

EXHIBIT A



BEFORE THE BOARD OF ZONING ADJUSTMENT
DISTRICT OF COLUMBIA



FORM 135 – ZONING SELF-CERTIFICATION

Project Address(es)	Square	Lot(s)	Zone District(s)
1209 PARK ROAD NW	2839	0119	RF-1

Single-Member Advisory Neighborhood Commission District(s): 1A06

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is requested from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	<input type="checkbox"/>	X § 1000.1 - Use Variance	<input type="checkbox"/>	X § 1000.1 - Area Variance	<input checked="" type="checkbox"/>	X § 901.2-Special Exception
Pursuant to Subsections						E-5003.1, 5004.1; U-301.1(c)(2)

Pursuant to 11 DCMR Y § 300.6(b), the undersigned agent certifies that: U-301.1(g)

- (1) the agent is duly licensed to practice law or architecture in the District of Columbia;
- (2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
- (3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment (BZA) does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the BZA.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this form is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both.
(D.C. Official Code § 22-2405)



		Owner's Name (Please Print) CARYN SCHENEWERK	
		Agent's Name (Please Print) ALYSSA BIGLEY	
Date	10.26.17	D.C. Bar No.	1034869
or		Architect Registration No.	

EXHIBIT B

Bigley, Alyssa L.

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Friday, December 15, 2017 11:26 AM
To: Moldenhauer, Meridith
Cc: Alyssa Bigley
Subject: RE: follow up from yesterday's meeting: 1209 Park Rd

Meridith Moldenhauer,

By means of this email I agree with the analysis and conclusions in your email and specifically that:

- The project satisfies Section U-301.1(C) because the alley is 15' wide at that portion of the alley directly behind the property, despite the fact that the alley is 10' wide where it meets 13th Street NW;
- If the Board of Zoning Adjustment however interprets the Regulations to require additional relief for this issue, it is my interpretation that the relief would be permissible as a special exception pursuant to Subtitle U-301.1(g).

Please let me know if you have any further questions

Matthew Le Grant
Zoning Administrator- DCRA
1100 4th ST SW, Washington DC
202 442-4652
Matthew.legrant@dc.gov

From: Moldenhauer, Meridith [mailto:MMoldenhauer@cozen.com]
Sent: Friday, December 15, 2017 10:46 AM
To: LeGrant, Matt (DCRA)
Cc: Alyssa Bigley
Subject: follow up from yesterday's meeting: 1209 Park Rd

Matt - Thank you for taking the time yesterday to discuss the proposed addition to the garage at 1209 Park Road NW.

As we discussed, the Applicant is seeking a special exception from Section U-301.1 for an addition to an existing accessory building to use as a residential unit. That section states, in relevant part, that permanent access shall be provided to the accessory building by one of the following options:

- (A) An easement for a permanent passage, open to the sky, no narrower than eight feet (8 ft.) in width, and extending from the accessory building to a public street through a side setback recorded in the land records of the District of Columbia;
- (B) Through an improved public alley with a minimum width of twenty-four feet (24 ft.) that connects to a public street; or
- (C) On an improved alley no less than fifteen feet (15 ft.) in width and within a distance of three hundred (300) linear feet of a public street. U-301.1(c)(4)

According to your interpretation, the project satisfies section (C) because the alley is 15' wide at that portion of the alley directly behind the property, despite the fact that the alley is 10' wide where it meets 13th Street NW. This is based on the fact that subsection (B) is specific in its designation that the alley be 24' when it connects to the street. On the other hand, subsection (C) includes no such provision, and instead requires that the subject property be within 300' of the public street (presumably to accommodate the length of a fire hose). Subsection (c) does not include any language

regarding the 15' wide alley must "connect to the street" therefore the above referenced property complies with this section.

In the event that the Board of Zoning Adjustment interprets the Regulations to require additional relief for this issue, it is your interpretation that the relief would be permissible as a special exception pursuant to Subtitle U-301.1(g): "Any proposed expansion of an accessory building for residential purposes shall be permitted only as a special exception approval pursuant to Subtitle X, and shall be evaluated against the standards of this section."

Thank you for clarifying this issue. So you are aware, our Prehearing Statement is due to be filed on December 27th, but we anticipate communicating with the Office of Planning on this issue by Thursday December 21st.

Meridith



Meridith Moldenhauer
Member | Cozen O'Connor
1200 19th Street NW | Washington, DC 20036
P: 202-747-0763 F: 202-683-9389 C: 202-246-7070
Email | Bio | Map | cozen.com

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EXHIBIT C

Bigley, Alyssa L.

From: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>
Sent: Friday, December 22, 2017 10:12 AM
To: Moldenhauer, Meridith
Cc: Alyssa Bigley
Subject: RE: follow up from yesterday's meeting: 1209 Park Rd

Meridith Moldenhauer-

This email supersedes and replaces my prior email response of December 15th.

By means of this email I find the following:

- The project does not satisfy Section U-301.1(c)(4)(c) because although the alley is 15' wide directly behind the property, the fact that the alley is 10' wide where it meets 13th Street NW, means that the provision is not met;
- It is my interpretation that the applicable relief would be an area Variance from Section U- 301.1(c)(4)(c).

Please let me know if you have any further questions.

Matthew Le Grant
Zoning Administrator- DCRA
1100 4th ST SW, Washington DC
202 442-4652
Matthew.legrant@dc.gov

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public street (presumably to accommodate the length of a fire hose). Subsection (c) does not include any language regarding the 15' wide alley must "connect to the street" therefore the above referenced property complies with this section.

In the event that the Board of Zoning Adjustment interprets the Regulations to require additional relief for this issue, it is your interpretation that the relief would be permissible as a special exception pursuant to Subtitle U-301.1(g): "Any proposed expansion of an accessory building for residential purposes shall be permitted only as a special exception approval pursuant to Subtitle X, and shall be evaluated against the standards of this section."

Thank you for clarifying this issue. So you are aware, our Prehearing Statement is due to be filed on December 27th, but we anticipate communicating with the Office of Planning on this issue by Thursday December 21st.

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EXHIBIT D

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

OCTOBER 7, 2014

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:02 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SARA BENJAMIN BARDIN, Director
- SHARON S. SCHELLIN, Secretary
- ZEE HILL, Special Assistant
- ESTHER BUSHMAN, General Counsel

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1 purposely.

2 VICE CHAIR COHEN: Okay. The first
3 motion will deal with allowing creation of new
4 alley lots in residential and residential flat
5 zones. The set down is to permit creation of new
6 alley lots subject to conditions under 403.3.
7 Frontage along a public alley with a minimum
8 width of 24 feet. Access to a street through an
9 alley or alleys not less than 24 feet in width.
10 Minimum lot area of 1800 square feet or the
11 applicable lot area standard for the respective
12 zone. Permit the combination of existing
13 abutting alley record or alley tax lots created
14 on or before May 12, 1958, that do not meet the
15 frontage, access or minimum lot area
16 requirements.

17 Public comments concerning this
18 were: Requirement for frontage along a public
19 alley with a minimum width of 24 feet should be
20 limited to alley lots for residential
21 development. And the OP recommendation is:
22 Permit creation of new alley lots subject to

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1 conditions as set down or the ones that I listed
2 above. Is there any discussion from fellow
3 commissioners?

4 COMMISSIONER MAY: I have two quick
5 questions of the Office of Planning. On the
6 minimum lot area of 1800 square feet or the
7 applicable lot areas standard for the
8 respective zone. Is that whichever is larger?

9 MS. STEINGASSER: Yes.

10 COMMISSIONER MAY: Okay. And then
11 the second thing is, permit the combination of
12 existing abutting alley record or alley tax
13 lots. So basically that's a condition where
14 you've got two small lots that don't meet that
15 minimum standard and they could be combined?

16 MS. STEINGASSER: Yes.

17 COMMISSIONER MAY: Okay. That's
18 good. Thank you.

19 VICE CHAIR COHEN: Commissioner
20 Miller.

21 COMMISSIONER MILLER: Thank you,
22 Madame Vice Chair. I also have a question. Well,

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1 I don't know if it's a question or it's a
2 comment. I know we reduced the, I think the
3 original proposal at some point might have said
4 30, that the minimum width of 30 feet, and so
5 it's been reduced to 24 feet. I know this is
6 coming from the fire department. I would agree
7 with the public hearing testimony that we
8 received, that the 24 feet is still too wide.
9 That cuts out a lot of alleys in the city. I know
10 later we'll be getting to a proposal which
11 mitigates against that somewhat by allowing if
12 there's an alternative, if there's access,
13 direct access to a street within 300 feet of the
14 alley lot. So that mitigates that somewhat. But
15 I just, I don't, the 24 feet width for 8 foot
16 wide fire trucks that are going to have to
17 serve, is it a 20 foot high structure is the
18 maximum that is allowed on that alley lot?

19 PARTICIPANT: That's what we're
20 proposing.

21 COMMISSIONER MAY: To me it just
22 seems very restrictive. And I would really

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1 like, if there's support for it, to reduce this
2 to 18 or 20 feet. I know we had testimony that
3 it should be 15 feet. But maybe I could get
4 Office of Planning reaction. Because I know
5 you've been dealing, you've had the discussions
6 the fire department, I haven't.

7 MS. STEINGASSER: Well, what's the
8 public proposal here is, is to allow a narrower
9 alley as long as it's not for residential
10 purposes. So you could have storage. You could
11 have the artist studio. You could have parking.
12 You just couldn't live in that alley. So we
13 would be comfortable with that. And I think the
14 fire department would too. Their concern was
15 really for the inhabitants, people who are
16 actually living in the alley lots. So if you
17 wanted, we could look at this again. I mean, 15
18 feet is the predominant alley width in the
19 district. So we could, kind of --

20 COMMISSIONER MILLER: I don't know
21 if there's support of my colleagues for you all
22 to look at it again.

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1 COMMISSIONER MAY: I would, I mean,
2 one thing I will say is that narrower alleys,
3 it's not just a matter of the width of the alley
4 and how wide the truck is. It's being able to
5 make turns. And I happen to be on an alley, my
6 own house, and it turns the corner at my garage.
7 And it's narrower than 15 feet and my garage
8 kind of takes a beating as a result of that. And
9 there's no fire truck that would ever get down
10 there. Even a pickup truck sometimes has
11 trouble getting around that corner. But, at the
12 same time, I think they're, I'm not saying, I
13 think 24 still is excessive. I mean, maybe 15
14 is sufficient to be able to navigate certain
15 things. And maybe it has, I think we also have
16 a provision for some individual review by
17 special exception. Is that right?

18 MS. STEINGASSER: Yes.

19 COMMISSIONER MAY: Right. And I
20 think that, that's one way to get at it. The
21 other thing is that, the fire department is
22 concerned about this is, being able to fight a

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1 fire in those circumstances. Well, fire code
2 regulations often change when a building is
3 sprinklered. And so if it were an alley dwelling
4 that were sprinklered, it may be that it's a
5 different firefighting circumstance and they
6 would be comfortable with that if it's a
7 residential use. So, I think those are things
8 that ought to be explored. I'm not sure how we
9 address sprinklered buildings in zoning regs,
10 because that's a building code thing. But maybe
11 that's one of the conditions under which relief
12 could be granted.

13 CHAIRMAN HOOD: I think what the
14 Office of Planning has here before us, the 24
15 feet, I can tell you that, while we're not
16 subject matter experts, I think it's very
17 important that we allow more than less, because
18 with the former Deputy Fire Chief of the
19 District of Columbia, I spent a lot of time with
20 him. And I asked him a lot of questions. And the
21 people that do the work actually know. And one
22 thing he's always said is, do more with more

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1 room. They can be able to do their jobs better
2 with the more space and room that they have. So
3 since we're not subject matter experts, I would
4 propose that we stick with this, and if the
5 Office of Planning wants to, reevaluate. But in
6 all of my conversations over the years with him,
7 his service here to this city, he's now retired,
8 it's always the more space the better they can
9 operate. So that's just where I am. Vice Chair
10 Cohen.

11 VICE CHAIR COHEN: Mr. Turnbull do
12 you have any comments or questions?

13 COMMISSIONER TURNBULL: Well I
14 guess I would agree with the Chair. I would vote
15 on what we have before us. And if there's any
16 option for that, OP wants to come back for the
17 corollary or some other information, that's
18 fine. But I would basically go with what's
19 before us.

20 VICE CHAIR COHEN: Then please make
21 a motion.

22 COMMISSIONER TURNBULL: All right.

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1 I would move that we approve number one under
2 alley lots, using the OP recommendation to
3 permit the creation of new alley lots subject
4 to the conditions as set down. And I'm not going
5 to repeat, there's 4 basic conditions that are
6 listed here.

7 CHAIRMAN HOOD: Second.

8 VICE CHAIR COHEN: This has been
9 moved and seconded. Do we have, can I take a
10 vote?

11 COMMISSIONER MAY: And I would make
12 a comment that, does it have to be included in
13 the motion that we'd like to have the Office of
14 Planning explore further whether 24 feet is
15 necessary? Or is it up to their own volition?
16 How are we leaving that? I got a little bit
17 confused by Mr. Turnbull's comments and the
18 Chairman's comments.

19 CHAIRMAN HOOD: I reference that
20 that was fine for them to look at. But I think
21 right now, again, we're not the subject matter
22 experts and --

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1 (Simultaneous speaking.).

2 COMMISSIONER MAY: Yes. And --

3 (Simultaneous speaking.).

4 CHAIRMAN HOOD: Right. I think all
5 that's encompassed. I think that's understood.

6 That we've asked and them to do that.

7 COMMISSIONER MAY: Oh, okay.

8 CHAIRMAN HOOD: They actually
9 volunteered. I don't think we had to ask them.

10 COMMISSIONER MAY: That's fine.

11 Okay.

12 VICE CHAIR COHEN: Okay.

13 COMMISSIONER MAY: Just want to
14 make sure.

15 VICE CHAIR COHEN: So we have it
16 moved and seconded. Can I have a vote on this?
17 All those in favor?

18 (Chorus of Ayes.)

19 VICE CHAIR COHEN: Any opposed?
20 Hearing no opposition, Ms. Schellen.

21 MS. SCHELLIN: Yes. Staff records
22 the vote 5 to 0 to 0 to accept the permit

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1 creation of new alley lots subject to the
2 conditions as set down, and also OP will look
3 at the 25 foot size and come back with
4 alternative language if they find something
5 different. Commissioner Turnbull moving,
6 Commissioner Hood seconding. Commissioners
7 May, Cohen and Miller in support.

8 VICE CHAIR COHEN: Thank you. All
9 right. The second item is development standards
10 for matter of right development of alley lots
11 in residential and residential flat zones. The
12 set down stated: Permit matter of right
13 development of alley lots in residential and
14 residential flat zones, subject to the
15 following development standards. And they are
16 listed for us on a table.

17 Public comments: Minimum pervious
18 surface requirements of 10 percent is
19 inconsistent with 100 percent maximum
20 allowable lot occupancy. Oppose 100 percent
21 occupancy for alley lots and propose a gradual
22 change in lot occupancy based on lot size. 100

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1 percent lot occupancy for a lot of 900 square
2 feet or less, a percentage reduction equal to
3 2 percent per 45 feet above, 900 square feet up
4 to 1800 square feet, and 60 percent for lots
5 1800 square feet and larger.

6 OP's recommendation is: Permit
7 matter of right development of alley lots in
8 residential and residential flat zones,
9 subject to the alternate development
10 standards. There was an alternate table, as
11 well, that I missed. I'm sorry. So I ask for any
12 comments or questions.

13 CHAIRMAN HOOD: Let me ask the
14 Office of Planning. Does this, and I'm maybe
15 putting something before, maybe we're going to
16 get there. But does this also regulate the issue
17 that kept bringing up about the tiny houses?

18 MS. STEINGASSER: No, sir. It does
19 not.

20 CHAIRMAN HOOD: Okay. So this is
21 not the time for that. Okay. All right.

22 COMMISSIONER MAY: I have two quick

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1 questions. One is for development of alley
2 lots, are penthouses permitted?

3 MS. STEINGASSER: I don't know.

4 COMMISSIONER MAY: Okay. I would
5 suggest that perhaps they wouldn't be. But I'm
6 not sure if that's practical either, because
7 I'm not sure what uses are envisioned. But, I'm
8 sorry, Mr. Lawson, you were going to say
9 something?

10 MR. LAWSON: No. Actually I think I
11 won't after all.

12 COMMISSIONER MAY: Okay. So,
13 assuming they're not permitted but maybe that
14 is a question that needs further understanding.
15 The second thing is, you're recommendation is
16 to stick with what was set down, oh, I'm sorry,
17 it's the alternate. You're recommending the
18 alternate. Okay. Never mind. My question goes
19 away.

20 VICE CHAIR COHEN: Commissioner
21 Turnbull.

22 COMMISSIONER TURNBULL: I would,

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1 basically looking at either chart, it basically
2 says the maximum height is 20 feet. And I'm
3 assuming that that's the maximum height, that
4 there's nothing beyond that.

5 COMMISSIONER MAY: I think that's
6 what our assumption is right now.

7 PARTICIPANT: Yes.

8 COMMISSIONER MAY: But it seems
9 like there might be just the slightest bit of
10 uncertainty.

11 PARTICIPANT: Yes.

12 MR. LAWSON: We're getting a pretty
13 clear sense of direction from some members of
14 the --

15 COMMISSIONER TURNBULL: I mean,
16 basically the difference between the two charts
17 is the pervious surface requirements. That's
18 all that I see is really different.

19 MS. STEINGASSER: Yes, sir. And the
20 public comment is what we incorporated --

21 COMMISSIONER TURNBULL: Right.

22 MS. STEINGASSER: -- about the

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1 gradation. We thought that was good idea.

2 COMMISSIONER TURNBULL: Okay.

3 VICE CHAIR COHEN: Any other
4 commissioners? Then may I have a motion please?

5 COMMISSIONER MAY: I would move
6 that we accept the Office of Planning's
7 recommendation to permit matter of right
8 development of alley lots in residential and
9 residential flat zones, subject to the
10 alternative development standards shown in the
11 chart in our worksheet.

12 CHAIRMAN HOOD: Second.

13 VICE CHAIR COHEN: This has been
14 moved and seconded. Can we have a vote? All
15 those in favor?

16 (Chorus of Ayes.)

17 VICE CHAIR COHEN: Any opposed? The
18 ayes have it. Ms. Schellin.

19 MS. SCHELLIN: Staff records the
20 vote 5 to 0 to 0 to promote matter of right
21 development of alley lots in residential and
22 residential flat zones, subject to the

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1 alternate development standards. Commissioner
2 May moving, Commissioner Hood seconding.
3 Commissioners Cohen, Miller and Turnbull in
4 support.

5 VICE CHAIR COHEN: Thank you, Ms.
6 Schellin. Item 3, minimum alley width required
7 for residential use of alley lots in R-3 and R-4
8 zones. The set down was: Allow residential use
9 as a matter of right on alley lots, provided
10 alley is a minimum of 24 feet in width and there
11 is access to a street through an alley or alleys
12 not less than 24 feet in width. Allow
13 development on alley lots not meeting the
14 minimum alley lot with requirement by special
15 exception. There's an alternative. Allow
16 matter of right development on alleys less than
17 24 feet in width if within 300 feet of a public
18 street. The public comments were largely:
19 Support special exception for residential use
20 on alley lots on alleys not meeting the 24 foot
21 requirement. Support matter of right
22 residential use on alley lots meeting a 15 foot

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1 alley width requirement. And then lastly,
2 oppose any matter of right residential use of
3 alley lots.

4 The OP recommendation is to allow
5 residential use as a matter of right on alley
6 lots provided alley is a minimum of 24 feet in
7 width and there is access to a street through
8 an alley or alleys not less than 24 feet in
9 width, or on alleys less than 24 feet in width
10 if there is direct access within 300 feet to a
11 public street. Allow development on alley lots
12 not meeting the minimum alley lot width
13 requirement by special exception. Any
14 discussion or questions?

15 COMMISSIONER MAY: I want a
16 clarification. It seems like we're talking
17 about two different issues here. One is the
18 width of alleys and then the other is the width
19 of alley lots. Right? No?

20 MS. STEINGASSER: It should just be
21 the width of the alley.

22 COMMISSIONER MAY: So the last

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1 phrase there, which says, allow development on
2 alley lots not meeting the minimum alley lot
3 width requirements.

4 MS. STEINGASSER: Oh, that should
5 say that --

6 COMMISSIONER MAY: Alley width
7 requirements.

8 MS. STEINGASSER: Yes.

9 COMMISSIONER MAY: Okay. That's
10 what kind of threw me off here. I was like how
11 does that figure in. Okay. And so we understand
12 what the 300 feet means, that means that if you
13 have a 15 foot alley that leads to within 300
14 feet you can get to this alley lot, then it's
15 okay by special exception.

16 MS. STEINGASSER: No. You could do
17 that by special exception, that's correct. But
18 what this means is if you are on an alley less
19 than 24 feet in width, and you're within 300
20 feet of a public street --

21 COMMISSIONER MAY: A public
22 street.

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1 COMMISSIONER MAY: Right.

2 MS. STEINGASSER: Right.

3 COMMISSIONER MAY: All right. But,
4 again, it's still subject to special exception
5 and the special exception condition goes to
6 things like the ability to fight a fire there
7 and so on. Okay.

8 VICE CHAIR COHEN: Commissioner --

9 CHAIRMAN HOOD: Oh, I'm sorry.

10 VICE CHAIR COHEN: I was going to
11 recognize Commissioner Turnbull but you always
12 come first in my life.

13 CHAIRMAN HOOD: Commissioner
14 Turnbull would you like to go next? Go ahead.

15 COMMISSIONER TURNBULL: I don't
16 know. I have to think about that. This sort of
17 gets back to what we were talking about
18 previously, I mean. I think I'm fine with this
19 as is unless, again, OP wants to again part of
20 the clarification. But I think I'm okay with
21 this.

22 MS. STEINGASSER: I think I might

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1 have misspoke. The 300, if you're within 300
2 feet of a public street, you would be allowed
3 as a matter of right.

4 PARTICIPANT: Okay. Got it.

5 MS. STEINGASSER: And that is
6 because a fire truck could park in the street
7 and run their hose --

8 COMMISSIONER TURNBULL: Back.

9 MS. STEINGASSER: -- down that
10 narrow, yes, right. Without having to move the
11 truck into the alley system.

12 COMMISSIONER TURNBULL: Okay.

13 COMMISSIONER MAY: All right.
14 Sorry. I'm the one who steered you down that
15 incorrect alley. Sorry about that.

16 VICE CHAIR COHEN: Chairman.

17 CHAIRMAN HOOD: So Ms.
18 Steingasser, thank you for the clarification.
19 Are we talking about from the line of the street
20 to the property line of the alley? From property
21 line to property line? Or are we talking about
22 structure? I'm just, what are we talking about?

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1 MS. STEINGASSER: It would be
2 street line to lot line.

3 CHAIRMAN HOOD: To lot line. Okay.

4 MS. STEINGASSER: Lot line of the
5 alley.

6 CHAIRMAN HOOD: And do we know
7 that, have we found out from the, because I've
8 sat on a case in Ward 1 about alley lots. Do we
9 know that the, have we confirmed with the fire
10 department that there are no issues with them
11 getting a hose through a alley that's less than
12 24, I'm sure they can get the hose through
13 there. But is that easy accessible for them to
14 be able to do exactly what we were talking
15 about?

16 MS. STEINGASSER: Right. They
17 would not be driving that distance. They would
18 be parked on the public street and they would
19 be running their hose and equipment.

20 CHAIRMAN HOOD: But do we know that
21 that does not cause a problem for them? Have we
22 cleared that with them?

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1 MS. STEINGASSER: We have.

2 CHAIRMAN HOOD: Okay. That's all I
3 need to know. Thank you.

4 VICE CHAIR COHEN: Commissioner
5 Miller.

6 COMMISSIONER MILLER: Thank you,
7 Madame Vice Chair. I am very pleased to hear
8 about that clarification. Their hoses are 800
9 feet long. They're going to be hooking up
10 another hose at the street, so it would have to
11 be that, it would have to go through that
12 distance anyway. So I think that this helps
13 mitigate the concern I had previously.

14 VICE CHAIR COHEN: Then can I have
15 a motion?

16 COMMISSIONER MILLER: Sure. I
17 would move that the Zoning Commission approve
18 item 3, minimum alley width required for
19 residential use of alley lots in R-3 and R-4
20 zones, going with the OP recommendation as
21 stated.

22 COMMISSIONER TURNBULL: Second.

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1 COMMISSIONER MAY: Can I ask a
2 question of the Office of Planning? So the 300
3 foot is down any alley whatsoever, including
4 like a pedestrian alley?

5 MS. STEINGASSER: Are you talking
6 about --

7 COMMISSIONER MAY: Could there be a
8 --

9 MS. STEINGASSER: -- like a 5 foot
10 --

11 COMMISSIONER MAY: Yes.

12 MS. STEINGASSER: That was
13 certainly not our intention. It'd be down --

14 COMMISSIONER MAY: Right. It'd be a
15 driving alley that's 8 or 10 feet.

16 MS. STEINGASSER: Right. We should
17 probably put a minimum width on that.

18 COMMISSIONER MAY: Yes.

19 VICE CHAIR COHEN: All right. We
20 have a motion in front of us and a second. Can
21 I have a vote on this? All those in favor?

22 (Chorus of Ayes.)

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1 VICE CHAIR COHEN: Any opposed? The
2 ayes have it. Ms. Schellin.

3 MS. SCHELLIN: Staff records the
4 vote 5 to 0 to 0 to approve the minimum alley
5 width requirements for residential use on alley
6 lots in R-3 and R-4 zones, using the alternate
7 language that OP recommended. And they will be
8 adding a minimum width of the alley to that.
9 Commissioner Miller moving, Commissioner
10 Turnbull seconding. Commissioners Hood, May
11 and Cohen in support.

12 VICE CHAIR COHEN: Thank you. All
13 right, item 4. Uses permitted on alley lots and
14 residential and residential flat zones. Uses
15 permitted as a matter of right on alley lots in
16 R and R-F zones. The set down stated: Permit the
17 following uses as a matter of right and they're
18 listed in the table. Public comments: Do not
19 permit residential use of alley lots as a matter
20 of right. And then permit residential use on
21 alley lots in R-1 and R-2 zones as a matter of
22 right. And OP recommendation is: Permit matter

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EXHIBIT E

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

SPECIAL PUBLIC MEETING

+ + + + +

TUESDAY

OCTOBER 7, 2014

+ + + + +

The Special Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:02 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)
- ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SARA BENJAMIN BARDIN, Director
- SHARON S. SCHELLIN, Secretary
- ZEE HILL, Special Assistant
- ESTHER BUSHMAN, General Counsel

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1 we're on the same page.

2 CHAIRMAN HOOD: Any other
3 comments? Okay. Accept a motion.

4 COMMISSIONER TURNBULL: Mr. Chair,
5 I would move that we accept 4-F, total persons,
6 the OP recommendation. Limit number of
7 residents in an apartment only, limit to 3.

8 CHAIRMAN HOOD: I'll second it.
9 It's been moved and properly seconded. Any
10 further discussion? All those in favor?

11 Chorus of Ayes.

12 CHAIRMAN HOOD: Any opposition?

13 VICE CHAIR COHEN: Opposed.

14 CHAIRMAN HOOD: Okay. Ms. Schellin
15 would you record the vote?

16 MS. SCHELLIN: Staff records the
17 vote 4 to 1 to 0 to limit the number of residents
18 in the apartment only, limiting that number to
19 3. Commissioner Turnbull moving, Commissioner
20 Hood seconding. Commissioners May and Miller in
21 support. Commissioner Cohen opposed.

22 CHAIRMAN HOOD: Okay. Let's go to

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1 conditions for matter of right accessory
2 apartment within accessory buildings, alley
3 access to apartments in accessory buildings.
4 The set down: There shall be permanent access
5 to the accessory building from a dedicated and
6 improved right of way, 24 foot in an alley when
7 there is not a minimum side yard access. Public
8 comments says: Keep access requirement through
9 alley width of 24 feet minimum. Reduce minimum
10 alley width to 15 feet. Do not require a minimum
11 alley width. The recommendation from Office of
12 Planning: As well as the set down said keep
13 access requirements through alley width of 24
14 feet minimum where there is not a minimum side
15 yard access, and allow relief by special
16 exception. Any comments? We all in agreeance
17 with the recommendation?

18 COMMISSIONER MAY: I have a
19 question. Why would we treat this differently
20 from the way we would on alley lots? Why
21 wouldn't we go with the same sort of
22 circumstance as alley lots?

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1 MS. STEINGASSER: Well because
2 these are accessory and they're on the property
3 of the principal dwelling. So if it's a detached
4 or semi-detached, there's usually a side yard
5 where there could be access to the back alley.

6 COMMISSIONER MAY: And I don't
7 disagree with that. It's the access
8 requirements through an alley of 24 feet. I
9 mean, why does it have to be 24 feet? If it's
10 --

11 MS. STEINGASSER: It would only --

12 COMMISSIONER MAY: -- minimum side
13 yard access, why does it have to be 24 feet?

14 MS. STEINGASSER: Well that is what
15 we've proposed for the alley lots with the
16 exception of the --

17 COMMISSIONER MAY: No, there's a
18 300 foot --

19 MS. STEINGASSER: -- with the 300
20 foot. And we could incorporate that.

21 COMMISSIONER MAY: Right. That's
22 what I'm asking.

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1 MS. STEINGASSER: Yes.

2 COMMISSIONER MAY: Can we do the
3 300 foot rule?

4 COMMISSIONER MILLER: I would
5 support that as well. I was going to raise a
6 similar question about the width.

7 CHAIRMAN HOOD: Okay. Any other
8 comments? Somebody like to make a motion? I move
9 that we accept the recommendations, keep across
10 access requirement through alley width of 24
11 feet minimum where there is not a minimum side
12 yard access and allow relief by special
13 exception, incorporating the comments of
14 Commissioner May of the 300 feet and ask for a
15 second.

16 VICE CHAIR COHEN: Second.

17 CHAIRMAN HOOD: It's been moved and
18 properly seconded. Any further discussion? All
19 those in favor?

20 (Chorus of Ayes.)

21 CHAIRMAN HOOD: Not hearing any
22 opposition, Ms. Schellin would you record the

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1 vote?

2 MS. SCHELLIN: Staff records the
3 vote 5 to 0 to 0 to keep access requirement
4 through alley width of 24 feet minimum where
5 there is not a minimum side yard access and
6 allow relief by special exception, and add the
7 300 foot rule that was used in the alley lot
8 requirements. Commissioner Hood moving,
9 Commissioner Cohen seconding. Commissioners
10 May, Miller and Turnbull in support.

11 CHAIRMAN HOOD: Okay. Next, side
12 yard access to apartments and accessory
13 buildings. Set down says 10 feet wide easement
14 for permanent passage open to the sky from the
15 accessory building to a public street through
16 a side setback record in the DC land records.
17 The alternate is an 8 foot wide easement for a
18 permanent passage open to the sky from the
19 accessory building to a public street through
20 a side setback record in the DC land records.
21 Public comments: Support a minimum side yard
22 access. Allow for shared access when there is

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1 a shared access easement between properties.
2 Driveways are -- What's that's supposed, okay.
3 Driveways are. Okay it just stops there. So
4 Office of Planning recommendation: Alternate,
5 allow for optional use of an 8 foot side yard
6 easement or a shared access easement between
7 properties. Any comments? Anybody wants to know
8 what comes after driveways are. Okay. All
9 right. Any comments?

10 COMMISSIONER MILLER: Chairman, I
11 would move the OP recommendation for the
12 alternate proposal for side yard access to
13 apartment and accessory buildings. Ask for a
14 second.

15 VICE CHAIR COHEN: Second.

16 COMMISSIONER TURNBULL: Second.

17 CHAIRMAN HOOD: Okay. It's been
18 moved and properly seconded. Any further
19 discussion? All those in favor?

20 (Chorus of Ayes.)

21 CHAIRMAN HOOD: Not hearing any
22 opposition, Ms. Schellin would you record the

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