



Summary of Testimony of Nancy J. MacWood
Chair, The Committee of 100 on the Federal City

Zoning Commission Case No. 08-06A, Subtitle B

The Committee of 100 **does not support** the following proposed text amendments and finds that they are either vague, missing important existing standards, or inconsistent with Comprehensive Plan or intent of current zoning proposals. Suggested changes to each section are in italics.

1. Affordable Housing definition includes a different income definition than used for Inclusionary Zoning. *There are proposed zoning requirements related to affordable housing, such as in Subt. I, but these provisions are associated with IZ regulations. The content of this definition will be confusing so it should be changed to be consistent with IZ income requirements.*

2. Apartment building is defined as structure with 5 or more units. Does this mean that all buildings in Apartment zones with less than 5 units are not apartment buildings? How are 2 or 3 or 4 unit buildings defined? *Definitions need to match the applicable zoning permissions or restrictions. Typically, apartment buildings are constructed to house multi-family units.*

2. Household definition would seem to allow six (6) persons under roof as opposed to 6 persons living on a single lot. There could be six (6) persons living in principle residence and another six persons living in an accessory dwelling unit in an accessory structure. *The definition should limit the number of unrelated persons living on a single family lot and Subt. D, Sec. 1606.4(c) should be corrected to limit all dwelling units to a total of six and not just in the principle residence.*

2. Sec. 300.3 is vague. *It should be clear whether the list of businesses represent the larger group use as defined in Chapter 2 or more discrete uses that are almost interchangeable with the listed authorized home occupation businesses. This was a controversial issue in many areas of the city where residents did not want more non-residential uses in residential zones.*

3. Sec. 300.4 (a) and (b) are confusing. *The home occupation permit should be applied for and issued to the practitioner, who should be a resident where home occupation is established. The term "obtained" is a meaningless term in zoning code, and "granted to" implies that the practitioner will not be residing where the home occupation is established. The only place where the practitioner is defined as living where home occupation is established is in the definition of home occupation. Is that sufficient to establish a requirement?*

4. Sec. 300.4 (e) would allow a home occupation to be established in an accessory structure without a special exception. *This use transfers the impacts resulting from a home occupation-- that may have wide variations in intensity - from the home owner to the neighbors. The neighbors and community should have opportunity to oppose a home occupation established outside the home and/or propose mitigation.*

5. Sec. 300.5 (o) is not clear that the home occupation practitioner is a full-time resident where the home occupation is established. *There is no clear provision that requires the home occupation practitioner to reside where the home occupation exists. That should be a fundamental requirement for a home occupation permit.*

6. The special exception standards for waiving up to two (2) of the home occupation requirements does not stipulate the practitioner must reside where home occupation is established and that requirement cannot be waived. *The basis for authorizing home occupations is to provide some flexibility for a resident to use a part of his or her home for a personal business purpose. It should not be the basis for allowing commercial businesses to locate in residential zones.*

Submitted by,

Handwritten signature in blue ink, appearing to read "Nancy J. MacWood".

Nancy J. MacWood, Chair