to the July 10th, 2014
11 amendments that are the subject of tonight's
12 hearing, I want to offer my support for the
13 alternative language as presented in the notice
14 for the hearing as they relate to parking in
15 Subtitle C and I as well as the accessory
16 apartment's provisions in Subtitle D.

17 I believe that the reduced
18 standards for parking should be kept as they
19 will allow property owners and developers to
20 build at lower cost with the potential for
21 passing the savings on to renters and buyers.
22 These original provisions as well described by

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 other witnesses tonight and in prior hearings
2 support a sustainable vision for the District's
3 future in balance with advanced and progressive
4 transportation planning.

5 Allowing streamlined approval for
6 accessory dwelling units will let property
7 owners produce additional housing in our
8 rowhouse neighborhoods which will allow the
9 City to accommodate our growing population.
10 While building more apartment buildings is
11 going to be part of how we supply housing to our
12 growing City, we can also accommodate more
13 people within a wider variety of neighborhoods.

14 I look forward to relatively speedy
15 revisions to the District's Zoning Code that
16 include the alternative text presented for this
17 evening's hearing and what I hope will be an
18 even better City in the future.

19 Thank you for taking the time to
20 consider my testimony.

21 CHAIRMAN HOOD: Okay. Thank you,
22 all. Let's see if we have any questions. Any

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 questions up here, Commissioners?

2 Okay. We appreciate it. We're
3 going to thank you for your testimony.

4 Okay. Willie Baker, Jr., Andrea
5 Rosen, Cheryl Cort, Steven Cook, Sonia Conly,
6 Ryan Donahue, Chris Ottan, Rosalynn Duggett.

7 By a show of hands, I do have three
8 more people on the list. But, who else is in
9 the audience would like to testify? Okay.
10 And I do have three names on my list here. So,
11 I may have you covered.

12 Okay. So, we got eight or do we
13 have -- okay. Good. Okay. Want to start to
14 my right. Since you were sitting down first,
15 you can go ahead and begin.

16 MR. BAKER: Thank you.

17 CHAIRMAN HOOD: You want to make
18 sure your microphone is on.

19 MR. BAKER: Good afternoon. My
20 name is Willie Baker. I reside on Missouri
21 Avenue, 1500 block. A resident of Ward 4 and
22 a Director for Ward 4 Thrives.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I'm here today to testify regarding
2 the D.C. Zoning Commission plan to include a
3 special exemption requirement for large-format
4 retail stores which we support.

5 Large retail stores relative to
6 small retailers present unique, adverse impact
7 on the community in relation to its traffic
8 patterns, its neighborhood character and the
9 effect on surrounding business. Therefore, it
10 is essential to require that the proposal for
11 this type of store go through a public process
12 that evaluates its cost and benefits to the
13 community prior to receiving any approval to
14 proceed with the proposal.

15 These big box stores should not be
16 allowed. The big box stores should have a
17 process that allows the citizens of the
18 District to weigh in on the appropriateness of
19 these particular projects.

20 The District's existing code does
21 not regulate big box stores. Rather the
22 District provides for, and I quote, "as of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 right" development for virtually all big box
2 stores located on commercially-zoned land.

3 In nearly all cases, the developer
4 who has proper zoning to build retail is
5 permitted to build any retail notwithstanding
6 the proposed square footage of the store or its
7 impact on the community, traffic or character
8 of the neighborhood.

9 There is a proposal that would
10 exempt those that are covered by large retail
11 review from this proposal. The problem with
12 this exemption is that nearly all large retail
13 stores are subject to large tract review.
14 Large tract review is conducted internally by
15 the Office of Planning.

16 It is advisory and we learned that
17 first hand three years ago when they were
18 talking about building a store in our
19 neighborhood. It is purely advisory and does
20 not provide members of the public with an
21 opportunity to air their grievances with the
22 proposed proposal publicly. Without removing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this exemption, the Office of Planning proposal
2 would not apply to nearly all the stores to
3 which the proposal was designed to deal with.

4 The second problem is the
5 definition of large retail stores. The Office
6 of Planning includes in the proposal --
7 Planning includes -- let me read it to you.
8 "The single retailer or common retail space
9 with a minimum of 50,000 square feet of use
10 shall include warehouse, club stores, with or
11 without paid membership, discount membership,
12 discount retailers and similar use. A
13 large-format retailer may include grocery
14 sales as a secondary use, but a grocery store
15 shall not be considered a large-format retail
16 use."

17 This definition does not define
18 what grocery sales as a secondary use means.
19 To remedy this proposal, the Zoning Commission
20 could provide a specific definition for
21 secondary use such as any particular use that
22 does not exceed 50 percent of the store sales

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 or square footage.

2 The purpose of these proposals
3 should be to make the process of building in the
4 District open and transparent. It should not
5 be a process that is designed simply to give
6 builders and developers carte blanche to run
7 over the citizens of the District nor should it
8 be designed to prevent building in the City.
9 Its goal should be to develop a process by which
10 we get better -- is better for the citizens and
11 the builders to this District.

12 This cannot be accomplished if we
13 continue as in the past to lock the process so
14 that developers are the only voice that can be
15 heard. The citizens and the District deserve
16 better.

17 This could and should be our
18 opportunity to make this a truly livable,
19 enjoyable and great city.

20 Thank you.

21 CHAIRMAN HOOD: All right. Thank
22 you. Next.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. ANDREA ROSEN: My name is
2 Andrea Rosen. I was born in this city and I
3 live in Ward 4.

4 First, I wish to thank Chairman Hood
5 and the Commissioners for your responsiveness
6 to those who propose that the Zoning Code
7 require a special exception for large-format
8 retail development and I thank OP for drafting
9 the text.

10 With the addition of a special
11 exception for this use, the District will join
12 other jurisdictions in its metro area in
13 allowing the public to comment on big-box
14 development and subjecting it to
15 administrative review.

16 Before I don't want to run out of
17 time to make a central point, I will address it
18 first.

19 Section 206.9B of the proposed text
20 exempts from the special exception
21 large-format retail uses that would occupy
22 projects approved under the large-tract review

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 regulations for development of 50,000 square
2 feet or more. Since virtually all
3 large-format retail projects qualify for
4 large-tract review, this exemption if allowed
5 to remain in the text would in practice nullify
6 the special exception.

7 OP has stated that if the special
8 exception is passed, they will strike this
9 exemption. I urge you to make sure that they
10 do.

11 I would like to suggest two minor
12 edits to the definition of large-format retail
13 that would close holes that a large-format
14 retailer might drive a semi through. The
15 definition states "The use shall include
16 warehouse club stores with or without paid
17 memberships, discount retailers and similar
18 uses."

19 After the phrase "the use shall
20 include," I urge you to insert the phrase "but
21 not be limited to."

22 With warehouse club stores and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 discount retailers comprising the only
2 explicit examples, someone could argue that a
3 large-format retailer that does not follow the
4 warehouse club model or one that does not claim
5 to discount prices is not a similar use.

6 The definition continues "A
7 large-format retailer may include grocery
8 sales as a secondary use, but a grocery store
9 shall not be considered a large-format retail
10 use."

11 I suggest a modification that
12 quantifies the difference between a grocery
13 store and a large format retailer.

14 I also urge the Zoning Commission
15 and OP to alter the text so that large-format
16 retail is treated as a special exception in all
17 zones.

18 Section 206 of the text includes
19 Subtitle K, but the list of zones in 206.1 does
20 not mention Subtitle K.

21 More puzzling and potentially
22 egregious, OP states under discussion that the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 text is not proposed to be applicable in the
2 downtown zones. Especially because the ZRR
3 proposes to triple the size of what is zoned as
4 downtown, I can see no justification for
5 exempting great swats of the urban core from the
6 large-format retail special exception.

7 Thank you very much.

8 CHAIRMAN HOOD: Thank you. Next.

9 MS. CORT: Good evening, Chairman
10 Hood and Members of the Zoning Commission.

11 My name is Cheryl Cort and I'm
12 representing the Coalition for Smarter Growth.
13 We are the leading organization in the D.C. area
14 dedicated to making the case for Smart Growth.
15 Our mission is to promote walkable, inclusive
16 and transit-oriented communities and the land
17 use and transportation policies and
18 investments needed to make those communities
19 flourish.

20 We want to again thank the
21 Commission, Office of Zoning Staff, Office of
22 Planning for nearly seven years of hard work.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We are eager to see this very long process come
2 to a close.

3 It's certainly not set in stone and
4 we'll be continuing to revisit different parts.
5 I'm looking forward to a discussion on
6 inclusionary zoning sometime very soon. Can't
7 come soon enough.

8 But, I wanted to address the
9 alternate text that's the topic of this hearing
10 and first of all, regarding Subtitle C related
11 to vehicle parking, we'd like to suggest that
12 we go with the alternate language from the
13 meeting notice -- the hearing notice to retain
14 bus priority corridors as an area that would
15 receive the transit access discount for parking
16 rather than the proposal to remove bus priority
17 corridors.

18 Given the fact that most D.C.
19 transit riders ride a bus rather than Metro, why
20 would we exclude the most popular form of
21 transit from consideration when we're making
22 policies around land use and transit and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 parking demand.

2 We think it's important to continue
3 to recognize that bus priority corridors are a
4 key transit resource for our residents and an
5 important way to help those who choose to to
6 reduce their reliance on car ownership.

7 I submitted a study on U Street
8 parking earlier in testimony -- in earlier
9 testimony that showed that the lowest parking
10 demand was not necessarily related to adjacency
11 to Metro, but actually about walkability and
12 the studies sort of talked about walkability.
13 But, in fact, very low parking demand was found
14 in buildings more than a half a mile from Metro,
15 but right next to a bus priority corridor.

16 And so, we need to recognize that
17 there are different forms of transit and that
18 these translate along with other factors like
19 walkability into low parking demand and what's
20 critical about that is that people should have
21 the choice not to pay for parking that they
22 don't want.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Under government mandates to
2 require a certain amount of parking, it's
3 regardless of whether or not people want to pay
4 for that parking and so, by substantially
5 reducing requirements, we unburden new housing
6 for people who may or may not want to pay the
7 tremendous cost of building a parking space and
8 people should have the choice if they want to
9 own a car or to pay for parking.

10 Unfortunately, renters and
11 homeowners who may not want to have parking and
12 not have a car are usually subsidizing somebody
13 else's use of parking. So, by reducing or
14 eliminating parking minimums, this is the
15 opportunity to give people more choices about
16 what they spend their money on.

17 Secondly, we want to express our
18 support for accessory apartments including
19 those that are in accessory buildings and to
20 reject the interim proposal that would
21 reinstate a special exception in the case of a
22 garage unit and also supporting the language

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 also proposed in the alternate text to
2 eliminate the 6 percent aggregate maximum.

3 We also support the proposal in this
4 notice to eliminate lot size minimum square
5 footage in R-2 and R-3.

6 The accessory apartments, as has
7 been stated, but really can't be emphasized
8 enough, are an important way for people to age
9 in place. Be able to -- aging homeowners can
10 use under-utilized space to earn more income
11 and help a small household who would like to
12 live in a particular neighborhood have that
13 opportunity. It diversifies our housing
14 stock. It diversifies the types of housing in
15 different neighborhoods and really is an
16 important way for us to seamlessly better
17 address the many housing needs in our City.

18 I also wanted to express our support
19 for large-format retail proposals. Though I
20 think that we should also require a
21 transportation demand management plan as a part
22 of that review.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Thank you very much.

2 CHAIRMAN HOOD: Okay. Thank you.

3 Next.

4 MR. DONAHUE: Good evening. My
5 name is Ryan Donahue. I live in Ward 5 at 17th
6 and Franklin Street, N.E.

7 I'm here to strongly voice my
8 support for the alternative text that reduces
9 parking requirements in areas well served by
10 transit and which also makes it easier for
11 homeowners to build and rent accessory
12 apartments.

13 Forty percent of D.C. residents do
14 not own a car. That number is higher in areas
15 under consideration for reduced parking
16 requirements and certainly among new
17 residents.

18 I, myself, live in a four-person
19 household with one car. My girlfriend lives in
20 a eight-person household with one car. The
21 vast majority of my peers neither own cars nor
22 aspire to own them. These trends clearly point

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 to less need for parking especially in areas
2 with good transit service.

3 Requiring unnecessary parking is a
4 self-fulfilling prophecy. It dramatically
5 reduces walkability and makes it harder to
6 build housing. Thus, generating more driving
7 and even more pressure on parking.

8 On this point, I appreciate the
9 discussion of choice. I and many others choose
10 not to have a car and I hope that the Zoning Code
11 recognizes this and does not require parking on
12 my behalf.

13 There's no denying that there's a
14 housing affordability crisis in D.C. Median
15 rents in the City are approaching \$1500. That
16 means that the median rental unit is now
17 considered unaffordable for half of D.C.
18 residents. That is the real crisis I would
19 argue not convenient parking.

20 These astronomical and rising
21 prices are not an inevitable result of D.C.'s
22 recent growth. The City's current Zoning Code

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 which unnecessarily hinders housing
2 development is a major contributor. More and
3 more people are competing for fewer and fewer
4 houses and rentals which leads to higher and
5 higher prices.

6 This is not limited to certain
7 trendy neighborhoods. I live near Langdon
8 Park. Hardly considered a hotbed for
9 gentrification. Yet, rather modest houses on
10 my street are now selling for well over half a
11 million dollars.

12 The same was happening in Trinidad
13 when I left that neighborhood in 2012.

14 Will accessory apartments solve
15 this issue? Far from it, but they will offer
16 more housing options in more neighborhoods to
17 D.C. residents of all income levels. They'll
18 allow current homeowners to offset some of
19 their own high housing costs and will allow
20 families the freedom to live near aging parents
21 while providing a measure of independence.

22 They will do all of this in a way

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that does not fundamentally alter the character
2 of neighborhoods especially given the
3 restrictions on lot size and number of
4 occupants.

5 The City's continued growth and the
6 inability to build upwards means that D.C.'s
7 Zoning Code must embrace creative ways to make
8 better use of the existing housing stock.
9 Accessory apartments are a perfect way to do
10 that and making it more difficult to build them
11 would be a major step backwards.

12 Thank you.

13 CHAIRMAN HOOD: Thank you. Next.

14 MS. CONLY: My name is Sonia Conly.
15 My husband and I are nearly 40-year residents
16 of -- oh, sorry. My husband and I are nearly
17 40-year residents of Capitol Hill.

18 I am here to express our objection
19 to the restrictions imposed by the proposed
20 amendments to the setdown text, re: Subtitle
21 D and Subtitle E, particularly as applied to
22 R-4.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In general, I'm in favor of the
2 alternative proposal.

3 I have provided slightly expanded
4 text on the corner store issue that you may
5 read.

6 With respect to choices, choices
7 come with costs. Automobile use imposes a cost
8 on the environment and on the public health.
9 Parking places are a scarce resource. Parking
10 along bus corridors imposes costs on bus
11 riders. There's no denying. There is no such
12 thing as a free lunch.

13 There's an urgent need for
14 additional housing on Capitol Hill, affordable
15 and otherwise, as evidenced by rising prices.
16 Capitol Hill workers who only a few years ago
17 could have afforded to live near their jobs can
18 no longer do so.

19 For some seniors who for reasons of
20 health or finance need additional help, an
21 accessory apartment can make the difference
22 between continuing to live in the community and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not.

2 Accessory apartments can make it
3 possible for families to afford a home on
4 Capitol Hill. Accessory apartments also make
5 it possible for families to change a unit to or
6 from a dwelling unit for rent to a unit for
7 household staff such an au pair or to a home
8 office or studio as needs change.

9 In the last decades, density on many
10 Capitol Hill blocks and certainly on mine has
11 decreased. On the north facing block of North
12 Carolina on which we live, my English basement
13 and the English basement of the home to the west
14 have been converted to owner use as our incomes
15 and rising property values enabled us to do so.

16 To the east on our block, a
17 four-unit rental property was converted to a
18 two-unit condominium.

19 Allowing accessory apartments by
20 right on Capitol Hill would in a small way help
21 to restore the density and economic diversity
22 that were a feature of historic Capitol Hill.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 There are additional reasons for
2 removing the proposal requiring a special and
3 costly exemption for accessory units.
4 Families are able to convert spaces such as
5 English basements to separate housing units by
6 right.

7 Equity means that families who have
8 potential space in an accessory building be
9 allowed the same right.

10 Equity also means that limits on the
11 total number of persons in the main building not
12 restrict the right to an accessory unit.

13 Zoning rules are a desirable way to
14 protect individuals from the negative
15 externalities that private markets impose on
16 individuals. However, a few vocal individuals
17 should not be allowed to use decades old zoning
18 rules to frustrate good policy made in the light
19 of current conditions.

20 Requiring zoning exemptions for the
21 conversion of garages and carriage houses in
22 historically dense housing markets is neither

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 good policy nor consistent with restoring the
2 positive diverse historic character of the
3 neighborhoods.

4 And I have a few comments on the
5 corner stores, but I've run out of time.

6 CHAIRMAN HOOD: Thank you. Next.

7 MR. COOK: Good evening and thank
8 you for the opportunity to testify.

9 My name is Steven Cook. I live in
10 the Eckington neighborhood at 200 Q Street,
11 N.E.

12 I'm here to speak in support of the
13 proposed revision to D.C.'s badly outdated and
14 ill-conceived Zoning Regulations to make this
15 city an even more vibrant, walkable and
16 inclusive place that is a model for the nation.

17 Provisions in the proposal to make
18 it easier to create an accessory dwelling unit,
19 reduce parking minimums, create more
20 reasonable procedures for corner stores and
21 simplifying the Zoning Code will improve life
22 in the City and help to preserve our social and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 economic diversity.

2 I'm a member of the National City
3 Christian Church on Thomas Circle and active in
4 the Washington Interfaith Network's activities
5 to preserve and expand affordable housing.
6 However, I speak for neither of these
7 organizations and am testifying only in my own
8 behalf.

9 The Zoning Code update must reflect
10 and support the priority for abundant
11 affordable housing. To that end, I support the
12 alternative language that matches the
13 September version of the zoning update on
14 parking around bus corridors and accessory
15 apartments in carriage houses.

16 Easing parking requirements along
17 busy transit corridors will help to create and
18 preserve affordable housing.

19 My building is about one year old
20 with two levels of parking under it. Only
21 about a quarter of that parking is in use at any
22 time. This excess parking increases the cost

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of housing and is unnecessary.

2 In fact, I advocate eliminating the
3 parking minimum for any new affordable unit,
4 below market unit.

5 This will encourage the
6 construction of more affordable units. Whole
7 new apartments could be constructed in transit
8 corridors without the expense of deeply
9 excavated parking garages.

10 Thirty-eight percent of D.C.
11 residents don't own cars. This number is much
12 higher among low-income residents.

13 In the same way, better options for
14 homeowners to create an accessory dwelling unit
15 without a long and burdensome process will
16 create more options for affordable housing and
17 enable more people to own homes.

18 In August, according to the
19 Washington Post, fewer than 6,000 officially
20 affordable units existed in the District.
21 With workforce housing disappearing, the
22 District is becoming a playground for the rich.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 The Zoning Code should help reverse this trend.

2 Thank you for considering my
3 testimony.

4 CHAIRMAN HOOD: Okay. Thank you.
5 Next.

6 MR. OTTAN: Good evening. My name
7 is Chris Ottan. I'm here representing D.C. for
8 Reasonable Development, a non-hierarchical
9 citywide coalition of D.C. residents here to
10 preserve and protect the interest in the future
11 of our City. Which is greatly threatened by
12 the zoning rewrite.

13 We're volunteers. We do not take
14 corporate handouts like some other advocacy
15 groups who purport to promote smart growth.
16 Some of those ideas coming out of that group
17 like eliminating parking somehow to create more
18 affordable housing. I mean we have to kill
19 these myths while they're still being pushed.

20 When you eliminate parking
21 minimums, the on-street parking pressures go
22 up. So, unless there's language in the Code

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that says that the developers who have to -- who
2 can build less parking put some kind of
3 development monies to fund public transit
4 upgrades and service and more lines, this is
5 just folly.

6 Also, the affordable housing issues
7 are set by market conditions, real estate
8 prices and also IZ regs which set the minimum
9 rent. Not parking construction costs.
10 Because we don't ever actually see what the
11 parking costs are for developers and certainly,
12 they're not going to pass those savings along
13 to the people who buy the housing.

14 I keep hearing about the
15 50-year-old code. This code has decades of
16 case law that support it as its foundation.
17 Which will be undermined by the significant
18 overall to these regulations.

19 The fact that OP is sending in
20 amendments right now to the current code on the
21 R-4 District shows how easily the current code
22 book can be amended when needed and at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 appropriate times and rather easily.

2 Now, Commissioners, before you, you
3 have a package of information from us that
4 basically highlights some of the reasons why
5 the zoning rewrite is not right.

6 The public has received inaccurate
7 and unclear information about these proposed
8 changes from OP. There's no science or studies
9 to back up the philosophical changes to the
10 Code. There's not an understanding of the
11 long-ranging consequences or the
12 interrelatedness of the impacts from these
13 changes. There's never been a red-line
14 document ever produced to show the transition
15 from the proposed changes to the new changes.
16 The so-called crosswalks are not a substitute
17 for a red-line document and they contain
18 errors. There is unfair and uneven treatment
19 in regards to education, explaining and
20 discussing the proposed changes depending on
21 the neighborhood you live in.

22 Now, I just want to bring to your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 attention the one proposal to highlight all of
2 these problems is the tripling of the
3 boundaries of downtown D.C., the downtown
4 development zone or they're calling it the D
5 Zone -- proposed D Zone. This is tripling in
6 size going up almost into Dupont Circle and into
7 the Thomas Circle area and down at the
8 Southwest.

9 Now, I just -- what we've pointed to
10 is the Zoning Regulations which in the Code says
11 "shall be designed to lessen congestion in the
12 street."

13 Tripling the size of downtown
14 District, where you can build the biggest
15 buildings without any affordability by the way,
16 does not design -- is not designed to lessen
17 congestion in the street. It is not designed
18 to prevent the undue concentration of
19 population, overcrowding of the land and does
20 not further the economy and the efficiency in
21 the supply of public services.

22 One of the public services at risk

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are roads. We have seen, and in this package
2 you'll see, plenty of information about
3 sinkholes. There are sinkholes opening up all
4 around downtown D.C. and throughout the
5 District. There are 6,000 natural gas leaks in
6 the District's aging pipe system. In D.C.
7 right now, 155 of 239 bridges in the District
8 of Columbia are considered functionally
9 obsolete.

10 All of these issues raise the fact
11 that these proposed changes have absolutely no
12 science to back their efficacy and capacity up
13 and this is the real problem with this whole
14 process.

15 Basically, we are here to say that
16 this zoning rewrite is not right. It makes
17 things matter of right that require right now
18 public review so that we can talk about the
19 sinkholes. We can talk about the fact that in
20 Adams Morgan we're at capacity with the
21 on-street parking. We need parking even
22 though there's buses up and down. We've had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 buses cut in our neighborhood. The 42 line has
2 been cut.

3 This ZRR process does not meet the
4 AICP code of ethics and professional conduct.
5 We would like this to be stopped. We would like
6 it to follow the law which says the
7 Comprehensive Plan should be amended first
8 before the Zoning Regulations are amended.

9 The Zoning Regs are suppose to be a
10 tool to implement the Comprehensive Plan.
11 We're seeing it the other way around. That is
12 not right and it's against the law.

13 Thank you.

14 CHAIRMAN HOOD: Okay. Thank you.
15 Next.

16 MS. DUGGETT: Good evening, Mr.
17 Chair and Members of the Commission.

18 My name's Rosalynn Duggett and I
19 live in a single-family home in the leafy
20 observatory neighborhood of Ward 3. Wisconsin
21 Avenue borders my neighborhood on the west.

22 I'm Vice President of the Mass

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Avenue Heights Citizens Association and thus
2 get to talk with many of my neighbors, but I am
3 not testifying on behalf of the organization.

4 I am here to support the alternative
5 language to the alternatives. That is to say
6 the language that's captioned in the
7 alternative in Subtitles C and D of the
8 alternative amendments before you tonight.

9 As has been expressed by many
10 people, the City is striving to regain the
11 population losses of the 1950s, to make housing
12 more affordable, to enable seniors like me to
13 stay in their houses, to accommodate
14 metropolitan population growth in a
15 sustainable manner.

16 The alternative language, restores
17 the language in the zoning originally set down
18 by the Commission last September and therefore,
19 better meets City objectives by reducing
20 parking minimums on priority bus corridors and
21 allowing accessory apartments in garages by
22 right.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 My neighbors with whom I have spoken
2 informally have not indicated discomfort with
3 the conversion of garages to accessory unit.

4 In fact, in my neighborhood, we have
5 had such a conversion. It probably wasn't
6 legal, but it occurred and it was in a garage
7 with a loft and it produced no adverse
8 consequences. Life as we know it did not end.

9 It accommodated a boomeranger long
10 before that term became fashionable and that
11 young man could perhaps be termed middle age
12 now. He lives in a house of his own with a
13 family of his own in another state.

14 I live in a very convenient
15 neighborhood. We bought our house 40 years ago
16 to accommodate an aging parent who could not
17 drive, who needed buses for transportation and
18 neighborhood retail stores within walking
19 distance.

20 Little did we know that we were at
21 the forefront of what's now called a
22 sustainable, walkable community.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 I'd like to extend my privileges to
2 others rather than make it more difficult and
3 more expensive for others to enjoy my
4 lifestyle. That's why I urge your support of
5 the alternative language.

6 Thank you.

7 CHAIRMAN HOOD: Okay. Thank you.
8 Let's see if we have any questions of this
9 panel, Commissioners. Vice Chair Cohen.

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

12 I have a question for Mr. Baker.
13 Mr. Baker and Ms. Rosen, actually, I support a
14 lot of your arguments about tightening the
15 rules regarding big-box retail.

16 However, I'm concerned that a lot of
17 big-box retailers attract low-income people to
18 shop there because it's cheaper.

19 So, how do you balance the needs of
20 that population with smaller stores who often
21 have prices that are higher because they have
22 higher operating costs?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. BAKER: You don't exclude the
2 larger stores, but you have a process by which
3 they have to comply. You can't simply turn it
4 over to the builders and the directors or I
5 shouldn't say directors, but the builders and
6 the -- I'm trying to think of the right word for
7 them.

8 VICE CHAIR COHEN: Retailers?

9 MR. BAKER: No, not the owners or
10 retailers, but the developers I guess is the
11 best way to say it. To do whatever they want
12 to do.

13 The process now is they have by
14 right and by right, they can do anything they
15 choose to do, but the people who live in the
16 neighborhood have no say in that. They have no
17 way to change anything in those plans.

18 The Office of Planning has no way to
19 do it. All they can do is listen to it and then
20 say okay, go on and do it. They can't stop it.

21 We want to have a process by which
22 people can be heard, developers can be heard and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 then we can get to a consensus of what we need
2 to do.

3 VICE CHAIR COHEN: Thank you.

4 CHAIRMAN HOOD: Commissioner
5 Miller.

6 COMMISSIONER MILLER: Thank you,
7 Mr. Chairman.

8 I don't have any questions. I just
9 -- since I hadn't spoken yet this evening, I
10 wanted to thank each of the witnesses for
11 testifying. I appreciate both in this panel,
12 previous panels and the panel to come.

13 And I just want to make a couple of
14 comments. A couple of members of this panel
15 mentioned and previous witnesses mentioned on
16 the big-box -- on the large-format retail. We
17 did ask the -- I think their points are well
18 taken and I think we've had a dialogue
19 previously when this was proposed by the Office
20 of Planning and many of our suggestions in
21 response to the public hearing testimony about
22 the exemption for large-tract review -- an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 answer that was given to us was that the -- that
2 needs to be clarified to make sure that it's --
3 the only thing that's being exempt is those
4 products that have already gone through
5 large-tract review previously. So, the
6 effective date was missing from that.

7 So, I think that you had some
8 important points and clarifications.

9 The only other two points, I think
10 there's two points I wanted to make at this
11 point, are that the language about -- we have
12 to pay attention to what people are saying
13 because when they say they're supporting the
14 alternative in this particular case we've
15 learned that the alternative is to the
16 alternative which is -- that was suggested by
17 OP. Which means they're supporting the
18 original proposal in some cases such as the
19 parking and the AUD lack of special exception
20 process.

21 So, we just have to pay attention
22 when we end up digesting these and summarizing

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 them for our own benefit. That we've gotten
2 caught up in our nomenclature which is
3 confusing.

4 There's another point I wanted to
5 make. Oh, on the Comprehensive Plan. About
6 this -- waiting for the next Comprehensive Plan
7 amendment cycle before we do any zoning update.

8 This zoning update -- Zoning Review
9 process began after the 2006 Comprehensive Plan
10 which called for a comprehensive review and
11 update of the Zoning Regulations. That's why
12 we're seven plus years into this process from
13 the time that that was enacted.

14 So, obviously, there will be period
15 or periodic amendments of the Zoning
16 Regulations outside of this process and as part
17 of this process and there are periodic
18 amendments of the Comprehensive Plan, but it's
19 not a reason to necessarily wait for this
20 process to be completed.

21 Did I say I had two points? Did I
22 make two points? Additional points? Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Thank you, all.

2 CHAIRMAN HOOD: Okay. Any other
3 comments?

4 COMMISSIONER TURNBULL: Well, so,
5 what you're saying is that we are following the
6 Comprehensive Plan? The guidelines of the
7 Comprehensive Plan.

8 COMMISSIONER MILLER: In that
9 respect, yes.

10 COMMISSIONER TURNBULL: In that --
11 no, in that respect. My only other comment, I
12 guess pertains to also the other panel about the
13 overlays and the confusion about the new format
14 and how you interpret it.

15 I think the Office of Planning
16 understands and has heard the concerns about
17 being able to go back and forth and we -- I think
18 one of our objectives is that we will also be
19 going through all of that to make sure that all
20 the Ts are crossed so that what protections are
21 in the overlays now remain in the overlays.

22 I don't think the Office of Planning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 means in anyway to try to slide in anything that
2 would change the basic intent of the overlays
3 and I think Ms. Steingasser has said that many
4 times and as we go forward, we will be making
5 sure and they will be clarifying what the
6 existing overlays were and how they're now
7 covered.

8 CHAIRMAN HOOD: What I would like,
9 Mr. Ottan, is I didn't -- I saw your handouts,
10 the two handouts you gave us, but I would like
11 your testimony just how you read it unless I
12 have it in front of me. I didn't see it, but
13 I would like it just how you read it.

14 Don't -- do me a favor. Don't add
15 anything. I want it just how you had it so I
16 can digest it as we move forward. Just how you
17 read it. I would appreciate it.

18 MR. OTTAN: No problem. I was
19 expecting to come Thursday. I didn't realize
20 that it was only going to be a hearing tonight.

21 CHAIRMAN HOOD: Okay. Well --

22 MR. OTTAN: So, I'll be glad to do

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that for you.

2 CHAIRMAN HOOD: Okay. Thank you.

3 MR. OTTAN: No problem. Right.

4 CHAIRMAN HOOD: Okay. But, I do
5 want that. Okay.

6 Anything else on this panel?

7 Well, again, as Commissioner Miller
8 said, we thank you for your testimony and I
9 thank everybody. Hopefully, I did that after
10 every session, but if I have not, I thank you
11 and if people have left, tell them I said thank
12 you if I haven't done it.

13 Okay. I'm going to turn this over
14 to the Vice Chair and I'll be back in a moment.

15 VICE CHAIR COHEN: Can we call up
16 the next panel and anybody else? Donna Rosen,
17 Alex, excuse me for mispronouncing your name,
18 but it's looks like it's Posorshe. Posorshe is
19 -- okay, Posorshe. Patricia Chittams.

20 And anybody else out there who wants
21 to testify, please come up now.

22 All right. I'm going to -- do we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have everybody's attention because I want to
2 start with the man on the right please.

3 MR. POSORSHE: Thank you very much.

4 My name is Alex Posorshe. I lived
5 at 1417 West Virginia Avenue, N.E.

6 I do work for the Coalition for
7 Smarter Growth and Disclosure, but this
8 testimony is my own. I'm not representing my
9 employer.

10 I am here tonight to testify in
11 favor of the alternate language proposed by the
12 Zoning Commission in response to the Office of
13 Planning's changes from earlier in the summer.

14 Specifically, I want to encourage
15 you all to go with the alternate language on
16 accessory dwelling units and reducing
17 unnecessary parking minimums near major bus
18 priority corridors. I believe this is
19 important for two reasons.

20 Number one, as you've heard from a
21 number of commentators throughout this
22 process, preferences are changing in how people

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 want to move around for their day-to-day needs.
2 Almost 40 percent of D.C. households are
3 carless and surveys increasing show more and
4 more people want to live car free or car light.

5 I'm not saying that no one will
6 drive or that no one will ever produce another
7 parking space if we do away with parking
8 minimums, but long-term trends show that we
9 don't need to mandate the level of parking that
10 we used to think was necessary especially near
11 regular reliable transit. Priority bus
12 corridors are regular reliable transit.

13 Lowering these minimums near
14 regular reliable transit is important for
15 environmental reasons as well as helping manage
16 our traffic as we grow, but lowering these
17 minimums and making it easier to create ADUs is
18 even more important because we have an
19 affordable housing crisis in the City right
20 now.

21 A recent report from the D.C. Urban
22 Institute on Housing Affordability in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 region noted that the need in D.C. for housing
2 for very low-income renters outmatches the
3 supply by over 22,000 units.

4 I've seen a microcosm of this
5 personally. When me and my fiancée bought our
6 house in Trinidad several years ago, there was
7 still some semblance of affordability
8 especially in comparison to some surrounding
9 neighborhoods.

10 Flash forward to this summer. We
11 attended an open house on West Virginia Avenue
12 where the listed price on a rehabbed house was
13 \$699,000. Double what many houses were at only
14 last summer. We didn't believe that price.
15 We especially didn't believe it when it sold
16 within the first week for a final figure of
17 \$735,000.

18 Figures like that show we have a
19 real problem in supply here in D.C. Lower
20 income and most middle class families simply
21 can't afford those prices.

22 This is in a neighborhood which

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 until recently was considered very affordable
2 by many. That problem is going to continue and
3 it's really going to hurt and possibly drive out
4 the middle and working class from this City.

5 If we want to maintain a diverse
6 city with a range of incomes, which I think all
7 of us do, we need to be actively addressing
8 these issues.

9 There's no magic bullet solution,
10 but a lot of little things that the City needs
11 to be doing and creating more flexible housing
12 options by easing the restrictions on ADUs
13 allowed by right in carriage houses is one of
14 those things and since mandatory parking
15 requirements can add up to \$50,000 a unit by
16 some estimates, lowering those requirements in
17 areas that have reliable transit options like
18 major bus priority corridors is another.

19 I urge you to include both in the
20 final version of the zoning update and thank you
21 very much for everything you do for the City.

22 CHAIRMAN HOOD: Thank you. Next.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. HOWARD-CHITTAMS: Hi. My name
2 is Patricia Howard-Chittams. I am the
3 representative for SMD 7B01, Advisory
4 Neighborhood Commission 7B. Our neighborhood
5 encompasses Hillcrest and four Dupont areas.

6 There's just a couple of issues that
7 we'd like to bring to your attention.

8 We acknowledge that the draft no
9 longer calls for reduced parking minimums along
10 major busways, but that does not go far enough
11 for some neighborhoods including those that are
12 east of the Anacostia River.

13 The draft retains its provision for
14 reduced parking minimums around
15 transit-oriented development zones around
16 Metro stations. However, that assumes that
17 persons living in the vicinity of Metro
18 stations will use Metro to commute. That
19 assumption fails to consider that many of the
20 residents of Southeast hold low-wage jobs and
21 those jobs more often than not are located
22 outside of the central business district.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 In addition, many individuals
2 holding low-wage jobs also hold more than one
3 low-wage job and, therefore, they rely upon
4 their vehicles to take them to their multiple
5 jobs where Metro will not go.

6 In Southeast, we do not have a
7 reliable bus transit system and as a matter of
8 fact, our bus transit systems are being cut.

9 I personally am a registered nurse
10 and I cannot rely on the Metrobus system or
11 Metrorail in order to get to work on time.

12 As a result of some of the cuts to
13 the Metro system and the Metrorail, there are
14 people that have complained to me as their ANC
15 that they're in jeopardy of losing their jobs
16 because the reliability of Metro has gotten so
17 poor within the last year.

18 Reducing minimum parking
19 requirements is not the answer for Southeast.
20 We note DDOT's just released traffic management
21 demand study which concludes that there is no
22 one-size-fits-all solution that applies to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 curbside parking citywide and DDOT identified
2 four neighborhood parking profiles and we ask
3 the Commission to apply the same principles in
4 imposing its parking requirements.

5 With accessory dwellings, I must
6 say that those who do not know their history are
7 doomed to repeat it. My fear with the
8 accessory dwelling is that we will be forced
9 back into the 19th century where the Alley
10 Dwelling Authority in the 1800s eliminated
11 alley dwellings within the District and as a
12 registered nurse, this is a fear of mine because
13 of public health because of sewage issues,
14 because of poor sanitation and because of over
15 population.

16 The requirement -- OP's proposed
17 amendment to eliminate lot sizes must also be
18 rejected. In the 2013 draft, the minimum lot
19 size required for lots with a principal
20 dwelling and accessory unit were the same as lot
21 sizes required for a lot with only a principal
22 dwelling, i.e., 7500 square feet for R-1-A,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 5,000 square feet for R-1-B, et cetera.

2 And it states that the minimum lot
3 sizes were dropped in light of comments that
4 they were too restrictive. However, lots
5 smaller than the proposed minimums would be
6 substandard. If a lot is too small for a single
7 dwelling unit, it certainly is too small for a
8 principal unit and an accessory dwelling.

9 So, I know that time is quickly
10 running away from me. I'm going to kind of cut
11 to the chase.

12 All the members of the ANC 7B have
13 expressed their concern about the loss of
14 review authority owing to the increased number
15 of matter-of-right provisions in the rewritten
16 code for actions that formerly required a
17 special exemption and while some of these new
18 MOR provisions have been rolled back, notably
19 the accessory dwelling provisions, I'm not
20 longer sure what's in or what's out of the ANC's
21 jurisdiction.

22 And I do have a question. Is there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 comprehensive list of the new MOR provisions?

2 And our ANC strongly wants to retain
3 its existing scope of review authority.

4 And as far as the overlays, we also
5 agree with the gentleman who came from the
6 Palisades community. We have requested an
7 overlay or customized zone that embodies
8 enforceable code language. The provisions for
9 a small area plan.

10 We have also inquired about tree and
11 slope overlay for those portions of the
12 neighborhood adjacent to Fort Dupont Park. We
13 have been rebuffed and told to come back later
14 after a new code is adopted.

15 That's something that my
16 great-grandmother would call buying a pig in a
17 poke. We're from the Government. Trust us.
18 We don't.

19 According to this list, we really
20 need this and this is inconsistent with the
21 matter in which the more affluent neighborhoods
22 have been treated and as I see today, obviously

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 not the more affluent neighborhoods were
2 treated because Palisades is asking for the
3 same thing.

4 So, thank you.

5 CHAIRMAN HOOD: Okay. Thank you.

6 Next.

7 MS. DONNA ROSEN: Good evening.

8 My name is Donna Rosen. I live at 4108
9 Fessenden Street, N.W.

10 I'm a long-time resident of the
11 Friendship Heights D.C. neighborhood. I moved
12 there from an apartment to a detached house in
13 1982.

14 I'm here to express my strong
15 support for the adoption of an updated
16 modernized D.C. Zoning Code. The Zoning Code
17 has needed changes for many years and the
18 process and the effort to do this has dragged
19 on too long.

20 This is the first time I have
21 testified before the Zoning Commission and I'm
22 here because I think this is so important for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the City where I've lived for a total of 37
2 years.

3 I support changes to the current
4 regulations that will make the City more
5 walkable and overall more environmentally
6 friendly. I also support changes that will
7 make it easier to increase the affordable and
8 moderately-priced housing stock.
9 Specifically, Subtitle D, better options for
10 creating an accessory dwelling unit; Subtitle
11 C, reevaluating the parking minimums;
12 Subtitles D and E, creating reasonable
13 allowances for corner stores and accessory
14 apartments.

15 I support the alternative language
16 that matches the September version of the
17 zoning update on parking around bus corridors
18 and accessory apartments in carriage houses.
19 I support better options for homeowners to
20 create an accessory dwelling unit without a
21 long and burdensome process. This would
22 enable more residents to rent out a basement or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 garage to help pay the mortgage. It would give
2 young persons the opportunity to find housing
3 and it would let seniors age in place in their
4 homes. This would result in increasing the
5 stock of affordable housing options in the
6 City.

7 Easing parking requirements along
8 busy transit corridors will help to create and
9 preserve walkable, vibrant neighborhoods by
10 increasing the use of transit and not mandating
11 more parking than is actually needed by new
12 residents. It will provide accessible housing
13 options for more people by making buildings
14 less expensive to build.

15 I have observed drastic changes in
16 the City. Many young people are seeking
17 affordable housing and they do not want or have
18 cars. They use public transit. They ride
19 bikes and they rent Zipcars and Car2Go and the
20 nation's capital should not be operating under
21 an antiquated Zoning Code that does not take
22 into account changes that have already occurred

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the City as well as changes we can anticipate
2 to occur in the future in such an important
3 city.

4 I urge the Zoning Commission to take
5 quick action to adopt a modern forward-looking
6 Zoning Code that is worthy of Washington, D.C.
7 and its residents.

8 Thank you.

9 CHAIRMAN HOOD: Thank you. Next.

10 MR. HUTCHINSON: Good evening, Mr.
11 Chairman.

12 My name is Thomas Hutchinson. I
13 lived at 3730 Veazey Street in the Tenleytown
14 area, Ward 3.

15 In brief, I would like to express my
16 view that the bus corridor should be retained
17 in the zoning update as a resource that reduces
18 by half the required amount of parking and that
19 the west end parking requirement should be the
20 same as that of downtown. That is none.

21 Let me give you some context for my
22 views from the perspective of an economist who

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 has spent his career helping developing
2 countries reform policies in ways that promote
3 growth and reduce poverty. I pursued this
4 career while working for the World Bank, for
5 USAID and now, as a consultant.

6 A basic principle that has always
7 informed my professional work applicable in the
8 United States perhaps even more than in
9 developing countries is that economies are very
10 complex and urban economies are no less complex
11 for being geographically circumscribed.

12 Because of this complexity, it is
13 very difficult for even the best informed
14 policymakers to improve upon the outcomes that
15 individuals acting in their own self-interest
16 will come to. Policymakers ought to have very
17 strong evidence that individuals are acting on
18 incomplete information or that they are facing
19 perverse incentives before they prohibit
20 people from acting in their own self-interest.

21 Many problems arise when
22 policymakers disregard the principle and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 attempt to achieve a better than market outcome
2 and in the process coming out with worse than
3 market outcomes.

4 Compounding this problem is that
5 even policies that were justified in the past
6 may become counterproductive.

7 Both these factors appear to apply
8 to D.C. parking. While it is difficult to
9 understand why any parking minimums would have
10 been thought necessary even in the 1950s, it's
11 even more difficult to justify them in 2012 when
12 almost 40 percent of households do not own a
13 vehicle.

14 It's becoming well established that
15 policies which prevent higher density
16 development of which parking minimums are one
17 make business development more expensive, make
18 housing less affordable and prevent more people
19 who would like to work in high -- in urban
20 developments and live near urban amenities from
21 doing so.

22 In addition, parking minimums have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the affect of artificially encouraging car
2 ownership and encouraging driving in the City
3 with attendant contributions to congestion and
4 air pollution.

5 CHAIRMAN HOOD: Thank you. Let's
6 see if we have any questions up here. Any
7 questions? Vice Chair Cohen.

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

10 Ms. Chittams, are there parking --
11 on-street parking issues now in your
12 neighborhood?

13 MS. HOWARD-CHITTAMS: Actually,
14 there are on-street parking issues in the areas
15 near the Metro.

16 What is occurring is that
17 individuals who come into the District from
18 Maryland will park along Metro. Like, for
19 example, near the Anacostia Metro Station in
20 Ward 8 and along the -- and near the Minnesota
21 Avenue and Deanwood Metro Stations in Ward 7 and
22 then when the residents comes home, they're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 unable to park in their own community. Because
2 when Metro built -- there is a parking garage
3 for the Minnesota Avenue Station, but not for
4 the Deanwood Station and as a result, there's
5 only on-street parking and that does cause a
6 problem for the people who actually live there.

7 In the Deanwood area, there are more
8 garages. So, people do have the option or
9 driveways, but that is not the case near the
10 Minnesota Avenue Metro Station.

11 VICE CHAIR COHEN: But, the
12 Minnesota, I thought they had the parking?

13 MS. HOWARD-CHITTAMS: They have a
14 parking garage. So, we don't -- there's not so
15 much an -- there's still people who don't want
16 to pay to park. So, they run the risk of not
17 -- the efficiency of the District ticket
18 writing agency. They will run the risk and
19 park on the street with the hope that they won't
20 get a ticket for parking on the street.

21 But, again, the neighbors -- there,
22 for example, on Grant Street, they will come

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 home from work and will not be able to park at
2 all.

3 VICE CHAIR COHEN: Okay. Thank
4 you.

5 CHAIRMAN HOOD: And the Deanwood
6 parking lot is -- what is it? Twenty cars can
7 get on that little lot.

8 MS. HOWARD-CHITTAMS: That's about
9 it. That's about all that can fit on that
10 little lot.

11 CHAIRMAN HOOD: Because I use that
12 lot on Sunday and I notice. I say this is a real
13 small lot.

14 MS. HOWARD-CHITTAMS: It is too
15 small. It is too small. Metro did not take
16 into account the number of commuters from
17 Prince George's County who would come into the
18 community and do that.

19 And the same thing actually happens
20 to take -- well, not so much within the past
21 year, but individuals would drive into the
22 City, you know, from Prince George's County,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 park on the side streets near Pennsylvania
2 Avenue, near Minnesota Avenue and catch the bus
3 into the City or catch the 30 bus.

4 But, since they have reduced the
5 number of buses going across town on the 30,
6 that has reduced. That parking issue has
7 reduced because it's taking entirely -- it's
8 taking upwards of two hours to get across town
9 on the Metro.

10 CHAIRMAN HOOD: Do we have your
11 statement?

12 MS. HOWARD-CHITTAMS: I was called
13 at the last minute by my chair and asked to come.
14 But, I can write it up and email it tomorrow.

15 CHAIRMAN HOOD: Okay. It has to be
16 here by the 15th. When is the 15th? No,
17 that's next Monday.

18 MS. HOWARD-CHITTAMS: Then I have
19 time.

20 CHAIRMAN HOOD: I'm sorry.
21 Anybody else's testimony that we don't have?
22 Okay. Well, we just need to find it, but send

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 this back. Okay. All right.

2 Any other questions?

3 Okay. I want to thank this panel.

4 We appreciate your testimony.

5 Okay. Ms. Schellin. Okay.

6 Again, the announcement I mentioned
7 earlier about the Office of Zoning looking for
8 some dates and you'll come back with some dates
9 next Monday.

10 Again, as I stated earlier, we had
11 anticipated a larger volume of interest. I'm
12 sure the interest's there, but I think we
13 anticipated a lot more testimony.

14 We had scheduled or set aside four
15 dates to have hearings and I think that the last
16 three we will cancel because this is it.
17 There's no sense, I think for the sake of
18 efficiency for the Commission, for us to come
19 down here and salaries and everything and come
20 down here and sit for an empty room.

21 I think we've heard the people who
22 were interested who were here tonight.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 We will cancel Tuesday, Wednesday
2 and Thursday and I'm going to ask staff to put
3 a note and let them know they can provide
4 testimony on September the 15th.

5 If you noticed, we started at 6:00
6 and we finished at 8:40. So, I think people are
7 ready for us to go to the next step. I mean
8 that's the signal I'm picking up.

9 Okay. All right. Anything else?

10 MS. SCHELLIN: No, sir.

11 CHAIRMAN HOOD: Okay. So, with
12 that, I want to thank everyone for their
13 participation and this hearing is adjourned.

14 (Whereupon, the above-entitled
15 matter went off the record at 8:41 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701