

Please note: In addition to the text and vote counts of the official actions taken by the Commission, these minutes may contain summaries of comments that were made and discussions that took place at the meeting. Such summaries are not intended to be a verbatim account of the meeting.

**Advisory Neighborhood Commission 1C**  
**Adams Morgan**  
**Minutes of March 25, 2014**  
**Special Forum on Zoning Regulation Review**

**I. Call to Order and Introduction of Commissioners**

Advisory Neighborhood Commission 1C held a special forum on the DC Zoning Regulation Review on March 25, 2014 at Mary's Center. Chair Simpson called the meeting to order at 7:06 pm. In attendance were Commissioners Brian Hart (1C01), Martis Davis (1C02), Ted Guthrie (1C03), Gabriela Mossi (1C04), Elham Dehbozorgi (1C05), Billy Simpson (1C06), and Wilson Reynolds (1C07). Approximately 27 members of the public attended.

Chair Simpson introduced two representatives from the DC Office of Planning – Jennifer Steingasser, Deputy Director for Development Review and Historic Preservation, and Joel Lawson, Associate Director for Development Review. He explained that the two would give an overview of the Zoning Regulation Review process, highlighting some of the major changes affecting Adams Morgan, and then Commissioners and members of the public could ask questions and raise concerns about the proposed changes.

Jennifer Steingasser gave a brief history of zoning in DC then summarized the current review process which began in 2007 with task force work sessions and over 315 community meetings followed by the Zoning Commission proposed regulations set down in September 2013 and public hearings. Ms. Steingasser said there are still several steps before the record is complete, then the National Capital Planning Commission will do a federal review, and the incremental process of implementation will begin.

Ms. Steingasser emphasized that a major goal of the review process is to achieve a more logical organization for the zoning regulations. She highlighted several areas of change in the proposed regulations that have attracted public interest:

- **Parking** – a 50% reduction in the number of required parking spots is proposed for new construction (from the ground up) within a half mile of metro stations ½ mile and along priority bus corridors.
- **Alley lots** – a new provision would limit alley construction in some zones.
- **Accessory apartments** – would be allowed without special exception in some zones, including dwellings over garages.
- **Corner store** – there has been some controversy over allowing corner stores in residential zones, but this is not a change for ANC 1C.

In answer to questions about the Reed-Cooke Overlay, Ms. Steingasser and Mr. Lawson explained that three base zones are modified by the Reed-Cooke Overlay and that it is a complex and cumbersome process to find the applicable provisions under the current organization of the regulations. They said that under the proposed regulations all standards and uses for the Overlay can be found in one place with the zones that they are modifying.

Members of the public also asked about the two new zones – RF-4 and RF-5 – which allow 3 and 4 units and their potential impact on Adams Morgan. It was explained that most of Adams Morgan is already currently zoned higher (R-5) for multi-family units and apartments.

### **Questions and Comments**

Commissioner Dehbozorgi asked for clarification that the parking requirements are for new construction from the ground up and not for renovations or re-modeling and that four units is the threshold for requiring that parking space be provided.

A member of the public asked if there is a penalty for developers providing too much parking. Ms. Steingasser answered that if developers provide twice or more than the amount required they must mitigate with plantings, bikeshare, or car share spaces. She also said that the proposed regulations will allow for more sharing of parking and loading areas, for example a church can allow for others to use its parking lot during the week.

A Lanier Heights resident asked whether the proposed regulations would permit a building to be broken into 4 units without adding parking. She argued that it is getting harder for families to find a place to live; that there are enough flats in the area already. She urged keeping the current character of their part of the neighborhood. Mr. Lawson replied that Lanier Heights is currently zoned for apartments and that the community will have to work together if it wants to change that by petitioning the Zoning Commission.

A member of the public said that an effect of developers coming in and turning homes into multi-unit dwellings is that property values and taxes are raised for everyone. Mr. Lawson said that any zone is potentially available to any neighborhood as long as it makes sense. He and Ms. Steingasser said the neighbors have to first figure out what they are trying to achieve, protect, or create, and then determine what zone would do that.

A member of the public commented that the re-zoning process takes so long that the neighborhood could lose a lot of single-family homes before the process is over.

Chair Simpson suggested that Lanier Heights neighbors get the support of the majority of their neighbors behind a plan and come to ANC 1C for support.

A resident from Lanier Heights asked whether they have to wait until the zoning review process is over to write a whole new zone for Lanier Heights.

Ms. Steingasser noted that there are some limits on pop-ups through height restrictions. She added that Georgetown neighbors worked on their re-zoning proposal for three years and that some property owners would see some re-zoning as down-zoning and a diminution in property value. Ms. Steingasser said it would be best to get through this review process first and then do re-zoning or down-zoning. She emphasized that it is important that the Zoning Regulation rewrite process come to an end one way or another. Mr. Lawson added that any time someone proposes a change to existing zoning, the Zoning Commission must determine that it is consistent with the Comprehensive Plan.

Chair Simpson asked if anyone had clarification questions on the proposed Zoning Regulations rewrite.

Larry Hargrove asked if further amendments will be made to the current draft based on public comment. Ms. Steingasser answered that the Office of Planning will be working on proposed amendments based on

comments, but the draft won't change until the feedback process is finished. She suggested addressing concerns and proposed changes to both the Office of Planning and to the Zoning Commission.

Denis James, president of the Kalorama Citizens Association, asked about the policy rationale behind allowing the commercial FAR (floor area ratio) to increase in C-2-A zones which he said would result in room for more patrons in bars. Mr. Lawson said that the second floor in many buildings in C-2-A zones goes unused or is used illegally and the proposed change would allow owners to use that space for non-residential purposes. Mr. Lawson added that he understood Mr. James' point and that solving one problem can create another problem. He said that is the kind of feedback they need.

A member of the public asked for clarification on accessory apartments. It was explained that accessory apartments cannot be sold separately from the property.

A member of the public asked about the different roles of the Zoning Commission and the Office of Planning. Ms. Steingasser said the Zoning Commission was created by the U.S. Congress in 1938 and the planning function for the city was given to the Office of Planning in the 1980's as a part of home rule. She said the Office of Planning writes plans and makes recommendations and the Zoning Commission can adopt or reject the Office of Planning's proposals.

A member of the public asked whether historic preservation districts would be affected by the Zoning Regulations rewrite and whether historic designation can prevent drastic change. Ms. Steingasser said that the Historic Preservation Review Board has no authority over use; they can only look at aesthetic changes and can't change the fact that a building may be in a high density residential zone.

Chair Simpson noted that current zoning regulations are sometimes much more permissive than people realize and often allow for more occupancy than is currently being used. He explained that to make zoning less permissive would require neighbors getting together to appeal to the Zoning Commission for a zoning change.

Mr. Lawson said that residents should talk to the Office of Planning if they want to amend the Comprehensive Plan. He added that residents should have their ANC members on board as well as their Council Member.

Chris Otten asked how the change in zone designations will affect case law, and said there is no redline document that clearly shows all the proposed changes. He also said he thought the proposed section 25 changes do not provide for enough public feedback and hearings. Ms. Steingasser said the Office of the Attorney General has reviewed and will continue to review the proposed changes for legal consistency. She said there is a crosswalk of current and proposed regulations on file at the Office of Zoning and on the website and added that there were about 20 public hearings on the proposed changes and many other opportunities for feedback.

Commissioner Hart asked whether the new code would be longer than the existing code. Ms. Steingasser said that the proposed draft is about 200 pages long, but approximately 50 of those pages will be eliminated once the currently identified proposed deletions are removed from the text. She also said that there will be some repetition in the new version so that all applicable regulations for an area can be found in one place.

Commissioner Reynolds said putting all the applicable regulations in one place makes sense, for referencing an overlay for example, but some are of the opinion that the proposed version is onerous. Ms. Steingasser said the regulations may look onerous, but the goal is clarity. She compared the existing Reed-Cooke overlay regulations that list only prohibited uses whereas the proposed draft lists permitted uses and is therefore longer.

Commissioner Reynolds said the table of uses for Subtitle G-75 is not easy to understand. Ms. Steingasser agreed to look at this.

Commissioner Reynolds asked what would be different in the city, if the proposed draft of the Zoning Regulations rewrite does not pass. Ms. Steingasser said one example is that alleys would be unused, but otherwise there are not that many zoning changes, because a large focus of the review was just better organization of the regulations.

Commissioner Reynolds added that he thought more maps are needed for clarity. Mr. Lawson said some of the feedback they received is that it is difficult to work with city-wide maps, but added that people can call the Office of Planning to produce maps of different areas.

Commissioner Dehbozorgi noted that a large part of the rewrite seems to hinge on the transit system, and promoting alternatives to cars. She said she understands that part of the plan for a growing city is to allow higher density without clogging the streets, which requires looking at modern transportation options. She asked whether there is a comprehensive plan for WMATA to improve bus coverage and reduce Metro delays. Mr. Lawson said that they are trying to bring the code up to the present, acknowledge that we've moved on from 1950's and match what the city's needs are now. Commissioner Dehbozorgi said that many families will not want to move into Adams Morgan if they find it is too difficult to park. Ms. Steingasser noted that there are also economic pressures on families in deciding whether to stay or not.

Benedicte Aubrun, of the Reed-Cooke Neighborhood Association asked about how many overlays there are in DC and how they are affected by the zoning re-write. Mr. Lawson said that a new zone is created every time an overlay is added and as a result there are hundreds of different zones. Ms. Aubrun also asked whether a new redline version of the draft is made each time the draft changes. Ms. Steingasser said that no changes have been made to the draft since the September set-down version.

A resident from Lanier Heights asked for advice on how much detail would be needed to propose a zoning change and what would happen if the draft regulations are approved after a zoning change has been proposed. Mr. Lawson said they should give him a call about procedures and added that if the draft regulations go into effect the new zone names will be used.

Another resident asked if allowance can be made for parking for tradesmen and for rental cars that don't have parking stickers for Adams Morgan. Ms. Steingasser said that MoveDC is looking at ideas like that.

A longtime resident of Ontario Place said he thought developers should be required to add sufficient parking and he would be in favor of more zoning restrictions for Lanier Heights.

Chair Simpson asked Commissioners if they had any motions to offer and noted that this discussion could be continued at the April 2 ANC meeting.

Commissioner Davis expressed concern about the challenge of pop-ups and noted that the zoning re-write should have started with getting input from the neighborhoods. He said he understands that the proposed changes are more procedural than substantive, but more outreach needs to be done to get the public on board.

Commissioner Reynolds noted that there is a lot of angst about this and that there are more people that don't know what's going on than those who do know.

Commissioner Guthrie said he thought Commissioners need more time to see if there are particular areas they can address including slowing down the process and said he would prefer considering motions at the April 2 meeting. Commissioner Guthrie moved to continue the discussion and bring forth proposals at the April 2 meeting. Commissioner Hart seconded the motion that passed by a vote of 7 to 0.

Chair Simpson thanked Ms. Steingasser and Mr. Lawson for providing information and answering questions on the Zoning Regulation Review and adjourned the meeting at about 9:40 pm.